

REPORT SUMMARY

REFERENCE NO - 21/03790/REM		
APPLICATION PROPOSAL Approval of Reserved Matters (appearance, scale and landscaping) (For Plot 1 only) following 20/03281/FULL Variation of Condition 3 (Approved Plans) and Condition 4 (Details) of 19/01801/OUT - Development of site to provide 8 dwellings		
ADDRESS Land North Of 56 Culverden Down Royal Tunbridge Wells Kent TN4 9SG		
RECOMMENDATION to GRANT approval of reserved matters subject to conditions (please refer to section 11.0 of the report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The outline planning permission granted under 19/01801/OUT (as amended by 20/03281/FULL) has agreed the principle and layout of the development for eight custom/'self build' dwellings on this site (<i>Please see Appendix A for details of the most recent outline permission</i>); • The proposal would enable the delivery of a custom/self-build development; • This application seeks approval of the three outstanding reserved matters (Appearance, Landscaping, Scale) as they relate only to Plot 1 within the development; • The design, appearance, use of materials and landscaping are considered appropriate and consistent with the extant outline planning permission; • There would be no adverse impacts upon residential amenity arising from the proposals towards existing dwellings, nor towards Plot 2 which adjoins the application site; • Other relevant issues have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition (either existing conditions on the extant outline permission, or conditions on this current proposal). 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: N/A Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: £178.68 Estimated annual council tax benefit total: £1785.25 Estimated annual business rates benefits for Borough: N/A		
REASON FOR REFERRAL TO COMMITTEE The applicant is a relative of an Officer of the Planning Department		
WARD St Johns	PARISH/TOWN COUNCIL N/A	APPLICANT Mr and Mrs J Baughen AGENT Miss Queenie Cheng

DECISION DUE DATE	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE	
17/01/22	31/12/21	Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
21/03718/REM	Approval of Reserved Matters (appearance, scale and landscaping) (For Plot 8 only) following 20/03281/FULL Variation of Condition 3 (Approved Plans) and Condition 4 (Details) of 19/01801/OUT - Development of site to provide 8 dwellings	Granted	04/01/22
21/00757/REM	Approval of Reserved Matters (Appearance, Landscaping, Scale) (single dwelling on Plot 2 ONLY) following outline permission for 20/03281/FULL - Development of site to provide 8 dwellings	Granted	02/06/21
21/01025/REM	Approval of Reserved Matters (Appearance, Landscaping, Scale) (single dwelling on Plot 3 ONLY) following outline permission for 20/03281/FULL - Development of site to provide 8 dwellings	Granted	24/05/21
20/03281/FULL	Variation of Condition 3 (Approved Plans); Condition 4 (Details) of 19/01801/OUT - Alterations to site layout and submission of a design guide.	Granted	13/01/21
19/01138/LDCEX	Lawful Development Certificate (Existing): Use of Garden Cottage building as a residential dwelling together with associated garden curtilage.	Granted	30/08/19
19/00502/FULL	Erection of 5 dwellings, parking and landscaping	Granted	04/06/19
17/04306/OUT	Outline (Access and layout not reserved) - Erection of 8 No. detached dwellings Refusal reasons: 1) <i>The proposed development would result in the loss and deterioration of an area of designated Ancient Woodland. The proposal would not on balance comprise sustainable development.</i> 2) <i>There is insufficient evidence that the proposal would not have a significantly harmful impact upon protected species, as the additional dormice surveys recommended within the submitted Phase 1 Habitat Survey have not been provided. The proposal would not on balance comprise sustainable development.</i>	Refused	19/10/18

90/00205/FUL	Culverden Down development - Erection of 144 flats (126 retirement), 3 retirement houses with wardens accommodation/office; New access road and associated parking	Refused (appeal dismissed)	30/07/90
87/00269/OUT	Outline (means of access not reserved) - Residential development	Refused (appeal dismissed)	29/12/87

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located to the north-west of Tunbridge Wells. It comprises a small existing dwelling, 54a Culverden Down (aka Garden Cottage) and some 1.6 hectares of associated land. The land mostly consists of a flat landscaped area with some trees. There are artificial terraces along the eastern boundary of the site and there is a concrete pond to the north. Some of this engineering work (along with the trackways within the site itself, an area of hard surfacing on the eastern side and the storage of various materials) was originally unlawful but has gained immunity over the passage of time.
- 1.02 The site is located at the base of a former quarry and accordingly the east and west boundaries of the site are characterised by vertical or near vertical exposed sandstone faces, rising to a height of c.4.5m on the east side and in places up to c.7m on the west.
- 1.03 The site is accessed by two surfaced tracks leading from Culverden Down, which sits at the top of the ridge. The tracks then curve down to the site, one of which also serves the neighbouring properties (Nos.54 & No 56). Sandstone gateposts, on Culverden Down, mark the entry to both accesses (although the easternmost gateposts have recently been re-sited further back into the site). The driveways may have served a former Victorian house/folly, known as 'Culverden Castle' (demolished in 1959).
- 1.04 The site is almost entirely enclosed by surrounding woodland. The woodland to the west and south of the site is Ancient Woodland and is protected by two Tree Preservation Orders.
- 1.05 The site lies within land designated as 'Rural Fringe'. The supporting text to SALP policy AL/GB4 states at 4.22-25 that this site was designated as Rural Fringe in the 2006 Local Plan (Policy RF1) and will continue to be designated as long-term land reserves in the SALP. Although these sites are not considered to have a potential for development within the Plan period, in the longer term it may be appropriate to consider them for development. The Core Strategy Review (Local Plan) was intended reassess the availability and suitability of these three Rural Fringe sites, if required. The Submission Local Plan at Table 7, page 69 confirms the Rural Fringe designation has been removed from this land.
- 1.06 There are Local Wildlife Sites to the east and west - a Site of Local Nature Conservation Value also wraps around the site to the north and west.
- 1.07 The site is bounded to the south by two properties; a redeveloped former stable building (No.56 Culverden Down) on the left, and an early 20th century house (No.54 Culverden Down, known as 'Elysian Fields') on the right. Culverden Football Stadium and Bennett Memorial Diocesan School are to the west.

2.0 PROPOSAL

Background

- 2.01 19/01801/OUT (as amended by 20/03281/FULL) granted outline planning permission for the construction of 8 detached dwellings. Only access and layout were fixed – scale, appearance and landscaping were deferred to the Reserved Matters (RM) stage. The layout indicated a proposed housing mix of 2 x 6-bed dwellings, 4 x 5 bed dwellings and 2 x 3-bed dwellings with parking and private gardens could be accommodated here.
- 2.02 There is a separate extant full planning permission on the site for five dwellings which has not been implemented (ref: 17/04306/OUT) and is unlikely to be given the later permission for eight.
- 2.03 The development is intended for custom or self build individuals, who require the ability to purchase individual serviced plots from the landowner so that they can apply for the RM and build their own houses. The extant Outline permission refers to a design guide and individual 'plot passports' which set out how each of the plots and dwellings could be designed. The landowner will provide site wide infrastructure ranging from drainage, to roads to landscaping and discharge those relevant conditions either in full or in part. The individual is then responsible for discharging planning conditions and RM related to their individual plot. These details would be submitted at a later date by the self-build developer's design partner.
- 2.04 Of the eight permitted plots;
- RM submissions for plots 2,3 and 8 have already been approved (see planning history above), whilst;
 - A RM submission for plot 7 (along with a revised scheme for plot 3) has been submitted and is pending consideration.
- 2.05 Conditions 4 (Ecological Enhancements and Landscape Management Plan, including new road surface materials), 5 (Surface Water Drainage), 6 (Maintenance Scheme for Surface Water Drainage) and 8 (Arboricultural Method Statement and Tree Protection Plan) have also been discharged in respect of the whole site.

Current application

- 2.06 This application seeks approval of the three outstanding reserved matters (Appearance, Landscaping and Scale) as they relate only to Plot 1 within the development. Access from the public highway and the layout of the development were fixed by the outline planning permission.
- 2.07 The outline planning permission has agreed the principle of the development. A reserved matters application deals with some or all of the outstanding details of the outline application proposal. The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission. The submitted Design Guide (approved at outline stage) shows the 'build zone' (maximum footprint of the dwelling) plus the direction of the primary and other elevations, access point and curtilage.

- 2.08 This application only seeks the approval of details for one of the plots (as they are being sold to individual buyers. Planning legislation¹ defines scale, appearance and landscaping as;

“scale” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features’

- 2.09 Plot 1 is shown in the same position as the approved layout plan forming part of the outline permission.
- 2.10 The proposal is for a two storey three bedroomed detached dwelling with gabled ends, orientated on a east-west basis within the approved plot boundaries. External materials are proposed to be black weatherboarding on the first floor and a stock brick on the ground floor, with a composite slate roof. Windows and doors would be anthracite grey coloured UPVC.
- 2.11 The design includes a single storey double garage to attached to the southern elevation, with space for two-three cars on the driveway. A patio area surrounds the building with the rest of the curtilage laid to lawn.
- 2.12 A 1.8m timber closeboard fence would be used on the boundary with No.2, and a 1.2m post and rail fence used elsewhere. A short stretch of Hazel hedge would be planted either side of the access.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	1.58ha (whole site subject to Outline permission)	1.58ha (whole site subject to Outline permission)	

¹ Part 1 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

	0.08ha (Plot 1)	0.08ha (Plot 1)	
Land use(s) including floor area(s)	Extended garden area / nil use	1 x dwelling, on a site with Outline permission for 8 x dwellings	
Car parking spaces	None	3	+3
No. of storeys	Existing dwelling (Garden Cottage) is single storey	2	+2
Max height	N/A	8.36m	+8.36m
Max eaves height	N/A	4.95m	+4.95m
No. of residential units	1 (Garden Cottage)	1 x dwelling, on a site with Outline permission for 8 x dwellings	+1

4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3
- Ancient Woodland + 30M Buffer Area
- Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- Biodiversity Opportunity Areas
- Green Belt boundary is 75m away to the north
- Limits to built development – outside
- Public Access Land Broomhill And Reynolds Lane Pastures
- Site of Local Nature Conservation Value (Reynolds Lane Woodland, Tunbridge Wells - Ref 13).
- Tree Preservation Orders: 002/1988 to the south of the site, 0029/2016 to the west
- Gate piers of local historic interest and therefore are likely to be considered local heritage assets (and non-designated heritage assets in accordance with paragraph 203 and Annex 2 of the NPPF)
- Rural Fringe site (this is a long term land reserve under Policy AL/GB4 of the TW Site Allocations Local Plan (SALP) 2016 for certain areas of land lying on the fringe of the Metropolitan Green Belt)
- Reynolds Lane to the north is a Rural Lane

5.0 POLICY AND OTHER CONSIDERATIONS

In determining this application, the Local Planning Authority had regard to the following:

The National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance (NPPG)

Site Allocations Local Plan Adopted 2016

- Policy AL/STR 1: Limits to Built Development

Tunbridge Wells Borough Core Strategy 2010

- Policy 1: Delivery of Development
- Policy 2: Green Belt
- Policy 3: Transport Infrastructure

- Policy 4: Environment
- Policy 5: Sustainable Design and Construction
- Policy 6: Housing
- Policy 9: Development in Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

- Policy LBD1: Development outside the Limits to Built Development
- Policy EN1: Development Control Criteria
- Policy EN8: Lighting
- Policy EN15: Statutory Local Nature Reserves and other non-statutory Nature Conservation Sites
- Policy EN16: Protection of groundwater and other watercourses
- Policy EN25: Development Control Criteria for all Development proposals affecting the rural landscape
- Policy TP4: Access to the road network
- Policy TP5: Vehicle Parking Standards

Supplementary Planning Documents/Guidance – Rural Lanes SPG, Landscape Character Assessment SPD, Landscape and Nature Conservation SPD, Local Heritage Assets SPD

Other documents:

Kent and Medway Structure Plan 2006 Supplementary Planning Guidance SPG 4: Kent Vehicle Parking Standards (July 2006)

6.0 LOCAL REPRESENTATIONS

- 6.01 Three site notices were displayed close to the application site on 3 December 2021. The application was also advertised in the local press.
- 6.02 No comments have been received in response.

7.0 CONSULTATIONS

KCC Flood and Water Management

- 7.01 **(21/12/21)** - Kent County Council as Lead Local Flood Authority have reviewed the minor change in levels at Plot 1 of the above development and have no objection to the approval of the reserved matters in relation to surface water provision for this site.

Mid Kent Environmental Protection

- 7.02 **(30/12/21)** - MAIN POINTS CONSIDERED: Contaminated land, noise, air quality and Japanese Knotweed.
- 7.03 There are no current issues arising from the main points of consideration. However, there may be an, as yet, undiscovered problem of Japanese Knotweed. Environmental Protection is happy to support the application provided the following recommendation is adhered to.
- 7.04 **RECOMMENDATIONS:**

Recommend that a site survey is completed and if any Japanese Knotweed is found, a specialist company should be engaged who should provide proof of treatment and suitable disposal.

- 7.05 REQUESTED CONDITIONS:
That any reports be submitted to Environmental Protection should Japanese Knotweed be discovered at the site.

8.0 APPLICANT'S SUPPORTING COMMENTS
None submitted

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form

10.0 APPRAISAL

Principle of development

- 10.01 As stated earlier this application seeks approval of the three outstanding reserved matters (Appearance, Landscaping, Scale) as they relate only to Plot 1 within the development. Access from the public highway and the layout of the development were fixed by the extant outline planning permission.
- 10.02 The outline planning permission has agreed the principle of the development. Thus the question of whether the location is suitable for new housing (including use of Rural Fringe land, landscape impact and locational sustainability issues such as the proximity to facilities/school/services) along with matters relating to five year housing land supply are already determined.
- 10.03 There are also other matters such as highway safety, drainage, ecology and Ancient Woodland protection which are wider site issues that fall outside the responsibility of the individual plot owners.
- 10.04 There is a condition which indicates matters to be addressed at RM stage for the individual plots;

(11) The reserved matters relating to each plot shall have regards to the approved design guide, and plot passport unless otherwise agreed in writing. The design shall include details of the following:

- i) Photographic samples of all external materials specified in the approved plans for each plot;*
- ii) Details relating to materials to be used in the construction of all walls, gates and other means of enclosure including alignment, height and depth where applicable within each plot;*
- iii) Details for the storage and screening of refuse for each plot.*
- iv) Photographic samples of all surfacing materials to be used within each plot.*
- v) On-plot soft landscaping. The landscaping works shall be carried out in accordance with an implementation programme approved by the Local Planning Authority.*

Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

The development shall be carried out in accordance with the details to be approved pursuant to condition 1.

Reason: In the interests of visual amenity and of protecting the character and amenities of the locality.

Visual impact/design and landscaping

10.05 The proposal is for a design, plot layout and material choice that is consistent with the approved Design Guide from the outline stage. It was set out in the report to Planning Committee dated 13th January 2021 that;

- The physical character and perceptual qualities of this site strongly contrasts with other land within this sub area (schools and school playing fields);
- As a former quarry, it is well enclosed and very little can be seen in the wider landscape, with some oblique views from Reynolds Lane and the football ground being the main public/semi public views.
- There is no particularly strong design precedent to be followed except that the site does have a rural character.
- The indicative designs and material palette in the Design Guide were supported. The other designs, through their use of materials were considered to reflect the general rural form, colours and materials of the area (with contemporary takes on the designs in some cases).
- The indicative 2.5 storey height overall was considered to be acceptable.

10.06 With this in mind the proposal (through the use of contrasting black weatherboarding and brickwork) that has come forward for Plot 1 is considered acceptable. The height, width and length of the building is not considered to create a cramped, nor an over developed appearance within the site. The scale and appearance is consistent with the previously submitted Design Guide. The garden is considered appropriately sized and the landscaping will help assimilate the development in to its surroundings. The parking area meets KCC standards in terms of number of spaces and their dimensions.

10.07 External lighting is to be separately addressed by condition 10 of the outline permission. A scheme of ecological enhancements for birds and bats (to include bird and bat boxes on/in the dwellings such as Sparrow Terrace boxes and bat tubes) is to be separately secured by condition 4. The proposed landscaping is secured by outline condition 11. The landscaping details include establishment methods.

10.08 Ultimately the design is considered acceptable and consistent with the outline permission.

Residential amenity

10.09 The isolated nature of the development is such that the appearance, scale and landscaping of Plot 1 proposed here would have no impact on any existing dwellings.

- 10.10 The side (east) elevation facing Plot 2 contains an upper floor window serving an en-suite to Bedroom 2 which can be required to be obscure glazed.
- 10.11 Permitted development rights have been removed by condition 12 of the outline permission so new windows cannot be installed; upper floor windows would require planning permission anyway unless they are obscure glazed and cannot be opened below 1.7m from internal floor level.
- 10.12 There would be oblique views from the upper floor on the rear elevation towards the ends of the gardens of Plots 5-6, but the impact would be very limited and is typical of a modern housing development.

Other issues

- 10.13 There would be no additional impacts on trees (either through proximity to the perimeter woodland or the nearest tree specimens on site).
- 10.14 There is no change in the number of dwellings nor in the parking arrangements, and as such no change in highways impacts compared to the outline permission.
- 10.15 The comments of the Environmental Protection team with regards to Japanese Knotweed are noted. However this is not a matter which they have deemed necessary to control by condition on previous applications. The issue will be highlighted by an informative.

11.0 RECOMMENDATION – GRANT subject to the following conditions;

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans (insofar as the details shown relate to the scale, appearance and landscaping of the development):

20/091/100;
20/091/101 Rev A;
20-091 GF Rev D
20-091 FF Rev D
20-091 E1 Rev D
20-091 E2 Rev D
20-091 SEC Rev D
20-091 R Rev D
Plants Palette;
External Materials Samples and Information Plot 1.

Reason: To clarify which plans are approved.

- 2) Before the first occupation of the dwelling hereby permitted the en-suite bathroom windows at first floor level on the side (east) elevation shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and fixed shut except for any top hung light. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of the adjacent dwelling

INFORMATIVES

Planning Committee Report
12 January 2022

- 1) The applicant's attention is drawn to the comments of the Environmental Protection team with regards to possible Japanese Knotweed presence on the site.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Appendix A: Decision notice for outline planning permission 20/03281/FULL dated 13th January 2021