

MC/19/0658

Date Received: 13 March 2019

Location: Land West Of Merryboys Farm House Cooling Common Cliffe Woods ME3 7TP

Proposal: Application for approval of reserved matters being appearance, layout and scale for Plot 2 pursuant to planning permission MC/17/3572 - Outline application for six self-build detached houses with all matters reserved except access and landscaping

Applicant Mr & Miss M & L Mr M Wheeler & Miss L Thompson

Agent Taylor Roberts Ltd  
Miss Nicola Harvey 2 Dane John  
Watling Street  
Canterbury  
CT1 2QU

Ward: Strood Rural Ward

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 21st August 2019.**

**Recommendation - Approval with 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:

Drawing numbers: 19/04/04 Rev. P2, 19/04/05 Rev. P2, and 19/04/06 Rev. P1 received on 31 May 2019.

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally, including doors and windows, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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.

- 4 The first floor windows on the northern flank elevation 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 completed before the room it serves is occupied and shall be retained 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.

- 5 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 Schedule 2, Part 1, Classes A to 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 visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 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) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 Policy BNE2 of the Medway Local Plan 2003.

- 7 The areas shown within the front garden for soft landscaping shall be kept available as such 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.

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 Prior to the first occupation of the dwelling herein approved, details of all external hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 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**

This is an application for the approval of reserved matters being appearance, layout and scale for Plot 2 pursuant to planning permission MC/17/3572 - Outline application for six self-build detached houses with all matters reserved except access and landscaping.

Plot 2 would be located in the centre of the outline application site, on the western side, reached via the approved central access. The proposed dwelling would be a detached, 4 bedroom property in a barn style, with a detached garage.

The dwelling would be approximately 13 wide, between 7.1m and 16.8m deep, and 8.5m high to the top of the pitch. The house would comprise a hallway, WC, study, utility, open plan kitchen/dining/family room, and living room on the ground floor and four bedrooms, two en-suites, a walk-in wardrobe, and family bathroom on the first floor. There would be two small windows (one serving Bedroom 3, one serving the wardrobe area) and one larger window (serving the master bedroom) at first floor level on the elevation facing west.

The proposed rear garden would wrap around the house, and would have a depth of between approximately 6.4m and 13.8m at the rear. The plot is approximately 25m wide, and the house would be set in from the boundary 2m on the north side and 10m on the southern side, though the detached garage adjacent the house would be approximately 2m from the flank boundary.

To the front of the proposed house, there would be a large driveway with side access to the rear garden on both sides of the house. Bins would be stored on the northern side of the house, behind the garden boundary.

There would be a double garage to the southern side of the proposed house, with two parking spaces. The building would be 6.1m wide, 6.5m deep, and 5.7m high to the top of the bonnet hipped roof.

In terms of proposed materials, the roof would be of plain clay roof tiles, and the walls of dark stained weatherboarding, red multi stock brickwork, dark red brick detail course, and oak framing, and dark grey powder coated metal frames are proposed for windows.

### **Site Area/Density**

Site Area: 0.066 hectares (0.16 acres)

Site Density: 15 dph (6 dpa)

### **Relevant Planning History**

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|------------|--|
| MC/19/1587 | Application for approval of reserved matters being appearance, layout and scale for Plot 3 pursuant to planning permission MC/17/3572 (Outline application for six self-build detached houses)<br><b>Decision</b> Pending  |
| MC/19/1389 | Application for non-material amendment to planning permission MC/18/1863 to increase the height of the window in bedroom 3 to allow for internal alterations<br><b>Decision</b> Approval with conditions<br><b>Decided</b> 26.06.2019                                      |
| MC/18/1863 | Application for approval of reserved matters (Plot 4 only) for (appearance, layout and scale) pursuant to planning permission MC/17/3572 - Outline application for six self-build detached houses<br><b>Decision</b> Approval with conditions<br><b>Decided</b> 04.10.2018 |
| MC/18/1718 | Details pursuant to condition 5 on planning permission MC/17/3572 for the Outline application for six self-build detached houses with all matters reserved except access and landscaping<br><b>Decision</b> Discharged<br><b>Decided</b> 17 August 2018                    |
| MC/17/3572 | Outline application for six self-build detached houses with all matters reserved except access and landscaping<br><b>Decision</b> Approval with conditions<br><b>Decided</b> 6 June 2018   |

### **Representations**

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

**Three** letters of representation have been received from neighbouring properties, objecting on the following grounds:

- There are more suitable locations for development.
- There are too many applications for building in this rural area, resulting in loss of beautiful countryside.
- Further development is unwanted, out of character and invasive.
- Impact on local amenities at Cliffe Woods, which are already under pressure.
- The B2000 is a small narrow country road and is already very busy with traffic, and which development will only add to.
- The road is used by joggers, walkers and horse riders and increased traffic is likely to increase the risk of accidents to users.
- One main route in/out of Cliffe Woods means that if there is a serious incident emergency access may be restricted or residents trapped.
- Parking is already at a premium and will be made worse with more housing.
- This is an important area for birds and their natural habitat is being reduced.
- Damage to quality of life and destruction of the local environment.
- The only likely benefit will be to the land owner and builders who will be able to make a large profit.

## **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 2019 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Principle*

The principle of the development has been accepted with the grant of outline planning permission for landscaping and means of access. The only issues for consideration arising from this application are the appearance, layout and scale of the proposed house on Plot 2 and the effect of the proposal on neighbouring properties in terms of light, privacy and outlook.

### *Design*

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Para. 124 of the NPPF states that good design is a key aspect of sustainable development. Para. 126 relates to design codes, and their use in providing a framework for creating distinctive places with a consistent and high quality standard of design. Para. 127 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

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.

In this case, the outline permission was subject to a Design Code condition, which was approved under MC/18/1718. This sets out the design aspirations for the site as a

whole. Each reserved matters application must comply with the design requirements of this code.

The proposed appearance, layout, size, scale and materials for the house and garage within Plot 2 would comply with all aspects of the Design Code. The design and detailing of the dwelling is high quality. Nevertheless, details of materials should be conditioned to ensure their quality.

The landscaping details are conditioned on the outline permission to ensure they are carried out as approved to complement the development. Boundary treatment is also already conditioned under the outline permission. It is, however, considered to be important to condition the retention of areas of soft landscaping shown in the front garden, and request details of hard landscaping for the plot to be submitted.

Overall, the proposed dwelling would respond positively to the scale, layout, and rural character of the surroundings and would relate well visually within the street scene. On this basis, the design of the proposed dwelling is considered acceptable with regards to the above requirements of the NPPF and Policy BNE1 of the Local Plan.

### *Amenity*

Para. 127(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, 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 nearest and main properties that would be affected by the proposed development would be No. 4 Merryboys Cottage and Merryboys Stables, to the west of the application site. However, the main two storey part of the proposed house would be in excess of 13m away from the rear boundary of the application site, and will be well screened by existing and proposed (under the outline permission) boundary treatment. In addition, the existing buildings alongside this part of the boundary with the application site are outbuildings relating to these neighbouring properties, rather than houses, and thus there are no dwellings that would be directly overlooked. Furthermore, there would only be one main window serving the master bedroom that would face towards the west; the other two windows would be small and would serve a dressing area and bedroom 3.

Altogether, there are unlikely to be any significant issues for neighbouring properties relating to loss of privacy or daylight/sunlight from the proposed dwelling.

Furthermore, in terms of noise and general disturbance to neighbouring properties, the use of the site for this house is unlikely to create an unacceptable level of activity, noise or disturbance, particularly as neighbouring properties are residential and the proposed use will be in keeping with this.

Thus, it is considered that the proposed dwelling would not result in any significant harm to the amenities of neighbours by reason of loss of light, privacy, overbearing impact, or noise and disturbance.

The proposed house is also well in excess of the habitable space standards required for a 4 bedroom, 8 person house by the Technical Housing Standards - Nationally Described Space Standards (March 2015), at 245.6m<sup>2</sup>.

The rear garden is also satisfactory for this type and size of development. With regards to refuse storage, there would be space for bins within the proposed outside space. It is also considered that the relationship between the new house and neighbouring properties is such that the future occupiers will experience acceptable levels of privacy, outlook and light. It would however be worth conditioning the obscure glazing shown to the first floor bathroom windows on the northern elevation to protect the privacy of the future plot at the front of the site.

A condition removing permitted development rights for further extensions/outbuildings is considered reasonable due to the already large size of the proposed property, and it is also considered appropriate to remove permitted development rights for C3 to C4 use, given the plot size and residential character of the area.

In summary, it is considered that the proposed house will not harm the amenities of neighbouring properties to any significant degree and will offer an acceptable level of accommodation and amenity for future occupiers. Therefore the proposal is in accordance with Policy BNE2 of the Local Plan and para. 127(f) of the NPPF.

### *Highways*

The means of access was agreed by the outline planning permission.

The proposal would meet the minimum parking standards (2 car parking spaces for a 3 bedroom plus house), with ample space for visitor parking. There would be sufficient space for cycle storage in the rear garden.

Accordingly, there is no objection in transport terms with regard to paragraph 109 of the NPPF, and Policies T1 and T13 of the Local Plan, as the proposal is unlikely to have a significant impact on parking or highway safety in the immediate area.

### *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 advised that (at the time of the outline application) an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs) 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.

A unilateral undertaking was completed under the outline application, which ensures the payment of the tariff on the commencement of development. No objection is therefore raised under paragraphs 170 and 175 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *Local Finance Considerations*

There are no local finance considerations.

#### **Conclusions and Reasons for Approval**

It is considered that the proposed development is acceptable on the basis that it is of high quality in design terms and in keeping with the rural character of the area, and that there are likely to be no adverse effects on amenities, parking or highway safety. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 109, 124, 126 and 127 of the National Planning Policy Framework 2019, and the Medway Local Plan 2003, including Policies BNE1, BNE2, T1 and T13. Therefore the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to the officer's recommendation.

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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://publicaccess1.medway.gov.uk/online-applications/>