

MC/15/4374

Date Received: 15 December, 2015

Location: 14 Wharf Lane, Cliffe, ME3 7UE

Proposal: Construction of four 4-bedroomed detached dwellings with associated parking

Applicant: C8 Construction

Agent: Mr M Carter Mark Carter Design Design Studio, Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9 March 2016.

Recommendation – Approval, subject to:

- A. The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £894.32 (£223.58 per dwelling) towards Designated Habitats Mitigation;
- B. The following conditions:-
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 053-002B, 3053-003A, 3053-004A, 3053-005A & 3053-006 received on 16 December 2015, 3053-007 received on 21 December 2015 and 3053-001D received on 15 February 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any

pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Tree Protection Plan: WL/TPP/1114-02 and Tree Protection Specification by Sylvan Arb dated 22 December 2015, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 4 Prior to the commencement of the development hereby permitted, a Construction Code of Practice covering noise, dust, air quality, lighting, hours of working, deliveries, vehicle movements and operatives parking, for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved construction code of practice.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any building is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 8 No development above slab level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. The scheme shall include a plan and full details of the species, siting and time of planting of all proposed trees, plants, hedges and shrubs and shall include a landscape buffer along the eastern boundary of the site. 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 completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting 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 Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 A Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The Landscape Management Plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of

the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust)) and of how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site and it shall only be used within the hours approved pursuant to this condition.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE33 and BNE39 of the Medway Local Plan 2003.

- 11 The building shall not be occupied until the area shown on the submitted layout as vehicle parking space and garaging 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 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 and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 12 The first floor windows on the side elevations of each house shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A or Class E of Schedule 2 of that Order.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application site forms part of a large 'L' shaped rear garden to no. 14 Wharf Lane, which abuts the village boundary edge of Cliffe. To the east of the site lies open countryside and agricultural land, whilst to the south are two recently built detached two storey properties (fronting onto Reed Street). To the west and north, there are residential properties, comprising a mix of two storey detached, semi-detached and terraced homes.

The application seeks full planning permission for a residential development comprising four four-bedroom detached dwellings with garages and a new private access road. There are three basic house types: two houses with integral garages measuring approx. 11m wide by 10.5m deep (140 sq. m.); one house with an attached garage measuring approx. 11m wide by 9m (128 sq m) and one house with an attached double garage measuring approx 7.7m wide by 11m deep (140 sq. m.). The houses would be two storeys high with eaves height of approx. 4.3m and a ridge height of 8.5m. It is submitted that the development would be constructed in traditional local stock brickwork with timber cladding and a rendered finish. It is proposed to have plain clay roof tiles with a varied colour.

Site Area/Density

Site Area: 0.22 hectare (0.54 acre)

Site Density: 18.1 dph (7.3 dpa)

Relevant Planning History

MC/14/1626	Outline application with some matters reserved (appearance, landscaping and scale) for residential development comprising seven three-bedroomed dwellings, together with private road access. Refused 07/11/2014
------------	---

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Cliffe and Cliffe Woods Parish Council and the Dickens Country Protection Society have also been consulted.

Cliffe and Cliffe Woods Parish Council has written raising no objection subject to conditions, but raises concern regarding the state of Wharf Lane and the increased pressure that the proposed development would put on the unadopted road. The applicant's agent has assured the Parish Council that surfacing could be provided from the junction with Reed Street, although construction to Highway's standard and subsequent adoption by the Highway Authority may not be justified for a development

of this size. They would seek and assurance that an adequate surface would be provided via condition or S106 agreement.

Dickens Country Protection Society has written raising concern that access to the site is inadequate and that the proposal would still appear to be over-development.

Thirteen letters have been received raising the following objections:

- Backland development;
- Proposed development would be out of character;
- Loss of light;
- Overlooking/loss of privacy;
- Inadequate access;
- Concerns at impact on unadopted road;
- Proposal would result in additional parking on surrounding roads;
- Waste disposal unit will not cope with extra housing;
- Noise and disturbance during construction;
- Impact of additional housing on infrastructure schools;

Eighteen letters have been received making the following comments in support of the proposal:

- There is a desperate need for new housing in Cliffe and proposal would provide housing for people who would like to live there rather than move away;
- Proposal would free up other housing in Cliffe;
- The proposed houses would be in a quiet safe location;
- The proposal would take pressure off surrounding farmland;
- Proposal would generate business for local shops and pubs;
- Proposal would lead to improvements to Wharf Lane;
- The scheme is well designed;
- Site is within village boundary;
- There are numerous other examples of backland development in the area.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

This application has been submitted following the refusal of outline planning permission for seven three-bedroom dwellings on 6 November 2014 (MC/14/1626) on the grounds that:

1 The development, as a result of its scale and location, would result in an over

development of the site and inappropriate backland development which would fail to respect the character and appearance of this part of the village of Cliffe. In terms of the development's visual presence, it would be harmful to the countryside beyond the settlement boundary. The development would be contrary to Policies H9 and BNE1 of the Medway Local Plan 2003, the Medway Landscape Character Assessment and the NPPF.

2 The proposal by virtue of the narrow access and density proposed would result in a form of development that would be harmful to the amenities that occupiers of adjacent properties could reasonably expect to enjoy. As such the proposal is contrary to the provisions of Local Plan Policies H9 and BNE2.

3 The proposal by virtue of the inadequate access does not make satisfactory provision for the collection of refuse and for access by emergency vehicles. As such the proposal is contrary to the provisions of Policies BNE8, H9 and BNE2 of the Medway Local Plan 2003.

In considering the current application, it is necessary to assess the extent to which the reduction in the number of units to four and the consequent changes to the layout address the previous grounds of refusal.

Principle

This site lies within the built confines of Cliffe as defined on the proposals map of the Medway Local Plan 2003. Policy H11 of the Local Plan relates to state that residential development in rural settlements will be restricted to minor development within the confines of the settlement as defined on the proposals map. It is considered that a development of four dwellings would be in accordance with this policy.

Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. It is considered that development in this location would be sustainable and would help to maintain the vitality of the community and as such would comply with Policy BNE1 of the Local Plan and Paragraph 55 of the NPPF.

Policy H9 relates to backland development and states that backland development will be permitted only when it does not constitute piecemeal development that threatens the comprehensive development of a wider area and when:

- (i) There is no loss of privacy from overlooking adjoining houses and/or their back gardens; and*
- (ii) There is acceptable vehicular access; and*
- (iii) There is no significant increase in noise or disturbance to adjacent residents from traffic using the access; and*
- (iv) Existing natural features, such as trees, which contribute to the amenity of the area are retained or conserved; and*
- (v) There is adequate private amenity space for the existing and proposed dwellings; and*
- (vi) The character and amenity of the area as a whole is maintained.*

The proposal will be assessed against each of these criteria, where relevant, below.

Design and appearance

The proposed houses are well designed and the development is acceptable in terms of appearance, detailing and, subject to a condition requiring the submission of samples of materials.

Having regard to the previous refusal of planning permission, it is necessary to assess whether the reduction in the number of units addresses the concerns relating to the scale and location of the proposed development.

When the previous application was considered, the principle concerns were the density of the proposed development in this semi-rural location and its visual impact of the character and appearance of the surrounding countryside. The current proposal, by reducing the number of units from seven to four, has reduced the density of development from 36.4 dph (14.8 dpa) to 18.1 dph (7.3 dpa). This is an improvement and potentially would reduce the impact by increasing the spaciousness of the development, although the dwellings proposed in this application are larger than those previously proposed.

Open countryside and agricultural land lies to the east of the site, which is designated as the North Kent Marshes Special Landscape Area. The site is prominent when viewed from Common Lane, which is the eastern approach to the village. However, the impact is lessened by long rear gardens, currently between 40m and 50m deep. Apart from outbuildings in gardens to the north of the application site, the aspect is generally open. The proposal would leave rear gardens of between 7.5m and 12m deep, bringing the development much closer to the village boundary and thereby significantly increasing the visual impact.

To the south of the site, there is a recently developed plot of land for two detached two storey properties (fronting onto Reed Street), which was allowed at appeal (MC/11/1837). The Inspector disagreed that the proposed dwellings would *'erode this traditional garden area or be harmful in terms of their impact on the open countryside beyond the settlement boundary'* and advised that *'I am not persuaded that a similar hard edge (when comparing with properties along Thatchers Lane to the south) exists to the north of Reed Street. Here the pattern of development is more fragmented, with varied spacing between dwellings and different roof heights. This part of the eastern settlement boundary of the village is experienced in the context of significant tree cover, hedgerows, and many ancillary buildings within the long rear gardens. These factors provide a transition to the open countryside beyond, and soften the impacts of the dwellings fronting Wharf Lane'*.

When the previous application for this site (MC/14/1626) was considered, it was felt that the *'transition to the open countryside beyond'* would be lost, resulting in a hard edge to the eastern boundary of the village, similar to that created by the dwellings in Thatcher's Lane, which the Inspector agreed gave a *'stark and harsh'* appearance. It was considered that a proposed development of seven units would *'jut out'* beyond the natural line of development, despite the two detached units to the south. Although that application was in outline form, an indicative layout was submitted showing a cramped

form of development, which did not respect the character of built form in the area and the adjacent to open countryside. It was considered that the development would erode the soft transition between the built development in Wharf Lane and the open countryside and also fail to maintain the fragmented character and appearance of the development along the eastern section of the village.

The current proposal seeks to address this issue by reducing the number of units and by providing a landscaped buffer along the rear boundary, which would soften the impact when viewed from the Common Lane to the east. There is space and scope for some planting along this boundary, probably in the form of a hedgerow interspersed with appropriate tree species. It is therefore considered that, on balance, the current proposal addresses the objections raised to the previous scheme in so far as the development is at a lower density and there is scope for a landscaped buffer, which, if planted and maintained, would soften the eastern boundary.

To the west of the site, there are three detached houses (10, 12 & 14 Wharf Lane). 10 Wharf Lane is a Grade II Listed Building, but the proposed development would be located to the rear and would not adversely affect its setting.

Accordingly, no objection is raised to the current proposal in terms of the impact on the character and appearance of the area under Policies BNE1 and H9 of the Local Plan and NPPF objectives for good design.

Housing Standards

The DCLG's Technical Housing Standards provides a nationally described space standard. This specifies a minimum gross internal floor area and storage of 124 sq. m. for a two storey, four bedroom, and eight-person house. The proposed houses with gross internal floor area of 128 sq. m. and 140 sq. m. would therefore comply with these standards.

In terms of bedroom sizes, the submitted drawings show bedrooms ranging from 12 sq. m to 20 sq. m (double) and 8 sq. m. single bedrooms. The proposal would therefore comply with the Housing Technical Standards.

Each unit would have private garden space between 8m and 12m deep and between 12 and 15m wide, which is regarded as adequate in terms of external amenity space.

Neighbour Amenity

Impact on 77 and 79 Reed Street: The closest properties to the proposed development would be two houses immediately to the south (77 & 79 Reed Street) which were allowed on appeal (MC/11/1837). These two houses are located either side of the plot, leaving a parking area in the centre. The southern-most house of the proposed development (Plot 4) would be located behind this parking area and not directly behind these two houses. At its closest point the flank wall of the proposed house would be 10.5m from the rear of 77 Reed Street, but for the main part the rear of that property would overlook the front garden, access and parking area. There would be no unacceptable loss out outlook to these two properties as a result of the proposed development.

The only windows proposed in the flank wall of the house on Plot 4 would be two bathroom windows at first floor level. In the event of planning permission being granted, a condition would be imposed requiring these windows to be obscure glazed. A utility room door is shown at ground floor level, but with appropriate boundary treatment this would not result in any unacceptable overlooking. There is potential for overlooking from the rear of 79 Reed Street into the garden of the house on Plot 4 but this could be mitigated by appropriate landscaping/screening.

Impact on 10, 12 and 14 Wharf Lane: There are three properties to the front of the site; 10, 12 & 14 Wharf Lane. The proposed development would face towards the rear of these properties, but would be between 21m and 25m away and would not, therefore result in unacceptable loss of privacy, light or outlook to those properties.

The proposal would result in the loss of most of the large garden area to 14 Wharf Lane. However, the proposal would leave a reasonable level of private amenity space for that property and no objection is raised to this aspect of the scheme.

When the previous application was considered, concern was raised regarding the impact of traffic using the proposed access on 12 and 14 Wharf Lane in terms of noise and disturbance from cars entering and exiting the site. The access road would measure 4m wide with a grassed verge on either side and has been moved slightly further away from no 14 than shown on the previous plan. The current scheme for four units would have less impact on the amenities of the occupiers of these properties than the previous scheme and accordingly no objection is raised in this regard.

In terms of neighbour amenity, therefore, the current scheme is considered to be acceptable and no objection is therefore raised under Policies BNE2 and H9 (i), (iii) and (v) of the Local Plan.

Trees

An Arboricultural Survey has been submitted with the application, which identifies six individual trees and one group of trees on or close to the site. One tree, within the curtilage of 14 Wharf Lane is protected and would not be affected by the proposed development. The remaining trees are considered moderate to poor in quality, although none are proposed to be removed as a result of this proposal. A Tree Protection Plan and Arboricultural Impact Assessment have been submitted. Subject to a condition requiring the implementation of the tree protection measures, no objections are raised in terms of the impact on trees under Policies BNE43 and H9(iv) of the Local Plan.

Land Contamination

While there is possibly no contamination on site, it is recommended that any approval should include a condition advising that if during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. Subject to this condition, the application is considered to be acceptable under Local Plan Policy BNE23 and

Paragraph 120 of the NPPF.

Highways

The Council's adopted Vehicle Parking Standards require the provision of two spaces for dwellings with three or more bedrooms. The submitted drawings shows a single garage with parking in front for the proposed houses on Plots 1, 2 & 3, and a double garage with parking to the side for the proposed house on Plot 4. The proposal would, therefore, comply with these standards and no objection is therefore raised under Policy T13 of the Medway Local Plan 2003.

Wharf Lane is an unadopted road of variable width, but two vehicles are able to pass each other at certain locations. The surfacing is poor and there is some overgrown vegetation on the western side. In light of the additional trips generated by the development, it is considered appropriate for Wharf Lane to be improved between the development site and the junction with Reed Street. There is also scope to implement corner protection parking restrictions in order to improve visibility for vehicles leaving Wharf Lane. It is recommended these details be secured by planning condition. The site is able to accommodate vehicle access, manoeuvring and sufficient car parking. Therefore, subject to appropriate conditions, no objection is raised to the application in respect of Policies H9(ii), T1 and T2 of the Local Plan.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014.

The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has agreed to pay this tariff and have submitted a unilateral undertaking.

No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Waste

Waste and recycling could be collected from within the site.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Approval

The site is within the build confines of Cliffe and therefore the principle of the proposed development is acceptable. The current proposal, which reduces the number of houses from seven to four, with appropriate landscaping, would address the previously raised concerns with regard to the visual impact of the development and the effect on the adjoining countryside. The proposed access is considered to be acceptable for four houses and no objection is raised in this regard. The proposal is acceptable in terms of Housing Design Standards, neighbour amenity, tree retention and protection, parking and bird mitigation. The proposal would, therefore comply with Policies S6, H11, H9, BNE1, BNE2, BNE35, BNE43, T1, T2 and T13 of the Medway Local Plan 2003 and with the NPPF and is therefore recommended for approval.

This application is reported to planning committee for members consideration due to the number of representations received contrary against officer recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>