

MC/17/3572

Date Received: 17 October, 2017

Location: Land West Of Merryboys Farm House, Cooling Common, Cliffe Woods

Proposal: Outline application for six self-build detached houses with all matters reserved except access and landscaping

Applicant: Classicus Estates

Agent: Mr Jonathan Buckwell DHA Planning Eclipse house Eclipse House Eclipse Park Sittingbourne Road, Maidstone ME14 3EN

Ward Strood Rural

Case Officer Katherine Parkin

Contact Number 01634 331700

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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 11 April 2018.**

**Recommendation: Approval subject to:**

A) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure

- i. £223.58 per new dwelling towards Designated Habitats Mitigation.
- ii. A commitment to make the development plots available only as self-build plots.

B) And the following conditions:

- 1 Approval of the details of the layout, scale and appearance of the buildings (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. The reserved matters must be in accordance with the Local Authority's design policies and be reflective of the local landscape.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be

carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 17/35/11 Rev. A and for the purposes of the access only drawing number 17/35/SK09 received 17 October 2017; and drawing number tr-1360-17 received 15 January 2018.

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

- 5 No part of the development shall take place until a Design Code applicable to the whole of the application site has been submitted to and approved in writing by the Local Planning Authority. The design code shall include details of maximum square footage of dwellings, building heights, amount of garden and hard landscape space within building plots, materials, surface treatments and parking arrangements. Each reserved matters application submitted in pursuance of this permission shall include statements of conformity with the approved Design Code at the date of submission of the relevant reserved matters application.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of each dwellinghouse herein approved a plan indicating the positions, design, materials and type of boundary treatment to be erected to serve the relevant dwelling shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the relevant dwelling is first occupied and shall thereafter be retained.

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 The scheme of landscaping outside each house plot shown on the approved plans shall be carried out in the first planting season following occupation of the dwelling or the 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.

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.

- 8 A landscape management plan, including 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 any part of the development. The landscape management plan shall be implemented in accordance with the approved details.

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.

- 9 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 each 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 approved plans and particulars 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.

- 10 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the Council's Interim Residential Parking Standards (as amended). None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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.

- 11 Prior to the occupation of the first dwelling on site, the vehicular access shall be constructed in accordance with the approved plans, including sightlines of 48 metres and 51 metres and the localised widening of the existing carriageway to 4.8 metres.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 12 No development shall take place above slab level until details of the surfacing and drainage of the vehicle access has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the access is brought into use and shall be so retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and highway safety in accordance with Policies T1 and CF12 of the Medway Local Plan 2003.

- 13 No development shall take place above slab level until servicing has been put in place for each plot, providing access to a public highway and connections for electricity, water and waste water. This shall remain in place until the occupation of the final unit.

Reason: In order to provide amenities in accordance with Policies BNE2 and CF12 of the Medway Local Plan 2003.

- 14 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; use of odourless paints for any hoardings; pollution incident control and site contact details in

case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: In order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 15 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.

- 16 Prior to the installation of any external lighting on the site, including for each individual plot, a lighting design strategy for the site boundaries and for each plot should be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following details:

- height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans);
- demonstration of the effect on the rural landscape;
- identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- how and where external lighting will be installed so that it can be clearly demonstrated that the areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In order to limit the impact of the lighting on the the surrounding landscape and wildlife with regard to Policies BNE1, BNE5, BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 No development and no site clearance shall take place until a scheme of reasonable avoidance measures for reptiles and amphibians on site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following measures:

- Any cutting of the vegetation, including vegetation and removal of debris (if any) along the margins of the boundaries of the development site, should be undertaken during the active season for reptiles and amphibians (April to early October inclusive) in any given year.

- Immediate maintenance of low vegetation cover (max. 10cm) on site from the start and until the end of development works to prevent the works area becoming suitable for reptiles. To enable reptiles to relocate to surrounding habitats, the vegetation will be cut using hand tools only (strimmer and brush cutters are acceptable).
- Heras fencing should be set up 3m from the hedge/thicket along the development site boundaries with vegetation between the hedge and temporary fencing maintained short (as per description above)
- If any reptiles are observed during development, works must stop immediately and the applicant must contact their ecologist for further advice.

The development shall be implemented in accordance with the approved details.

Reason: To ensure no harm occurs to reptiles in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 18 No development shall take place until a biodiversity management plan including all details of soft landscaping and other ecological enhancements outlined in the Ecological Scoping Report (June 2017) has been submitted to and approved in writing by the Local Planning Authority. All mitigation/enhancement measures shall be undertaken in accordance with the approved plan.

Reason: In order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 19 The plot(s) must be marketed to self/custom builders for a minimum period of 12 months to the satisfaction of the Local Planning Authority before any consideration is given to revert to open market sale/to be developed by the land owner/developer.

Reason: To take account of the self-build nature of the submitted application and to regulate and control any subsequent development of the site in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 20 For each reserved matters application relating to an individual plot, evidence should be provided from the person(s) purchasing the plot to prove they have had primary input into the final design and layout of their home. This evidence shall be submitted to the Local Planning Authority as part of the reserved matters application.

Reason: To take account of the self-build nature of the application in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, B, C

and E of that Order unless planning permission has been granted on an application relating thereto.

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.

## **Proposal**

This is an outline application for six self-build detached houses with all matters reserved except access and landscaping.

Indicative plans have been submitted that show how 6 detached, 4- and 5-bedroom houses could fit within the site. The dwellings are proposed as self-build plots, all of similar size to be located within a new cul-de-sac accessed off Cooling Common. Initially the application was submitted as a full application, with highly detailed building designs but it was considered that due to the intended self-build nature of the development, an outline application would be preferable in order to provide the opportunity for self-builders to come forward with individual building designs and identities.

Vehicular access in the form of a priority junction would be via Cooling Common, which is a rural lane. The road width along the site access is proposed to be widened to 4.8m (it currently varies between approx. 3.5m and approx. 4.7m). A visibility splay of 48m and 51m is proposed, which has been informed by speed surveys undertaken on Cooling Common.

Pedestrian access to and within the site would be provided from the private access driveway into the site, and via private footpaths to the front and rear of each property. As the site is flat there is no need for any level changes.

Swept path analysis has been provided for fire and refuse vehicles. The applicant has also proposed to move the 30mph speed restriction approximately 180m to the east, to slow vehicles down as they enter a more residential area, though this would not necessarily be on land within their control.

The landscaping details include a resin-bonded gravel finish to the internal access road and driveways. Enhanced hedge planting around the site would use native stock to compliment adjacent boundary features, including hazel, hawthorn, blackthorn, field maple, oak, dog rose, holly, silver birch, guelder rose, honbeam and himalayan birch. There would be new tree planting and new hedgerows all around the site boundaries.

## **Site Area/Density**

Site Area: 0.57 hectares (2.47 acres)

Site Density: 10.53 dph (2.43 dpa)

## **Relevant Planning History**

There is no recent relevant planning history on the application site itself. However, the

following planning history on land south of Merryboys Road must be noted:

MC/17/0962	Construction of eleven detached and two semi-detached dwellings with associated parking Decision Approval with conditions Decided 17/08/2017
MC/15/0504	Outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for the construction of 9 detached houses with detached garages and outbuilding Decision Approval with conditions Decided 26/10/2015
MC/00/0894	Outline application for the erection of nine dwellings Decision Refused Decided 02/08/2000

## **Representations**

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

KCC Ecology and Cliffe and Cliffe Woods Parish Council have also been consulted.

**Ten** letters have been received from neighbouring properties raising the following objections:

- This quiet country road will be opened up to more traffic and more people.
- Road will be less safe for walkers, cyclists and horse riders.
- Dangerous to build near a junction.
- Road is not wide enough to accommodate more traffic; there are already limited parking spaces at peak times, and much congestion, and this pressure will worsen with visitors/tradesmen, so road will become even more hazardous. There have been many accidents over the years (including vehicles ending up in roadside ditch), which will be exacerbated with the development.
- No parking space for visitors.
- There should be a lay-by installed where delivery vans, etc. can park.
- Current building site down the road is causing serious problems on road from road closures, congestion and accidents.
- How will emergency services get through? Access is already restricted.
- No street lighting makes road dangerous already; this will increase risk of accidents.
- Land is beyond village boundary
- No need to keep building on the open countryside. Landscape will be destroyed, affecting quality of life.
- Not in keeping to build more houses
- Building site further down the road was originally a self-build project and there are now 13 houses on it



- How can the land be classed as unproductive as it has served as really good grazing for horses for decades?
- Wildlife will disappear
- Development will add more noise to the neighbourhood
- Development will lead to too much pressure on infrastructure: drainage, NHS, schools, shops.
- Fumes (including from paint on hoardings) and pollution (which affect asthmatics) from building site down the road will be made worse by this development
- Internet service is already dire and will be made worse, affecting quality of life.

**One** letter of support has been received with the following comments:

- A beautiful, spacious, and well thought out development of luxury houses that is in keeping with the area, with plenty of parking and good access.

**Cliffe and Cliffe Woods Parish Council** are concerned, although the plans show how the dwellings can be accommodated, the site lies outside the village boundary. The road is narrow and used by horses, walkers and cyclists. There is a concern about setting a precedent for further ribbon development along Cooling Common and the affect it will have on the landscape in that location.

**KCC Ecology** are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development might have on any protected species or sites. The site is predominantly horse-grazing and as such has limited potential to have any significant impacts upon biodiversity. Appropriate conditions are recommended if planning permission is granted.

Additional letter of representation has been received raising the following:

- Do not want development to go ahead but if it does could it be started after the development down the road has finished as they will be otherwise be living between two building sites.

## **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 (NPPF) 2012 and are considered to conform.

## **Planning Appraisal**

### *Background*

As can be seen from the planning history, on a site to the west of the application site (address given as: land south of Merryboys Road) an outline application with some matters reserved for the construction of 9 detached houses with detached garages and outbuilding was granted under reference MC/15/0504. This proposal sought planning approval for the purpose of offering self-build plots for individual developers or members of the public. The principle of that application was accepted for the

following reason:

*The application site is outside the current village boundary of Cliffe Woods (identified in the Local Plan). However, this is not sufficient reason enough to warrant refusal given the Council's position with regard to the five year housing supply. The principle of development is accepted as the impact of the development in landscape quality terms is limited and the scheme is supported by the NPPF in terms of sustainability. Whilst matters relating to design, appearance and layout are reserved for consideration at a later date, the proposed scheme would enable a good quality housing development, with acceptable levels of amenity.*

Subsequently, under full application MC/17/0962, the construction of eleven detached and two semi-detached dwellings was also granted for the site, and is now under construction. The current application proposes a similar development to the first approved scheme.

### *Principle*

The starting point for the consideration of this application is whether the principle of development in this location is acceptable. The first issue to consider is the fact that the application site lies outside the village boundary of Cliffe Woods, as defined on the proposals map of the Local Plan, and is therefore within the open countryside.

The Council acknowledges that it does not currently possess a 5 year land supply for housing. Due to this lack of supply paragraph 49 of the NPPF is engaged, which states that relevant housing supply policies should not be considered up-to-date if a 5 year housing land supply cannot be demonstrated. Therefore paragraph 14 of the NPPF is applicable, which asserts that there is a presumption in favour of sustainable development in decision-taking, and requires that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The relevant housing supply policy in the Local Plan is Policy H11, which concerns restricting housing development within rural settlements. As a result of paragraph 49 of the NPPF, in determining the current application, reliance on this housing policy and its reference to resisting housing outside village and urban boundaries, would be unlikely to be upheld at appeal.

The site at land south of Merryboys Road must also be taken into account in assessing this application, in that it is also land that is outside the village boundary. It must be noted that there have been no significant policy changes since that planning permission was granted and therefore, similar considerations apply in this circumstance.

Due to the lack of a 5 year land supply of housing, and given that the presumption in favour of development set out in Paragraph 14 of the NPPF applies to "sustainable" development, it is necessary to consider whether this proposal is a sustainable development, and to also consider the impact of the development on the character of the area and the importance of the site in landscape terms. The NPPF definition at

Paragraph 7 refers to sustainable development having an economic, a social and an environmental role, and at Paragraph 8 states that to be sustainable, development should achieve gains "jointly and simultaneously" in all three of these areas.

Socially, there are benefits from the scheme through the provision of housing to help meet the 5 year supply, and the close proximity of the site to local services and facilities within a suitable 800m walking distance. Economically, the site would boost the local economy during construction and provide jobs in this regard in the short-term. The site is near to transport links that allow for access to sources of long-term employment, and therefore, as it is sustainably located, it will help provide the increased workforce that enables continued economic growth in the longer term.

Environmentally, the applicant has submitted surveys and reports to cover ecological matters and these are considered in detail below but they are generally acceptable, and the ecological enhancements suggested, including the retention, enhancement and creation of boundary hedgerows, would be beneficial in terms of environmental gains from development. The site is not located within any protected sites; Chattenden Woods and Lodge Hill SSSI and an Ancient Woodland are located over 200m away across the fields to the south. The site is bordered on two sides by housing; Merry Boys Farm House to the east, and Merry Boys Cottages and Merry Boys Lodge to the west, beyond which is the new housing development and the village itself. The landscape value of the site is therefore limited by these immediate surroundings and in some respects, as a result of its surroundings, the site could be considered an infill site. Overall, due to the limited landscape value, it is considered that the environmental impact is acceptable.

Whilst the proposed development would result in further suburbanisation of the road, it is considered that in principle development here would not cause sufficient harm to the wider character and functioning of the countryside to outweigh the presumption in favour of this sustainable development.

The nature of the proposed scheme as a self-build project must also be considered. Self-build is defined as when someone gets involved in, or manages the construction of their new home (see definition from NaCSBA). The Department for Communities and Local Government (DCLG) published the Housing White Paper, *Fixing Our Broken Housing Market* in February 2017, which asserts it 'will make it easier for people who want to build their own homes' (p.14). The White Paper makes it clear that custom and self-build is an important part of the Government's strategy to solve the housing crisis. As a result, Local Planning Authorities will be expected to have policies that support the development of small 'windfall' sites that are not allocated in plans, and they will be expected to identify opportunities for villages to thrive, especially where this would support local services and meet the need for local homes for local people. The White Paper also commits to promoting the Right to Build portal from the National Custom and Self Build Association (NaCSBA), so that anyone wanting to build their own home can easily find the Local Authority register in their area.

In terms of Medway's Self Build Register, the level of demand is monitored via annual base years. To date, there have been 3 base years and the following demand has been established:

- Base Period 1 - 15 individuals
- Base Period 2 - 39 individuals
- Base Period 3 - 2 applicants (to date).

These figures indicate there is a clear demand for self-build plots in Medway and together with the impetus from the Government for the type of self-build development that is proposed under this application, this is a development that should be encouraged. The applicant is committed to ensuring the self-build nature of the scheme, and has incorporated this commitment into a Unilateral Undertaking.

Therefore the principle of new housing as set out above is generally acceptable and is in accordance with Paragraphs 7, 8, 14, and 49 of the NPPF and the Housing White Paper, subject to the consideration of the detailed matters set out below.

### *Design*

Development Plan policy places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. Paragraph 57 of the NPPF promotes the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces. Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

As appearance is a reserved matter, and as this is a self-build application, the development provides a real opportunity for exceptional, innovative and high quality design. The Design and Access Statement refers to each dwelling being to a bespoke design to create properties where the the self builder achieves an individual identity to their home.

The surrounding area contains a mix of house types and design; there are properties with dark stained and white weatherboarding, as well as tile hanging and render. The indicative plans for the proposed development are highly detailed, and show a more traditional house design to the front of the plot and barn-style dwellings to the rear, with full height glazing and oak frames. The indicative dwelling sizes would be 250sq m, and are shown as generally two storey, with single storey elements and catslide roofs. The scheme looks to use recognisable Kentish vernacular materials, including clay plain tiles, tile hanging, red multi-brickwork, oak frame joinery and dark stain weatherboarding. Such design features are appropriate to the rural fringe location. However, it may be preferable to increase the amount of green space around the houses, by reducing the amount hard areas and considering house configurations, which would improve the sense of spaciousness around the site, more appropriate to the location.

A design code is considered important for this scheme to ensure there are enough controls to prevent the proposed architectural style from being 'dumbed down' and to ensure that the scheme adheres to the rural attitude that it seeks to reflect. Additionally, as a self-build scheme, the self-builder must be able to have control over the design of the house. The design code will therefore need to be carefully planned, as it has to articulate the design principles and materials, without being too

prescriptive about the actual houses to be built. The indicative design of the houses could demonstrate the design potential that is embedded in the principles set in stone by the code. The issue of amount of garden space relative to the proposed built/hard area on any one plot is also important to get right within the design code, as it will set the tone for the spatiality of the site and avoid a feeling of overdevelopment, which rural fringe sites should not exhibit.

It is recognised that the submitted plans are only indicative, but subject to a design code condition, overall it is considered that the layout, scale and appearance of 6 dwellings on this site could be developed to complement the site and surrounding area in general. However, these issues would be properly considered at reserved matters stage.

In terms of the landscaping around each plot, a green pedestrian verge would be retained along the site frontage, in keeping with the rural character of the lane. The use of resin-bonded gravel for the access road is high quality and soft in appearance. As there would be space retained around and between the houses, and through the middle of the plot, views through the site should be maintained. The proposed tree and hedge planting around the site will complement adjacent boundary features and would be in keeping with the character of the area. Boundary treatment will be important and should be conditioned; there should be no hard boundary treatments on a rural site such as this.

In principle, the design and impact of the proposed scheme upon the character and appearance of the area is considered to be acceptable and in accordance with paragraphs 56 and 57 of the NPPF and Policy BNE1 of the Local Plan.

### *Amenity*

One of the core planning principles of the NPPF at paragraph 17 is to seek a good standard of amenity for all existing and future occupiers of land and buildings. This is reflected in Local Plan Policy BNE2, which states all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

The proposal will clearly change the present situation at the site with regard to increased noise, disturbance, traffic and activity levels. However, the number of units proposed is not considered excessive or an overdevelopment of the site, and the proposed dwellings would be well-separated from neighbours (approx. 5m minimum from the site boundary), which would negate any impact. The proposed residential use of the site would be in keeping with surrounding residential uses. It is recognised there are likely to be issues during construction; these are discussed below.

With regard to the impact on neighbours, the proposed house that would be closest to a neighbouring property at No. 4 Merry Boys Cottages, is indicated to be approx. 5m away from the shared boundary with this property, and it is therefore considered that the privacy and light benefitting No. 4 are not likely to be significantly affected. Privacy for neighbouring properties can be further protected through the detailed design of the

proposed dwellings and positioning of habitable and non-habitable rooms and windows, and conditioned as necessary at reserved matters stage. Boundary treatment and screening would also help.

With regard to the amenities of future occupants of the development site itself, the detailed design of the proposed dwellings would need to pay regard to the Technical Housing Standards - nationally described space standard (2015). Due to the sizes of the indicative houses, they would all be well above the minimum standards for 4 and 5 bedroom houses, and gardens would be generously sized. Consideration should be given to the need to create sufficient privacy within the proposed gardens. It is considered that careful design and boundary treatment could provide a satisfactory scheme in this respect.

On the whole, it is considered that the design of 6 dwellings on this site could be developed to protect the amenities of existing and future occupiers. However, this is an issue that would be properly considered at reserved matters stage. In principle, it is considered that the impact on amenities is acceptable and in accordance with Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

### *Highways*

The development would generate a small number of vehicle movements during the peak hours 0800-0900 and 1800-1900 (3 movements during either peak hour). This would have a minimal impact on highway capacity and safety on the local network, subject to the provision of a suitable access. It is proposed to widen Cooling Common in the vicinity of the proposed access, which would benefit existing traffic and vehicles leaving the site and tie in with the carriageway width to the west. The visibility from the proposed access has been calculated on the basis of a speed survey. The distances of the visibility splay accords with guidance and is acceptable.

The application indicates that it would be appropriate to reposition the existing speed limit terminals to the west, ensuring that the development would fall within a 30mph zone. Whilst the principle of this is considered acceptable, it is noted that the existing terminals are sighted within verge areas that do appear to be part of the public highway, and it is not clear if the new position would be on land under the control of the applicant (the northern side of the carriageway in particular), and therefore the means to secure this through the planning process is not considered appropriate; it can be achieved directly through the Council's Highways Team. As this is a matter that, whilst beneficial, would not be problematic if it cannot be achieved, it is therefore preferable to add an informative about the commitment to reposition the signs.

Preliminary discussions with the Council's Adoptions Manager have taken place, with a view to implementing the access through a Section 278 letter agreement. This process provides assurance that the access would be constructed in accordance with local standards. Notwithstanding this, a condition is recommended to secure the provision of the access, including sightlines of 48 metres and 51 metres and a localised widening of the existing carriageway to 4.8 metres. As it is proposed to offer individual parcels of land to private individuals as 'self-builds' it is recommended the access be provided prior to occupation of the first dwelling on the site.

There would be sufficient turning space on the site for vehicles to enter, manoeuvre and exit in a forward facing direction. The proposed layout allows for refuse and fire vehicles to safely enter and exit the site. The indicative parking provision also demonstrates that proposed parking levels would be in accordance with Medway Council's Interim Residential Parking Standards, namely 2 spaces per dwelling for 3 and 4 bedroom homes.

In terms of pedestrian access, provision is considered to be acceptable within the site, and whilst there is no footpath proposed along the road, this is considered appropriate on this part of what is rural lane; a footpath here would urbanise the character of the road and would not be able to naturally link in to other footpaths further along the road.

On the basis of the above, the proposal is considered to be acceptable and in accordance with the provisions of Policies T1, T2 and T13 of the Local Plan.

### *Contamination*

The environmental health issue associated with the application relates to land contamination. There are no objections to the proposal on these grounds, although the submitted desk study suggests that further intrusive contamination tests are conducted should made ground be encountered during site surveys, and therefore a condition for the submission of a method statement for any contamination found that has not been previously identified, should be imposed. Subject to this, the proposal is considered to be in accordance with the provisions of Paragraph 120 of the NPPF and Policy BNE23 of the Local Plan.

### *Construction*

The neighbour objections received are particularly concerned with the impact of the development during the construction phase, particularly traffic and congestion, noise, and fumes (from paint) and pollution. A Construction Environmental Management Plan (CEMP) should be a condition of any planning permission, to include hours of construction working, including delivery/collection times, measures to prevent vehicles from idling when not in use/waiting, measures to control noise, a parking plan for associated vehicles, wheel cleaning/chassis cleaning facilities, dust control measures, use of odourless paints for any hoardings, pollution incident control and site contact details in case of complaints. On this basis, the proposal is considered to be in accordance with the provisions of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

### *Ecology*

Paragraph 118 of the NPPF expects local authorities to conserve and enhance biodiversity. Policy BNE37 of the Local Plan relates to the protection of wildlife habitats, and Policy BNE39 concerns protected species.

An Ecological Scoping Report dated June 2017 has been submitted with the application, together with bird, bat and protected species information. The report states that the site comprises homogenous, species-poor semi-improved grassland, with a thicket of bramble and straggly hedgerow bushes to the western boundary. The

site was found to be of low conservation value. Small numbers of protected species could be present in suitable habitat around the boundaries and measures to avoid harm to these species in these boundary habitats, protect them and create additional habitats in the form of additional and enhanced hedge lines would be appropriate and beneficial. This would also increase plant and wildlife diversity.

The conclusions of the report are acceptable in relation to any impacts the development may have on protected species or sites. The site is predominantly horse grazing, and as such, the development has limited potential to have any significant impacts upon biodiversity. No additional ecological information was required but the proposed detailed mitigation/enhancement requirements must be submitted/implemented as a condition of planning permission if granted. The ecological enhancements suggested in the report are welcomed and a condition is recommended for a biodiversity management plan to be submitted. Conditions are also recommended relating to lights, reptile and amphibian avoidance measures, together with an informative regarding breeding birds.

The proposed development is also approx. 230 metres away from the Chattenden Woods and Lodge Hill SSSI and an Ancient Woodland. The proposed development is small and it is considered unlikely that it will have a negative impact on the designated sites. However, to avoid any negative impact of the construction of the proposed development on the designated sites through an increase in dust and noise, it is advised that the Construction Environmental Management Plan incorporates measures to minimise/avoid impacts to the designated sites during construction.

On the basis of the above, the application is considered acceptable in terms of its nature conservation impact, under the provisions of Paragraph 118 of the NPPF and Policies BNE37 and BNE39 of the Local Plan.

### *Bird Mitigation*

As the application site is within 5km of the Medway Estuary & Marshes SPA, Ramsar and SSSI and 2km of the Thames Estuary & Marshes SPA, Ramsar and SSSI, though small, the proposed development is likely to have an 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's 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 applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests for the reasons explained in the previous section.

The only other matter concerning s106 relates to an obligation for the development to be self build. The applicant has agreed to the inclusion of such an obligation to ensure the development is delivered in this manner.

### *Local Finance Considerations*

There are no local finance considerations relevant to this development.

## **Conclusions and Reasons for Approval**

It is considered that the proposed development is acceptable in principle, in that whilst it is outside the boundary of Cliffe Woods, the impact of the development in landscape quality terms is limited and the scheme is supported by the NPPF in terms of its sustainability, and in terms of the Housing White Paper and the need for self-build developments. Whilst matters relating to scale, appearance and layout are reserved for consideration at a later date, overall it is considered that in relation to design, amenities, parking and highway safety, the scheme is acceptable and will provide a high-quality, self-build housing development that will help meet a need in the area. Matters relating to ecology and construction can be appropriately controlled. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 7, 8, 14, 17, 49, 56, 57, 109, 118 and 120 of the National Planning Policy Framework, and Policies S6, BNE1, BNE2, BNE23, BNE35, BNE37, BNE39, T1, T2 and T13 of the Medway Local Plan 2003. Therefore the application is recommended for approval subject to conditions.

The application would normally fall under delegated powers for determination, but is being reported to Committee due to the number of representations received expressing a view contrary to officer recommendation.

This application was reported to Planning Committee on 14 March 2018 but was deferred in order to clarify the involvement (if any) of a Councillor. The applicant has since confirmed that while he spoke to the Councillor concerned at a business lunch,

that Councillor has no interest in the applicants company, has no financial interest in the site and if approved, the plots will be advertised for sale on the open market.

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## **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/>