

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 Lorrigan

Agent: Mr L Simmons LRD Simmons, RIBA 46 Downsvie Chatham
Kent ME5 0AL

Ward Peninsula

Case Officer Robert Neave

Contact Number 01634 331700

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

Recommendation - Refusal

- 1 The adverse environmental impacts of the proposal would significantly and demonstrably outweigh its modest economic and social benefits. As such, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged. Consequently, the proposal would conflict with national planning policy concerning new housing in the countryside and sustainable development. The proposal is contrary to Policy BNE25 of the Medway Local Plan 2003, and the objectives of Paragraph 55 of the NPPF, in as far as achieving a sustainable development.

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

Proposal

Outline application with some matters reserved (appearance, landscaping, layout and scale) 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

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 planning permission on 6 June 2017, for the reason that:

“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.

The applicant has provided the following further information in support of their application:

Relevant history: the applicant states that the only application submitted for a new dwelling on the site since their occupation, in last 30 years, was submitted in 2017 for the subdivision of the plot. Other applications noted were at The Hollies and not Southview.

Hamlet: The official definition of a Hamlet is a small village, small settlement or group of houses, with a population under a hundred; 20 - 60 being the usual amount. It should have a minimum of 16 dwellings. Sharnal Street, Parbrook Road and Ropers Green Lane combined have **36 dwellings in total**.

Sustainability:

a) F.R. Bradford and Co. Ltd., is 70 metres away. It has; i) Petrol and Diesel fuel service station; ii) Shop selling full provisions including car ancillary spares; iii) M.O.T. testing station; iv) Full vehicle workshop servicing and repairs, which is something even Hoo doesn't possess.

b) Consideration will be given to having a Renewable Heating System, i.e.: Heat Pump, Heat Recovery system and a Biomas or Multiburn Stove.

c) Provision will be made for a charging station to provide for future electric vehicles.

d) Due diligence will be carried out to provide for full wheelchair access and mobility, externally and internally throughout the building.

e) A noise assessment, if required, could be provided. Planting trees and shrubs to reduce traffic noise will also be undertaken, see Dwg No. 1611/SSHH/02

Principle

The application site is currently part of a substantial plot of land located to the east side of Sharnal Street. The site is currently occupied by the main dwelling known as Southview and the proposal is to subdivide the plot along the northern side of the host property. The proposal would involve the demolition of a detached garage and the

creation of new property with associated garage. The site is located in a designated rural countryside location and as such Policy BN25 and H11 of the Medway Local Plan are relevant and Paragraph 55 of the NPPF. This application is largely similar to the previous refused scheme under ref: MC/17/1304 and it is noted that the reason for refusal of that application references the designation of the site as Special Landscape Area. Whilst the main reason for refusal is on the unsustainable location of the site, irrespective of this reference, this current application is still considered to fail on this ground and the applicant has not provided sufficient justification to outweigh this objection.

As a material consideration to this application, there have been two recent appeal decisions regarding new dwellings in rural countryside locations involving the subdivision of plots (The Birches, Ratcliffe Highway and, Ratcliffe House, Ratcliffe Highway). The application at the Birches was refused planning permission (ref: MC/15/3707) in September 2015 and a subsequent appeal was dismissed by the Planning Inspectorate by appeal decision dated 10 June 2016. The Application at Ratcliffe House was refused planning permission (ref. MC/17/0249) in March 2017 and a subsequent appeal was dismissed by the Planning Inspectorate by appeal decision dated 3 November 2017.

On the issue of the provision of new housing in countryside location, the Inspector comments on the Ratcliffe House appeal statement are relevant particularly paragraphs 3 to 8, which provides a land use principle consideration that is material to the proposed development being considered under this application.

3. The proposal is to sub-divide the existing residential curtilage to create an additional plot for a new dwelling. The appeal site is within a small nucleus of development outside of any settlement and there are other scattered properties nearby. The wider surrounding area is unmistakably rural with an open landscape which is lightly settled and mainly agricultural in nature.

4. As it would be situated between existing dwellings the new house would not encroach into the countryside. However, Policy H11 of the Medway Local Plan provides that housing development in the rural area will generally be restricted to minor development within the confines of certain listed settlements. The proposal would not accord with these provisions which are intended to prevent sporadic development.

5. Furthermore, Policy BNE25 of the Local Plan indicates that development in the countryside will only be permitted in certain circumstances. None of the types of development specified at criteria (ii) to (vii) apply in this case. There is a bus stop a short way to the north at Barn Street Cottages. Three of the 4 services using it are irregular. The fourth provides a link to the Medway towns on, at best, an hourly basis. Whilst offering future occupiers some choice of means of travel, the bus service and the scope for coach travel to London are not so convenient that the site can be described as well-connected.

6. The lack of footpaths and the distance to the closest convenience store as well as the limited availability of public transport mean that there would be likely to be a daily reliance on the use of private vehicles. As the development does not offer a realistic

chance of access by a range of transport modes it would conflict with criterion (i) of Policy BNE25. This aims to focus new development in or near to local service centres and identifies Hoo St Werburgh as the preferred location for a significant increase in rural housing.

7. The Local Plan dates from 2003 but the weight to be given to it does not hinge on its age. Rather paragraph 215 of the Framework makes it clear that weight should be given to existing policies according to their degree of consistency with the Framework. In this regard the countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework and new isolated homes in the countryside should be avoided. The Framework also seeks to make the fullest possible use of public transport, walking and cycling. Even taking account of the objective of boosting significantly the supply of housing and the position in Medway, the conflict between the proposal and Policies H11 and BNE25 should be given significant weight in this appeal.

8. Therefore, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged.

In terms of this application, the applicant has provided further information to justify the reason for refusal on the unsustainable location of the application site. The statement provides justification on the basis that there is a convenient store in the petrol station "Fenn Garage" which is 70m from the application site which stocks provisions suitable to meet the future occupant's daily needs.

It is considered that this type of convenient store is associated with a petrol filling station and cannot provide a good level of service for a residential daily need.

The support statement submitted outlines that High Halstow Village centre with more convenient stores, a local post office and other 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 clear footpaths and lack street lighting. The lack of clear footpaths and the distance to the village centre as well as the limited availability of public transport mean that there would be likely to be a daily reliance on the use of private vehicles. As the development does not offer a realistic chance of access by a range of transport modes it would conflict with criterion (i) of Policy BNE25.

The applicant has also outlined within the statement the potential benefits of the proposal in terms of its contribution supporting local facilities. 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. The proposal would, therefore, conflict with both National and Local Planning Policy.

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As such, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged.

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 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 a development of this design could fit well within the architecture and as such is considered acceptable.

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.

Conclusions and Reasons for Refusal

On balance, the adverse environmental impacts of the proposal would significantly and demonstrably outweigh its modest economic and social benefits. As such, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged. Consequently, the proposal would conflict with national planning policy concerning new housing in the countryside and sustainable development.

This proposal is contrary to Policy BNE25 of the Medway Local Plan 2003, and the objectives of Paragraph 55 of the NPPF in achieving sustainable development.

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/>