

Addington Downs **565941 158921** **23 January 2014** **TM/14/00234/FL**

Proposal: Erection of 3 no. detached dwellings with provision of new associated new access and parking facilities
Location: Blackmans Trottiscliffe Road Addington West Malling Kent ME19 5AZ
Applicant: Blue Ribbon Developments Ltd.

1. Description:

- 1.1 Planning permission is sought for the redevelopment of the vacant site for three houses. The site was previously occupied by one chalet bungalow which has subsequently been demolished following Prior Notification to the Council (see planning history in section 4 below).
- 1.2 A scheme for three dwellings (TM/13/00786/FL) was refused on 16 August 2013 and there is currently a Written Representations appeal in progress under Planning Inspectorate reference APP/H2265/A/13/2206984. A date is yet to be set for the Inspector's accompanied Site Inspection.
- 1.3 Amended plans were submitted on 20 March 2014 which has been out to consultation. The formal consultation period expires on Friday 4 April 2014. Any further representations received will be included in a Supplementary Report.
- 1.4 The proposed scheme, as amended, includes the following:
 - Two dwellings (plots 1 and 2) side by side and facing Trottiscliffe Road. Shared new access off Trottiscliffe Road and turning area to front of dwellings.
 - Plot 1 – Two storey dwelling with habitable roof space, attached projecting double garage to front with bedroom over. Traditional design with plain tiled roof, hanging tiles and facing bricks.
 - Plot 2 – One and three-quarter storey house with half dormer design. Attached double garage to the side with bedroom over. Traditional design with plain tiled roof, hanging tiles and facing bricks.
 - Plot 3 – Located to the rear of Plots 1 and 2. Served by new access off Trottiscliffe Road and existing driveway route to former dwelling "Blackmans". Two storey dwelling with attached garage in front projection with bedroom over. Traditional design with plain tiled roof, hanging tiles and facing bricks.
 - The layout and design for the site frontage have been scaled back, compared to the refused scheme, and simply proposes regraded banks and no walls, railings, gates or fences forward of the building line are proposed.

- The existing access which serves Blackmans and Laurelle Lodge would remain but would become a separate access solely for Laurelle Lodge.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Mrs Ann Kemp due to the potential impact of the development on the village and the planning history associated with the site.

3. The Site:

- 3.1 The site lies within the village confines of Addington. The front boundary of the site with Trottiscliffe Road, and the eastern boundary of the site with East Street, form the edge of the built confines and start of the Metropolitan Green Belt and a protected area of Open Space [OS1A(b)] which is formed by land owned by West Malling Golf Club.
- 3.2 To the rear of the site (north) lies the residential property and garden of Brookland, East Street and the gardens of Newlands, East Street and 6 Plowenders Close. To the west lies the residential property and associated garden of Laurelle Lodge, Trottiscliffe Road, which currently shares the existing access and drive with the Blackmans site.
- 3.3 Laurelle Lodge was built within the grounds of Blackmans under Outline Planning Permission TM/96/01511/OA. Permission was originally sought for two dwellings on the current plot at Laurelle Lodge, however, this was considered by the Council to be over development at the time, and the application was amended to propose one chalet style dwelling.
- 3.4 The front of site is banked up from the level of the road by approximately 1m and the land rises again to the north. The section of lawn forward of the site of the removed house is approximately 3m above road level. The finished floor level of the demolished house was set at 4.56m above road level and the land rises further still the rear of the site. To the southern edge of the close-boarded fence with Brookland the land level is shown to be 6.5m above road level and the land to the rear of Brookland rises to a maximum of approximately 8m above road level as there is a near vertical bank in this section of the application site. This higher area of land to the rear of Brookland has been left to scrub/bramble and is not currently used or maintained in the same way as the rest of the garden area.
- 3.5 It is noted that the close-boarded fence to the southern boundary of Brookland (to the north of the application site) is set on raised land approx 1.8-2m above the ground level of the Blackmans site at this point.
- 3.6 Three Cedars are covered by a Tree Preservation Order (TPO), two on the south east corner of the site and a third Cedar to the south east of the existing swimming pool.

4. Planning History:

TM/54/10714/OLD grant with conditions 6 May 1954

Dwelling house and garage.

TM/97/01582/FL Grant With Conditions 5 November 1997

replacement of existing outbuilding with new conservatory

TM/13/00786/FL Refuse 16 August 2013
Appeal Pending

Demolition of existing detached dwelling house and erection of 3 no. detached dwellings with associated new access and parking and garaging facilities

TM/13/02771/DEN Prior Approval Required 18 October 2013

Prior Notification of Demolition: Demolition of 1no. dwellinghouse (Blackmans)

TM/13/03479/DEA Application Withdrawn 13 March 2014

Prior Approval for demolition of 1no. dwellinghouse (Blackmans)

TM/13/03554/DEN Prior Approval Not 17 December 2013
Required

Prior Notification Of Demolition of Blackmans House down to ground level along with associated out buildings

5. Consultees:

- 5.1 Addington PC: We object to the above proposal. We have considered this revised application against the original objections and still believe this to be overdevelopment of the site which is within the confines of the village. Like many of the properties along Trottiscliffe Road, the original house was set back from the road and this adds to the openness of our historic village on one of the main approaches. Although we appreciate that the height of the proposed dwelling at the rear has been reduced in height, we still believe the design of the properties is also out of keeping with the area and we would like to see a more aesthetic approach. We feel the sight lines on this stretch of road are unsatisfactory and that vehicles entering and coming out of the proposed entrances/exits would be a threat to the safety of other road users. We would urge to you to refuse this application as we have demonstrated that the impact of the proposals on the visual amenities of the locality, the residential amenities of the locality and the highway/access safety would not be acceptable.

5.1.1 If the planning application was approved, we request that aesthetic landscaping and screening, sympathetic to the rural location, is a condition. We would also welcome a review of the speed limits on our rural roads aligned to the aspiration to get a further 40% reduction addressed in the draft Casualty Reduction Strategy.

5.1.2 Additional Comments: We have read the highways report from KCC and would disagree with the findings. We still feel the sight lines on this stretch of road are unsatisfactory and that vehicles entering and coming out of the proposed entrances/exits would be a threat to the safety of other road users. We regularly carry out speedwatch on this section of the road and remain concerned about the speed of the traffic at this location which is near to a bend in the road.

5.2 Trottiscliffe PC: Object because of over intensification of the site and highway considerations.

5.3 KCC Highways: As discussed by the applicants' agent's e-mail of 14th February, I confirm that my response of 10th February regarded some preferences (not requirements) and in terms of the application submitted and on behalf of the Highway Authority, I write to confirm that I have no objection to the proposals. As previously advised :-

- The gradient of accesses should be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.
- It is also considered that measures preventing the discharge of surface water onto the highway will be required, should this application be approved. If I can be of any further assistance, please do not hesitate to contact me.

5.4 Private Reps + Site Notices (12/1X/9R/4S): One neighbour sent 2 representations in support and one raising no objection. Two neighbours have each sent 2 representations raising objection (as a result of re-consultation). Comments received in summary:

In support:

- No objection to three dwellings and the scheme is not overcrowded.
- The original (refused) scheme would have been just as acceptable.
- We are keen for the scheme to be built.
- There have not been any accidents along this section of Trottiscliffe Road.

- The replacement dwelling at Clematis Cottage, a few doors along from Blackmans, was passed and that is an eyesore.
- The scheme will be more attractive than the former run down property.

Raising objection:

- The site appears larger now the site has been cleared. However, if the site were developed for three houses the site would appear squashed.
- Two dwellings would be more in keeping with other properties on Trottscliffe Road.
- Insufficient parking.
- New accesses would be dangerous. Cars exceed the speed limit in this location.
- The site is not Previously Developed Land and cannot be described as Minor Infill.
- The rear garden of Brookland will be almost permanently cast in the shadow of Plot 3.
- The rear windows of Plot 3 would overlook the rear garden of Newlands.
- The loss of trees, prior to the original planning application, has resulted in a loss of habitat for birds, bats and wildlife.
- The proposal is contrary to Policies CP1, CP6, CP13 and CP24 of the TMBCS and Policy SQ1 of the MDE DPD.
- The proposal would represent overdevelopment of the site.
- The parking of cars would dominate the appearance of this development, altering the character of this part of the village.
- All the previous objections to the application last year apply.
- The buildings would be too close together.
- The Blackmans site which did have an attractive garden and beautiful trees, gave a very appropriate entrance to the village over the last 50 years.
- In approximately 10 years when Hanson's lease for sand quarrying at Addington ends, there will be acres of brownfield sites for building. So there is no need to squash as many buildings as possible in to the existing infrastructure right now.

- Perhaps one dwelling with access to East Street would be a better alternative.
- The proposal is not appropriate for the scale and character of the village.
- The proposed houses are too large and too close to the front of the property.
- The heights of buildings as seen from Trottiscliffe Road are too imposing.
- If the houses were erected, the former “Blackmans” footprint would be trebled without doubt, this equates to overdevelopment.

Raising no objection:

- Comments regarding the conduct of the Parish Council at their Planning Meeting.
- Hillreed development in Brickfields, West Malling is significantly more dense than the Blackmans proposal and that gained planning permission.

6. Determining Issues:

- 6.1 Policy CP13 of the TMBCS allows for new development within the confines, being restricted to minor development appropriate to the scale and character of the settlement. Paragraph 53 of the National Planning Policy Framework 2012 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.2 Paragraphs 57 and 58 of the NPPF, and Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 relate to high quality design. Paragraph 60 of the NPPF requires that planning policies and decisions “should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.” Paragraph 61 of the NPPF seeks to secure high quality and inclusive design which goes beyond aesthetic considerations.
- 6.3 Policy CP6 of the TMBCS relates to the separate identity of settlements and states that “development will not be permitted... on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside...”
- 6.4 It is worth noting that the refused scheme was considered against the second section of CP13 which allows for redevelopment of a site within the confines of a rural settlement if the overall trip generation is projected to be lower than that associated with the former use, or there is some significant improvement to the appearance, character and functioning of the settlement, or there is an exceptional

local need for affordable housing in terms of Policy CP19. There has, therefore, been a change in the applicable section of this Policy as a result of the demolition of the house and the site now being vacant.

- 6.5 Policy SQ1(2) of the Managing Development and the Environment DPD 2010 (MDE DPD) relates to preserving the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity, and the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.6 The previous application which was refused under delegated powers is currently at appeal. The objections to the scheme were, in summary:
- The detailed layout, scale and massing of the scheme, the extent of built development and associated hardstanding.
 - The siting, height and massing of Plot 3.
 - The cumulative impact of the near identical design of Plots 1 and 2, their forward position within the site, the parallel orientation of the two plots and the almost continuous 28m wide combined span of buildings.
 - The proposed new access, extent of hardstanding and proposed front boundary treatment.
 - Lack of a suitable Section 106 Legal Agreement to undertake to provide on site affordable housing or, where necessary, provide a commuted sum for off site provision.
- 6.7 The proposed scheme has aimed to overcome the reasons for refusal set out above by amending the access arrangements, frontage design, and including a Section 106 Agreement for a financial contribution in lieu of on site affordable housing. The siting and design of Plots 1 and 2 have been revised with the garages becoming attached and there has been an increase in the spacing between Plots 1 and 2. The scheme has also reduced the height and sought to improve the design of Plot 3.
- 6.8 The detailed layout of the proposal has been altered through the siting of Plots 1 and 2 further back within the site and Plot 3 has been moved slightly to the west. The overall scale of development has remained the same in floor space terms but the storey heights of these units has increased but with improved spacing between the two dwellings. The overall extent of hardstanding remains much the same. It is my view that the current proposal has made sufficient improvements to the layout, scale and massing of the development and the extent of built development, in terms of Plots 1 and 2, has been redesigned to be more in keeping with the

pattern and design of dwellings along Trottiscliffe Road. Whilst the extent of hardstanding has not been reduced, the overall impact of the hardstanding from public views has been improved and will be discussed further below.

- 6.9 The siting and height of Plot 3 has been altered, with the height being reduced by 1.5m, from 9.95m to 8.45m, through the introduction of a table top roof. The siting has been amended by the unit moving 5.3m to the west and 0.8m to the north. The reduction in height set out above would noticeably reduce the overall massing of Plot 3 compared to the refused scheme currently at appeal.
- 6.10 The current application has radically redesigned the two frontage plots 1 and 2, moving away from a contemporary design and near identical design for both plots. The proposals now show two separately designed dwellings with a vernacular appearance and materials. These two houses have also been moved further back within the site to lessen their impact on the streetscene and be more in keeping with the building line of Laurelle Lodge. Whilst Plots 1 and 2 retain a parallel alignment, they remain separate in their form and scale and the continuous span of development which was previously considered to be detrimental, has been broken up by moving the garage of Plot 1 to the front of the building as an attached garage. This 'L' shape layout provides a sense of completion to this end of the development, and in turn, to the end of the built confines of the village in my view.
- 6.11 The proposed treatment for the frontage of the site and the proposed formation of a new access have been fundamentally altered since the previous application. The previous scheme proposed brick walls, railings, gates and retaining walls. All of these proposals have been removed from the scheme that is now before Members. The frontage design is now to be comprised of landscaped and grassed gardens with gradually sloped banks. Some stone retaining features may be required in small sections, but these are likely to be stone with the grass banks sitting above, i.e. no retaining features projecting above the existing levels. Full details of landscaping and boundary treatment could be conditioned on any approval along with a separate condition to approve cross sections of retaining features through the access drives. It is my view that it would be reasonable and necessary to restrict permitted development rights for fences and walls etc forward of the building line of Plots 1 and 2 to ensure control over such features following initial occupation.
- 6.12 The applicant has indicated a commitment to sign a S106 Planning Obligation for contribution of £20,000 towards off-site Affordable Housing, being an increase of £4,000 compared to the offer made through the outstanding appeal. Accordingly, the fifth reason for refusal has been fully overcome in my view. This has been assessed by the Council's retained consultants who have supported the view that this is a reasonable sum, based on viability assessment.

- 6.13 In light of the above considerations, I consider the scheme overall has sufficiently overcome each reason for refusal, resulting in a scheme which would be in keeping with the settlement of Addington and would acceptably respect the site and its surroundings. The proposal would no longer represent overdevelopment, nor would it unduly erode the open character of the site sufficient to warrant refusal. The overall scale of development is now appropriate to the scale and character of the settlement in my view. For the same reasons, I consider the proposal would not give rise to undue harm when the site, and wider settlement of Addington is viewed from the open countryside and Green Belt. I, therefore, consider the current proposals can now be considered to accord with Policies CP1, CP6, CP13 and CP24 of the TMBCS and Policy SQ1 of the MDE DPD. The proposal would also accord with Paragraphs 57 and 58 of the NPPF.
- 6.14 Similarly, the proposal would no longer cause harm to the local area, thereby complying with the test within Paragraph 53 of the NPPF i.e. the proposal would no longer represent an inappropriate development of residential garden land.
- 6.15 The proposed new accesses have been considered by Kent Highways who have raised no objection. I note the various objections from neighbours in relation to access and parking, however, the site meets the Kent Design Guide Interim Guidance Note 3 criteria for parking and the access arrangements are not considered to result in a severe impact on highway safety. The proposal would, therefore, accord with Paragraph 32 of the NPPF.
- 6.16 I note the concerns raised by an objector regarding the potential overlooking of Newlands, East Street from the revised site of Plot 3. However, I am of the view that the rear windows serving Plot 3 would have no greater level of overlooking compared to the first floor rear windows of Brookland and Ty Coed. Moreover, it should be noted that the slab level of Plot 3 would be 2m lower than the ground level of Brookland and 3.8m lower than the top of the close-boarded fence along the flank boundary of Brookland. Therefore, the overall impact on privacy and loss of light must be assessed on the basis of the relative ground levels and not simply the siting of a unit on a site plan.
- 6.17 In light of the above considerations, and notwithstanding the current appeal in progress, I recommend permission be granted, subject to a Section 106 and subject to conditions.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details:

As detailed within: Design and Access Statement dated 23.01.2014, Planning Statement dated 23.01.2014, Site Survey dated 23.01.2014, Drawing 1128-CP-1000 A dated 23.01.2014, Location Plan dated 23.01.2014, Email dated 08.02.2014, Email dated 14.02.2014, Schedule MATERIALS dated 08.02.2014, Details 3D VIEWS dated 08.02.2014, Letter dated 20.03.2014, Tree Report

PLUS APPENDICES dated 21.03.2014, Planning Layout 1128-GA-100 D dated 20.03.2014, Section 1128-GA-200 D dated 20.03.2014, Proposed Elevations 1128-GA-300 B dated 20.03.2014, Proposed Floor Plans 1128-GA-400 B dated 20.03.2014, Proposed Elevations 1128-GA-500 A dated 20.03.2014, Proposed Floor Plans 1128-GA-600 B dated 20.03.2014, Floor Plans And Elevations 1128-GA-700 C dated 20.03.2014, Subject to:

- Satisfactory completion of a Section 106 Planning Obligation to secure a contribution of £20,000 towards off site provision for affordable housing.

- The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking 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) Order 1995 (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.

4. No building shall be occupied until the area shown on the submitted plan as turning area 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) Order 1995 (or any order amending, revoking and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

5. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority 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 development hereby approved 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 as part of the landscaping scheme 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 0.5 metres beyond 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 materials 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 the appearance and character of the site and locality.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed

in the first floor flank elevations of Plot 1 (western elevation) and Plot 3 (north elevation) other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties.

- 9 No development shall take place until details of slab, eaves and ridge levels relative to existing ground levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character or amenities of the locality.

- 10 The access drive shall be constructed no steeper than 1 in 10 for the first 1.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, of Part 2 of Schedule 2 of that Order within the area hatched on the plan attached to this decision, unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the character and amenity of the locality.

- 12 No development shall take place until detailed longitudinal sections and cross sections through the two new accesses and driveways have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

Informatives

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Contact: Lucy Harvey