
Report from 19 August 2015

**Trottiscliffe
Downs****564023 159784 21 May 2015****TM/15/01687/OA**

Proposal: Outline Application: Erection of a four bedroom detached dwelling of approximately 300 square metres habitable area with double garage to the rear of Little Reeds with access from Ford Lane with matters of appearance, landscaping and scale to be reserved

Location: Little Reeds Ford Lane Trottiscliffe West Malling Kent ME19 5DP

Applicant: Mr David Spreadbury

1. Description:

- 1.1 Outline planning permission is sought for a new four bedroom detached dwelling with associated double garage on land to the rear of Little Reeds. This outline planning application seeks approval for Access and Layout only; with Appearance, Landscaping and Scale of the development forming 'Reserved Matters' for later consideration.
- 1.2 The application documents indicate that the new dwelling would be an L-shaped chalet bungalow providing approximately 300 square metres of habitable accommodation. Indicative elevation plans of the new dwelling have been provided (although Appearance and scale are not matters under consideration at this outline stage). The submitted elevations indicate that the new dwelling would have a maximum ridge height of approximately 8.5m on its east-west axis and an overall ridge height of approximately 7.5m on its north-south axis. It is proposed to set the first floor accommodation within the roof space, incorporating a mix of pitched roof dormers and a double height entrance gable.
- 1.3 In layout terms, the proposed L-shape dwelling would have an overall length of approximately 17.5m (east-west) and width of approximately 16m (north-south). The western elevation of the dwelling would be some 6m from the western site boundary (with Streets End), whilst the east elevation would be some 3m from the eastern site boundary (with the rear garden of Wyngate).
- 1.4 The layout plans show an area of hardstanding to the front (south) and western side of the building, sufficient for the parking and turning of at least two cars. The indicative elevation and layout plans for the new dwelling indicate that the property would incorporate a double bay garage within the ground floor of the main building.
- 1.5 A new hard surfaced access road would be constructed to the west of Little Reeds running up to the new dwelling. The existing garage for Little Reeds would be removed to make way for this new internal access road and an area of

hardstanding for Little Reeds laid to the rear (north) of its retained garden. The new access road would run parallel to the existing vehicle access serving Little Acres and Streets End just west of the application site.

- 1.6 It is proposed to widen the existing driveway entrance from Little Reeds to Ford Lane, which is intended to improve visibility when exiting the site onto Ford Lane. The widened access would then serve both Little Reeds, together with the new dwelling.
- 1.7 Whilst specific landscaping details have not been provided at this stage [as these are intended to form subsequent Reserved Matters] it is understood that the private garden area for the new dwelling would be to the rear (north) of the house. An existing garden area would remain to the north of Little Reeds for its own enjoyment.
- 1.8 The indicative plans show that the proposed new dwelling would be of a chalet bungalow style form and layout, to reflect the adjoining backland development of Little Acres and Streets End which are immediately west of the application site (as permitted in 1997 under application reference: TM/97/00740/FL).

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Balfour in light of local concerns, being in the AONB, backland development and increased pressures on Ford Lane.

3. The Site:

- 3.1 The application site comprises of the plot of Little Reeds which lies to the north of Ford Lane within Trottiscliffe. The site currently comprises of a long (140m) plot which measures some 26m in width. Little Reeds itself is a modest bungalow located relatively near to the south of the site/Ford Lane. There is an existing garage/outbuilding located to the west of the property which is where the hard surfaced driveway terminates.
- 3.2 To the rear (north) of the property there is approximately 110m of rear garden land; this comprises of more intensively used/landscaped garden land nearest to the dwelling and then more overgrown meadow land further to the north. The site is well screened along its northern, eastern and western boundaries by mature trees and hedgerows.
- 3.3 The existing dwelling, together with an area of approximately 50m from the rear elevation of the property (or approximately half the length of the rear garden) is located within the defined rural settlement confines of Trottiscliffe under TMBCS Policy CP13. The remainder of the garden is located outside of the village confines and is within the Metropolitan Green Belt.

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- 3.4 The entire application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Trottiscliffe Conservation Area lies approximately 46m to the east/north-east of the application site.
- 3.5 The application site lies within a Source Protection Zone (Water Gathering Area).
- 3.6 The surrounding area is characterised by detached dwellings, bungalows and chalet-style bungalows flanking the north-western side of Ford Lane. Streets End and Little Acres, located immediately west of the application site, are both chalet-style bungalows permitted in 1997 (TM/97/00740/FL) and represent backland development.

4. Planning History (relevant):

TM/46/10216/OLD Grant with conditions 6 November 1946

Bungalow.

TM/90/10833/FUL Grant with conditions 19 September 1990

Extensions and alterations to bungalow.

TM/92/10553/FUL Grant with conditions 15 January 1992

Demolition of existing garage to rebuild double garage.

TM/93/01489/FL Grant with conditions 14 January 1994

Extensions and alterations

5. Consultees:

- 5.1 Trottiscliffe Parish Council: Members resolved to object to these proposals. Members believe that the proposals affect the openness of the AONB and Green Belt. Members are concerned about the visual impact of the bulk and scale of the development and its appropriateness within a village setting in an AONB. Members were surprised not to have been provided with a topographical and arboricultural survey as they believe a number of trees and mature hedgerow on the western boundary will need to be removed which would mean that the proposed dwelling would have an unacceptable impact on the wider locality. Members are also concerned about the access and likely increase in trip generation on this narrow road.
- 5.2 KCC Highways & Transportation: A development of this scale could not warrant concern in terms of traffic generation. The proposal is off an existing access which

I can confirm has no record of personal injury crashes in at least the last 9 years. The proposed property should have space for at least 2 car parking spaces which the plans seem to demonstrate. Suitable provision is also included for Little Reeds. The property proposed is some 70m from Ford Lane and it is considered necessary therefore for some attention to be given to efficient refuse collection by identifying a convenient refuse collection point for operatives.

5.3 Environment Agency: Notes that the site is located on Gault Clay, beneath the clay lies the Folkestone Formation which is a principal aquifer. The site is designated as source protection zone 1 because the aquifer supports a public drinking water abstraction. No objection is raised with regard to the proposal, subject to a condition being imposed on any permission covering no infiltration of surface water drainage into the ground unless otherwise permitted with the consent of the Local Planning Authority.

5.4 Private Reps: 4 + Site Notice (0X/4R/0S). Four objections focus on the following issues:

- To allow building works to take place in a garden sets an unacceptable precedence and will lead to further development on basically a green field site within the area;
- The new dwelling would have an adverse effect on the residential amenity of neighbours, by reason of noise, overlooking and loss of privacy;
- The new dwelling would appear to be squashed in and its roof would be intrusive for the neighbouring property (Streets End);
- The village envelope [Core Strategy Policy CP13 designation] appears to take an odd route across the Little Reeds plot as it follows the end of the gardens of the adjacent properties to the right, but then deviates down to where the applicant has indicated the rear of the house on the plan and then crosses the plot and rises to the north again near the boundary to Streets End. We request that should approval be given, the dwelling be moved northwards which will improve outlook from Streets End and the new dwelling with only a slight change to the village envelope boundary;
- The proposals will cause additional traffic on a relatively narrow country lane; and
- Concerns with construction impacts (noise, dust, large vehicles/deliveries, etc.)

6. Determining Issues:

- 6.1 In considering applications for planning permission it is necessary to determine them in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the more growth orientated character of the NPPF, published in 2012 as Government policy, has to be taken into account. Where appropriate the effect of the NPPF is reflected in the analysis below.
- 6.2 TMBCS Policy CP1 sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; that the need for development must be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible, enhance the natural and built environment, residential amenity and land, air and water quality; and development will be concentrated at the highest density compatible with the local built and natural environment, mainly on previously developed land (PDL).
- 6.3 TMBCS Policy CP13 allows for new development within the confines of rural settlements, such as Trottiscliffe, if there is some significant improvement to the appearance, character and functioning of the settlement; or justified by an exceptional local need for affordable housing.
- 6.4 TMBCS Policy CP24 relates to achieving a high quality environment. This policy states that development must be well designed, of a suitable scale, density, layout, siting, character and appearance to reflect the site and its surroundings. Policy SQ1 of the MDE DPD reinforces this requirement that all new development should protect, conserve and, where possible, enhance (a) the character and local distinctiveness of the area including its historical and architectural interest and prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area.
- 6.5 In this particular case, it should be noted that the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. However, the NPPF makes it clear that the definition of previously developed land specifically excludes private residential gardens and therefore there is no automatic presumption in favour of developing the entire residential curtilage in this case.
- 6.6 This outline application proposes the construction of a new detached dwelling on garden land to the rear (north) of Little Reeds. The new dwelling itself would be situated within the built village confines of Trottiscliffe, whilst its associated rear garden would be within the designated Green Belt. It should be noted that a significant proportion (approximately half) of the rear garden of Little Reeds is already within the Green Belt; therefore any wider impact on openness of the Green Belt from residential garden land associated with either Little Reeds or the new dwelling would be markedly similar in my view. I recognise that the purpose of

the Green Belt is, amongst other matters, to check unrestricted sprawl of built-up areas and to safeguard the countryside from encroachment, however it should be noted that the new building is located outside of the Green Belt designation. I am therefore of the opinion that these proposals do not conflict with the purposes of the Green Belt as set out in para. 80 of the NPPF. On this basis, I have no objections to the development as a whole in Green Belt terms.

- 6.7 The new dwelling would be located some considerable distance north from the highway (circa. 65m) and owing to this distance, together with the intervening vegetation and screening afforded from Little Reeds, I consider that the proposed dwelling would not be discernibly noticeable in the street-scene. Whilst this development represents backland development, owing to the existing arrangement and layout of two existing backland dwellings to the west (Streets End and Little Acres), I do not consider that a new dwelling in this location would be significantly out of character with the general form or pattern of development in this part of Trottiscliffe. More importantly, I do not consider that the proposed new dwelling would give rise to a harmful impact on character to the wider settlement, sufficient to justify a refusal on these grounds.
- 6.8 The entire application site (and surrounding area) lies within the Kent Downs AONB. The NPPF makes it clear (in para. 115) that great weight should be given to conserving landscape and scenic beauty which have the highest status of protection in these respects. The site is well screened owing to the presence of boundary trees/vegetation, resulting in views to and from the site being visually contained to the immediately surrounding area only. On the basis of the indicative building envelope (which is shown to be a chalet style dwelling) I do not consider there would be any significant adverse effect on landscape character of the wider AONB, which could justifiably lead to a refusal of outline planning consent in this case. Furthermore, any new dwelling in this location would be read from the wider AONB landscape within the context of the rural settlement confines and the pattern of development which flanks the northern boundary of this part of Ford Lane.
- 6.9 MDE DPD Policy SQ8 states that, *inter alia*, development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. In this context the NPPF has a significant bearing; it is now clear that the nationally applied test in terms of highways impacts, is that an impact must be “severe” in order for Highways and Planning Authorities to justifiably resist development on such grounds. Development proposals should also comply with the Council’s adopted parking standards set out in IGN3, which, in this location relate to two independently accessible spaces per unit for the retained property (Little Reeds) and the new 4 bedroom dwelling.
- 6.10 The proposals relate to a new four bedroom dwelling located to the rear of Little Reeds. The proposals also include the widening of the existing driveway to

improve visibility when exiting the site onto Ford Lane; this is viewed as a positive impact in highway terms and will improve visibility for the existing property and any new dwelling. The new internal access road is shown to have an average width of 5.5m with ample turning space for Little Reeds and the new dwelling, in order to provide sufficient space within the site for delivery vehicles/fire tender vehicles, etc. In my view the proposals, which amount to a single new dwelling, would not give rise to a “severe” highway impact which could justifiably form grounds to refuse this development. Furthermore, the proposals accord with the Council’s adopted parking standards which require the provision of two parking spaces per property. I therefore have no objections to the proposals on highways or parking grounds.

- 6.11 Again, it is important to note that only Access and Layout matters are being considered at this stage; with Appearance, Landscaping and Scale forming reserved matters for subsequent consideration. In terms of the physical layout and orientation of the new dwelling and on the basis of the indicative house designs provided at this stage (albeit Appearance and Scale are matters for later consideration), I do not consider there would be any significant loss of privacy or overshadowing on surrounding properties to the east, south or west. The primary outlook of the new dwelling in this location is shown to be to be on a north-south axis and not towards neighbouring dwellings to the east (Wyngate) or west (Streets End or Little Acres); again this is something that can be closely considered at a detailed reserved matters design stage.
- 6.12 I note that a suggestion has been made from several surrounding neighbours to move the proposed dwelling further north (into the Green Belt land) to improve the relationship to surrounding dwellings, notably Streets End to the west. In this case, I do not consider the flank-to-flank relationship between the new dwelling and Streets End would justify the new dwelling being moved further north into the Green Belt, where a general presumption against new development exists unless there is an overriding case of very special circumstances. I note that matters such as the Appearance and Scale of the new dwelling would be subject to later consideration as part of any reserved matters application. Therefore the Planning Authority can ensure that the new dwelling would not result in unacceptable overlooking or bulk on surrounding dwellings.
- 6.13 I am aware that concerns have been expressed regarding the establishment of the principle of further backland development along this part of Ford Lane should these proposals be accepted. I would however remind Members that each case must be considered on its own merits, in the context of the specific site.
- 6.14 Concerns have been expressed regarding adverse noise and disturbance which would arise during construction works associated with the new dwelling. Whilst I accept that there would be some, relatively short-term construction impacts on surrounding properties, such impacts are not matters which could justify the refusal of planning permission. Instead, the applicant will be advised to adopt the

Council's standard working hours, which limit construction activities to day-time periods during weekdays and no construction taking place after 1pm Saturday afternoons, or at any time during Public and Bank Holidays.

6.15 For the reasons outlined above, I am of the view that the outline proposals put forward are acceptable in planning terms, would not give rise to unacceptable harm to the wider AONB or Green Belt designations or surrounding residential amenity, and that there are no overriding highway safety or parking grounds to justify a refusal in this particular case. It is therefore my recommendation that outline planning permission be granted subject to the conditions set out below.

7. Recommendation:

7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Letter Covering letter fm agent dated 20.05.2015, Location Plan dated 20.05.2015, Proposed Elevations NJW/02/A North dated 20.05.2015, Proposed Elevations NJW/03/A East dated 20.05.2015, Proposed Elevations NJW/01/A West dated 20.05.2015, Proposed Elevations NJW/04/A South dated 20.05.2015, Proposed Floor Plans NJW/05/A Ground dated 20.05.2015, Proposed Floor Plans NJW/06/A First dated 20.05.2015, subject to the following conditions and informatives:

Conditions

1. Approval of details of the appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The details submitted in pursuance to condition 1 shall be accompanied by details and samples of materials to be used externally and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

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5. The details submitted in pursuance to condition 1 shall be accompanied by a contoured site plan and full details of the slab levels at which the building is to be constructed and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to adequately assess the impact of the development on visual and/or residential amenities.

6. The details submitted in pursuance to condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to deal with surface water drainage.

8. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the storage and screening of refuse. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

9. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the disposal of foul and surface water drainage. Thereafter, the approved scheme shall be implemented before the development is occupied and shall be retained thereafter.

Reason: In the interests of pollution prevention.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development shall be carried out within Class A and Class E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to regulate and control further development on this site.

Informatives

1. The applicant is advised that the Local Planning Authority expects that any subsequent Reserved Matters application (covering Appearance, Landscaping and Scale) should accord with the indicative layout and elevation plans, chalet-style dwelling and 300 square metres threshold of habitable area all detailed within this outline consent application.
2. During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 hours - 13:00 hours; and no work on Sundays, Bank or Public Holidays. The applicant is advised to seek an early discussion with the Environmental Protection Team - environmental.protection@tmbc.gov.uk
3. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Contact: Julian Moat

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 19 August 2015

**Trottiscliffe
Downs****TM/15/01687/OA**

Outline Application: Erection of a four bedroom detached dwelling of approximately 300 square metres habitable area with double garage to the rear of Little Reeds with access from Ford Lane with matters of appearance, landscaping and scale to be reserved at Little Reeds Ford Lane Trottiscliffe West Malling for Mr David Spreadbury

Applicant: The applicant has submitted an email the existing hedge and bushes will remain on the Western boundary. It is possible that the plan that was submitted could be interpreted that the hedge and bushes would be removed. This is NOT the case. The new driveway will be a metre or more away (east) from the Western boundary hedge and bushes, inside the property.

DPHEH: Since the publication of the main report, Officers have further considered the need for tree protection measures to be required as part of the development in light of their function of screening the development in the AONB.

AMENDED RECOMMENDATION**Additional Condition:**

11. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, together with the provision for the retention and protection of existing trees and shrubs. Thereafter, the development shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained, by observing the following:

- a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5m above the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
- b) No fires shall be lit within the spread of the branches of the trees.
- c) No material or equipment shall be stored within the spread of the branches of the trees.
- d) Any damage to trees shall be made good with a coating of fungicidal sealant.

- e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.