

MC/17/4131

Date Received: 29 November, 2017

Location: Land Adjacent South View, Sharnal Street, High Halstow,
Rochester, Kent ME3 8QR

Proposal: Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of a detached two-storey dwellinghouse with associated detached garage, parking facilities and hard/soft landscaping

Applicant: Mr Paul Lorriman

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Kent ME5 0AL

Ward Peninsula

Case Officer Robert Neave

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 February 2018.

Recommendation - Refusal

- 1 The proposed development lies within the rural area and a designated Special Landscape Area and fails to demonstrate any recognised rural special needs justification for new residential development in the countryside. The creation of an additional residential curtilage and the erection of a dwelling in this location would be detrimental to the character and appearance of the surrounding countryside and would be in an unsustainable location, a distance away from services and facilities, where future occupants would be heavily reliant on the private car. The proposal would fail to meet the principles for sustainable development as set out in Paragraph 7 the National Planning Policy Framework and is in conflict with Paragraph 55 of the National Planning Policy Framework, and Policies BNE1 and BNE25 of the Medway Local Plan 2003.

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

Proposal

This outline application with some matters reserved (appearance, landscaping, layout and scale) is for the construction of a detached two-storey dwellinghouse with

associated detached garage, parking facilities and hard/soft landscaping.

Site Area/Density

Site area: 0.1211ha (0.299 acres)

Site density: 8.26 dph (3.34 dpa)

Relevant Planning History

MC/17/1304	Outline application with all matters reserved for the construction of a detached four bedroomed dwelling house with garage Decision Refusal Decided 6 June 2017
MC/16/4048	Construction of a dwarf wall with pillars and railings above together with installation of gates to front - Resubmission of MC/15/2610 Decision Approval With Conditions Decided 10 January, 2017
MC/15/2610	Construction of new boundary fence, wall and gate to front Decision Refusal Decided 10 November, 2015
89/0265	Proposed two storey side extension, located to either side of existing house Decision Approval with Conditions Decided 11 May 1989
86/1188	Proposed single storey rear extension and granny annexe to side Decision Approval with Conditions Decided 24 March 1987

Representations

The application has been advertised on site. Consultation letters have been sent to the owners and occupiers of neighbouring properties. **High Halstow Parish Council** has also been consulted.

Three letters have been received in support of the proposed development.

High Halstow Parish Council has raised no objection to the proposed development.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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 is a resubmission of a similar application (MC/17/1304) which was refused on the following grounds;

The proposed development lies within the rural area and a designated Special Landscape Area and fails to demonstrate any recognised rural special needs justification for new residential development in the countryside. The creation of an additional residential curtilage and the erection of a dwelling in this location would be detrimental to the character and appearance of the surrounding countryside and would be in an unsustainable location, a distance away from services and facilities, where future occupants would be heavily reliant on the private car. The proposal would fail to meet the principles for sustainable development as set out in Paragraph 7 the National Planning Policy Framework and is in conflict with Paragraph 55 of the National Planning Policy Framework, and Policies BNE1 and BNE25 of the Medway Local Plan 2003.

This application seeks to address the above reason of refusal by providing further information and justification.

Principle

The site lies within the rural area as defined in the Local Plan. The National Planning Policy Framework (NPPF) advises at Paragraph 55 that *"...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling."*

This paragraph of the NPPF goes on to advise that *"...such a design should:*

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area."*

The NPPF approach, as set out above, is reflective of the Council's existing countryside restraint policy, as set out in policy BNE25 of the Local Plan, which seeks to ensure development maintains, and wherever possible enhances, the character, amenity and functioning of the countryside... and;

- is proposed on a site allocated for that use; or
- relates to development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation); or
- related to the re-use or adaptation of an existing building that is, and would continue to be, in keeping with its surroundings in accordance with Policy BNE27; or
- related to a re-use or redevelopment of the existing built-up area of a redundant institutional complex or other developed land in lawful use; or
- related to the rebuilding of, or modest extension or annex to a dwelling; or
- related to a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity.

In addition to the above, the proposal falls to be considered against the criteria identified under Policy BNE1 (General Principals for Built Development) of the Local Plan. Additionally, the development site lies within a 6km buffer zone of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites where Policy BNE35 (International and National Nature Conservation Sites) of the Local Plan is relevant.

Additionally, Policy BNE1 of the Local Plan indicates a general presumption against permitted new development if it would detract from the existing pleasant appearance and character of an area. The site is not allocated for residential use and it is considered that the siting of the proposed dwelling on this plot, with the sub-division of the plot and the additional residential use and comings and goings that would be associated with a new dwelling, would detract from the countryside character of the area.

The application is for the erection of a new dwelling within the countryside and whilst the applicant has submitted a planning statement that sets out a housing land supply argument, in term of paragraphs 14 and 49 of the NPPF, and noted the "presumption on favour of sustainable development". This revised application has provided further information to justify the application is sustainable. It outlines that "Fenn Garage" is only 70m from the development and a local shop which sells local provisions however it is limited facility. Furthermore the statement outlines that High Halstow Village Centre with local amenities is approx. 1 mile from the site and would be within walking distance. However given that the two routes (Christmas Lane or Britannia Road) do not have a footpath and lack street lighting, it is considered that it is unlikely that trips would be undertaken in this fashion especially during the winter months. On this basis, it is considered that the majority of comings and goings from the proposed dwelling would be by way of private motor vehicle. The development is not considered to be located in a sustainable location as promoted by paragraph 14 of the NPPF.

For this reason, the development proposed is considered to be contrary to these policies, as it does not fall within one of the accepted exception categories of development in the rural area. Accordingly, the proposed development is

unacceptable in land use principle.

Design

Although this application is only for an outline consent with matters relating to appearance, landscaping, layout and scale reserved, the applicant has provided plan to indicate what the potential dwelling would look like within the streetscape. The dwellinghouse would be visible from both the streetscape and the gardens of neighbouring properties. The streetscape consists of a mixture of architectural designs and therefore it is considered that this outline sketch could be considered acceptable within the mixed streetscape.

Residential amenity

Southview, which lies within the land, is controlled by the applicant (i.e. the land outlined in blue on the site location plan) and is situated to the south of the application site. This property is a detached two-storey house with two parts. The South western half of the house is clearly the main element and is gabled north-west/south east. It is constructed from a yellow stock brick at ground level and is clad with a white weatherboarding above. The other portion of the house projects northeast out from the first portion and is clearly a subservient element. This element is still two storeys in height, but effectively is raised up above ground level so you step up to the front door that is level with the ground floor of the other portion of the house, but forms the upper level of this portion of its two storey element. Therefore it appears to be a level below the entrance. This is confirmed by the fact that in the side elevation the windows are below the level of the entrance on the front elevation. These windows look out onto the fence line and will not be overlooked by the proposal. Whilst layout is a reserved matter, the proposed block plan shows some 10m between the side flank wall of the proposed development and the side wall of Southview. With regard to the dwelling located to the north, Ingleside Annex, there is a large conifer hedge retained along the northern boundary between the application site and this property. Beyond the hedge Ingleside Annex has a glazed porch to the side (south facing, elevation which has a balcony/terrace area immediately above, which is accessed via a pair of French doors. The closest point of this dwelling, which is a slightly at an oblique angle, is some 6.5m from the closest part of the proposed development.

Given these distances, it is considered that the development could be designed in such a way as to ensure that proposed dwelling maintains adequate distances to the neighbouring properties to prevent unacceptable loss of amenity to the occupiers of these properties.

Turning to the amenities of future occupiers of the development proposed. The proposed development, if permitted will need to be assessed in terms of the requirements of the Government's Technical Housing Standards, March 2015, at the reserved matters stage, in terms of the internal space standards and adequately meets the external space standards as set out in the Council's Housing Design Standards (Interim) November 2011. Within the Design and Access statement the applicant has indicated that a dwelling of this size would provide a family accommodation with a floor space of:

Ground floor	140.16 sqm
First floor	135.26 sqm
Total	275.42 sqm

This level of accommodation would be acceptable and would meet with the requirements of the Technical Housing Standards.

No noise assessment has been submitted in relation to the impact of the adjacent road on the amenity of future residents. Paragraph 123 of the NPPF advises that: "*Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development*". In the absence of any evidence to the contrary, in the form of a noise survey, the Council has been unable to rule out such an impact or identify any mitigation that may be relevant. However, it is considered likely that if any issues were identified in a survey, that mitigation could be put in place where necessary and therefore that this matter could be addressed by way of a condition if the application was recommended for approval.

Highways

The proposed access to the development site has already been formed by virtue of a previous planning consent and as such it is not considered that its use would be prejudicial to highway safety in the area. It is also considered that there would be sufficient space on site for vehicles to turn within the site and for the required level of on-site car parking to be provided to satisfy the Council's parking standard. No objection is therefore raised on highways grounds in terms of Policies T1, T2 and T13 of the Medway Local Plan, 2003.

Habitat Regulations - 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 officers 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 indicated their willingness to enter into a unilateral undertaking if the application were successful.

Local Finance Considerations

There are none considered relevant to this application.

Other matters

The applicants refer to the matter of the Council's lack of housing land supply and the potential benefits of the proposal in terms of its contribution. However, this consideration does not outweigh the issues identified above or the harm that would result from development in this unsustainable location. The development is contrary to the Council's local plan policies for development in rural areas and the objectives of the NPPF, and there are a number of aspects of the proposed development which would result in potential harm to the area. The proposal therefore would conflict with both National and Local Planning Policy. As such, it is not considered that the housing supply issue raised by the applicant outweighs the harm raised above.

Bearing all of the above in mind, it is clear that the proposal is not located in a sustainable location and fails to meet the criteria as set out in paragraph 55 of the NPPF and policy BNE25 of the Medway Local Plan 2003.

Conclusions and Reasons for Refusal

The principle of a new dwelling on this plot, which is located within the countryside and a Special Landscape Area, is contrary to Policies BNE1 and BNE25, and Paragraphs 7 and 55 of the NPPF. The application is accordingly recommended for refusal.

This application would normally be determined under delegated powers but is being referred for determination by the Planning Committee due to the number of representations which have been received expressing views contrary to the 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/>