
Report of 10 January 2007

Leybourne West Malling And Leybourne	569463 158281	3 August 2006	TM/06/02540/FL
Proposal:	24 no. residential units, associated parking, access and roads		
Location:	Parkfoot 2 London Road Leybourne West Malling Kent		
Applicant:	Parkfoot Garage Ltd		

1. Description:

- 1.1 Members will recall that this application was deferred from the November meeting of Area 2 Planning Committee to enable Members to inspect the site. This inspection took place on 24 November 2006.
- 1.2 Since that time there have been two further significant occurrences that potentially affect the material considerations relevant to the application: the appeal decision (a refusal) has been received on the previous application (TM/05/2630/FL) and PPS3: Housing has been issued.
- 1.3 It had been anticipated that the application would be reported back to the Area 2 Committee at this meeting but, in light of these very recent events, further detailed analysis is required of these documents, and the impact they may have on consideration of the current proposal. I am now in a position to report back on these issues in more detail.
- 1.4 The main committee report and supplementary report that were reported to the November meeting are attached to this report.

2. Consultees (Received since the November meeting of APC2):

- 2.1 East Malling & Larkfield PC: The PC has no comment on the amendments about distances.
- 2.2 Leybourne PC: The parish council wish to see the application refused. Once again this application has been submitted with insufficient details or information.
 - 2.2.1 a.. There are no scale drawings provided
 - 2.2.2 b.. There are no drawings provided to show what impact the rear elevations of plots 3,4,5,6,10,11,12,13 will have on the adjoining properties
 - 2.2.3 c.. The ground elevation to plots 3,4,5,6 is some 3 metres above the ground levels of the adjacent Baywell properties at numbers 66 and 68 and will have an unacceptable impact on these properties and even more so being that the proposed plots 3,4,5 and 6 are three stories high.

2.2.4 d.. There are no rear or side elevation drawings to plots 10,11,12 and 13 to review what impact these proposed properties will have on the adjacent Baywell properties at number 103 and 107.

2.2.5 e.. The drawings are not detailed sufficiently to determine that there is adequate parking provision for the properties.

2.3 One additional private rep, objecting on the following grounds:

- the amended plan showing distances clearly shows that the distance between the windows at the rear of the proposed houses and the rear reception room of 68 Baywell is less than the 21m recommended in the TMBLP. These are principal windows and they directly face each other.
- The properties in Baywell are considerably lower than the land on which the proposed houses will be built. Because the land falls steeply from the proposed houses to the fence at the boundary of these properties it would not be feasible to erect a fence tall enough to provide privacy to the ground floor of these adjacent properties;

3. Determining Issues:

3.1 Since the application was reported to the November Area 2 meeting the appeal decision has been received for the previous planning application for 21 houses on the site (TM/05/2630/FL). The appeal was dismissed.

3.2 I have considered the Inspector's report in relation to this current proposal and analysed the current scheme in relation to the salient points of that decision as they now apply. The detailed factors that need to be considered are set out below. Other matters, such as the previous refusal on traffic noise grounds, are overcome in the current scheme. The Inspector did not support the ground of refusal on matters of inadequate parking – the current scheme is an improvement on this aspect. The ground of refusal with regard to adverse impact on no.4 London Road was not upheld by the Inspector and the current scheme is, if anything, better in that respect. The wall along A20 frontage was found objectionable by the Inspector but is not a feature of the current scheme.

3.3 The design of the proposed properties adjacent to the A20 has altered from the previous scheme from three storey properties to 2½ storey properties. However, the overall height of the proposed properties is marginally higher than the dismissed scheme. The distances between each pair of semi-detached properties has been increased from the previous scheme by inserting garages and an access road between the properties. These houses are further forward in relation to the A20 than the previous scheme and the orientation of the properties has been changed so that the frontages of the properties face this highway.

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- 3.4 I am of the opinion that the ridge lines parallel to A20 emphasise the height of these properties, and do not overcome the Inspector's concerns relating to the front elevation being out of character with the surroundings and harmful to the appearance of the semi-rural locality, notwithstanding the fact that the space between the properties and the design has been altered, and the boundary acoustic wall has been removed.
- 3.5 The actual distances between plots 3-6 and 66 and 68 Baywell are no less than the distances of the proposed houses that were backing onto 66 and 68 Baywell in the appeal scheme. The Inspector did not consider this aspect of the proposal to have a detrimental impact upon the privacy of the adjacent properties. The section plan submitted indicates that it is proposed to regrade the land, so that the proposed houses would be situated 1m above the ground level of 68 Baywell. Garages are proposed to the rear of plots 3, 4 and 6. These garages are pitched roof and one is a double garage. In light of the Inspector's concerns with the previous scheme in terms of the relationship to adjoining properties, I am of the opinion that the garages would be visually oppressive to 66 and 68 Baywell because of the change in ground levels and the proximity of the proposed structures to these adjacent properties.
- 3.6 The proposed scheme is an improvement to the appeal scheme in terms of its relationship with 103 and 107 Baywell. However, bearing in mind the Inspector's comments with regard to the impact on nearby properties, I am concerned that there is a garage in the rear garden of one of the proposed properties, and whilst this is less obtrusive to the adjacent properties I am of the opinion that this element of the proposal would have an overbearing impact.
- 3.7 I have considered these factors in the new context of the Inspector's comments that the appeal proposal represented an overdevelopment of the site by virtue of the size of the dwellings proposed and the impact on the character and appearance of the area. Having reassessed the scheme in the light of the appeal decision I cannot say that the current proposal overcomes the deficiencies that were identified as important matters in the previous appeal case, and indeed in terms of density it has increased the impact as a result of seeking to insert 3 additional units.
- 3.8 PPS3: Housing has also been issued since my last substantive report. Whilst LPAs are not required to have regard to this Statement as a material consideration when making decisions on planning applications until 1 April 2007, this document does have some bearing upon applications being considered before April. PPS3 establishes the threshold for providing affordable housing as being developments of 15 units or above, thus reinforcing the approach adopted in policy CP18 of the LDF.

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- 3.9 In light of this proposed change in threshold in PPS3 and policy CP18 of the LDF I have entered into discussions with the applicants about the prospects of affordable housing. I have been assisted in this by the Council's retained valuation consultants. I have concluded that the scope for affordable housing on this site is limited and only likely to amount to two reduced price units for sale or possibly one affordable unit despite the increase in the proposed unit numbers from the previous scheme from 21 to 24 units. The provision of a single affordable unit would lead to an isolated situation given the nature of the site and moreover would be a management issue in its own right. Therefore, I recommend that two reduced price market units are more acceptable in this case.
- 3.10 In all these circumstances I have reviewed all Recommendations and consider that it would be appropriate to withdraw my previous recommendation to grant permission and to substitute a recommendation for refusal.
- 3.11 I note the PC comments that scaled plans have not been submitted. However, all the plans submitted are to scale and there are sufficient plans in order to assess the application.

4. Recommendation:

4.1 Refuse Planning Permission on the following grounds:

- 1 The height, bulk and layout of the proposed buildings, especially the terrace facing the A20, would appear out of character with the surrounding development and semi-rural character of the locality. As such, it is considered that the development would be harmful to the visual amenities of the locality and contrary to policies QL1 of the Kent and Medway Structure Plan 2006 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.
- 2 The proposal would result in an oppressive and overbearing impact on 66, 68, 103 and 107 Baywell, contrary to policies QL1 of the Kent and Medway Structure Plan 2006 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

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