

MC/12/2984

Date Received: 18 December, 2012

Location: Land at Highview Farm Lordswood Lane Walderslade Chatham
Kent ME5 8JP

Proposal: Outline application with all matters reserved for the construction
of five detached dwellings with garages

Applicant: Mr & Mrs Mercer

Agent: Mr P Cooper Penshurst Planning Ltd 163 Brompton Farm Road
Rochester Kent ME2 3RH

Ward Lordswood & Capstone

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 December, 2013.

Recommendation - Refusal

- 1 The redevelopment of this site for 5no. dwellings would prejudice the character and function of the locality and result in the loss of land that is recognised as making a positive and valuable contribution to the Area of Local Landscape Importance within which it is located. The proposal is therefore contrary to Policy BNE34 of the Medway Local Plan 2003 and the guidance of the NPPF to protect and enhance valued landscapes.

For the reasons for this recommendation for refusal please see planning appraisal section and conclusions at the end of the report.

Proposal

The application seeks outline permission for the construction of 5no. detached houses with garages. All matters, access, scale, layout, landscape and appearance, are reserved for future consideration. An 'illustrative' scheme of 5no. houses has been submitted which shows the division of the site into 5 plots with a chalet bungalow in each plot and with two of the dwellings gaining access directly from Lordswood Lane to the east and the other three units gaining access from Old Lordswood Lane to the western side of the site.

During the course of the application process the applicant has reduced the number of properties being sought permission on the site from 6no. to 5no. and reduced the site boundary to exclude any land falling within the Maidstone Borough Council area.

Site Area/Density

Site Area: 0.76hectares (1.88 acres)

Site Density: 6.58 dph (2.66 dpa)

Relevant Planning History

MC/05/2386	Construction of a 5-bedroomed detached house with associated parking Refused 03 February 2006
MC/05/1175	Outline application for residential development Refused 09 September 2005
MC/02/2519	Application for Prior Approval Under Part 24 of the General Permitted Development Order 2001 for installation of 3 No. antennae to the existing mast together with a 4m x 11.78m enlargement of the existing compound, the installation of an equipment cabin, two meter cabinets, relocation of an existing meter cabinet and ancillary equipment Approved 27 January 2003
MC/01/0763	Construction of one 5-bedroomed detached house and detached garage Withdrawn 31 May 2001
MC/01/0644	Construction of detached house with detached garage Withdrawn 31 May 2001
MC/00/1752	Installation of 12 antennae and dish on to existing 30m high telecommunications mast. Approved 29 January 2001
MC/00/1716	Application for Prior Approval under part 24 of the Town and Country (General Permitted Development) order 1995 for the installation of additional and replacement antennae and dishes, additional and replacement cabins and to extend the site compound to allow site sharing. No Application Required 28 November 2000
MC/00/1216	Outline application for residential development Approved subject to section 106 Obligation and referral 22/ November 2000 Referral refused 17 April 2002

MC/99/5357	Erection of a 30 metre high replacement telecommunications mast and associated development. Approved 29 September 1999
MC/99/5356	Erection of a 30 metre high replacement telecommunications mast and associated development. Approved 29/ September 1999
88/1293	Proposed development of land for residential purposes. Refused 21 March 1989
86/665	Outline permission for residential development Refused 17 November 1986
80/1150	Part Lordswood Lane Realignment Approved 01 April 1981

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Wildlife Trust and Maidstone Borough Council have also been consulted.

Maidstone Borough Council (in response to revised application) -
Acknowledgment only.

Letters on revised scheme :

2 letters have been received raising the following objections:

- An access onto Lordswood Lane would increase the danger on the road;
- The proposal will increase parking in Tuscan Road and Bower Green;
- The additional refuse collection points will interrupt traffic flow on Lordswood Lane and create safety issues;
- Pedestrian gates onto Lordswood Lane will encourage pedestrians to cross over Lordswood Lane to pavements opposite but this would be very dangerous;
- The dwellings will be visible for 6 months of the year when tree screening is ineffective and will materially harm the landscape, character and function of the area;
- The 'self-build' nature of the houses are of concern in terms of design, elevation and additional sheds etc;
- There would be limited visibility for drivers exiting the site onto Lordswood Lane;
- The revised scheme will require removal of some of the hedgerow and fragment the vegetated appearance of the main road corridor;
- The new opening will have additional detrimental effect on the view of Beechen Bank throughout the whole year;
- Pedestrian gates will result in more gaps in screening and removal of the roadside hedgerow;

Letters on original scheme (not withdrawn) :

2 letters were received raising the following objections:

- Significant increases in traffic along Old Lordswood Lane following the recent creation of a through-road in 2012 and with this proposal will impact quiet residential amenity and rural character;
- Houses will partially block the view and change the landscape;
- The character of the site is open, rural and undeveloped in spite of fencing and new houses will not retain this character;
- Concern about additional outbuildings and building within the housing plots and the street scene;
- Concern about the impact of potential 'leylandii' planting being chosen to be planted by house occupiers and be very oppressive within the street scene;
- Tree planting along Lordswood Lane to 'ensure the well vegetated appearance of the main road corridor' will mean the loss of existing open landscape and would not enhance the perception of Beechen Bank;
- Lack of details of the final state of the access road for residents, refuse vehicles, emergency services or construction vehicles;
- Suitability of proximity of dwellings to telecoms mast;
- Safety for vehicles accessing and exiting Old Lordswood Lane off the busy Lordswood Lane.

Boxley Parish Council raise the following objections :

- Proposal contravenes BNE34 of the Medway Local Plan and would have an adverse and harmful impact on the character and amenity of the locality;
- Would restrict views of Beechen Bank;
- The economic and social impacts would not outweigh the conservation of the landscape;
- There is no identified need for executive style development in this area;
- The site is not allocated for housing in the local plan;
- Policy CS7 of the emerging Medway Core Strategy offers protection for local landscape character;
- The development would impact on the biodiversity of the woodlands and surrounding areas;
- Urbanization adjacent close to ancient woodland often results in encroachment and damage;
- The proposal would intensify and urbanize the area and materially harm the landscape character.

Cllr Jarrett has written in support of the application making the following comments :

- The proposal will provide much needed executive housing for which there is a shortage in the area;
- The NPPF presumes in favour of sustainable development;
- There is no obvious alternative to the use of the land that would benefit the local community.

7 letters have been received in support of the application raising the following points:

- Repeated attempts by travellers to occupy the site and the odd fly-tipper;
- Will provide an opportunity for self-build development;
- The land is untidy and will benefit from nice housing;
- The proposal will enhance the look of the area when driving into Lordswood Lane;
- Will generate much needed work in relevant industries;
- The site has little landscape importance and is unviable for and agricultural activity;
- Be a continuation of the development to the north and give a feeling of completeness;
- Additional residents are welcome to support local services;
- Ideal opportunity to help the Government's ambition to expand housing supply.

All other matters raised not listed above are non material.

Development Plan

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

Medway Landscape Character Assessment 2011 is also a material consideration

Planning Appraisal

Site Description

The site is within a triangular shape strip of land that is bounded by Lordswood Lane to the east and Old Lordswood Lane to the west. To the north of the site are 4 dwellings and to the southern end of the site (within the site) is a telecommunications tower and sub station. On the opposite (east) side of Lordswood Lane is a residential area (with open grass amenity area to Lordswood Lane) and the Lordswood Industrial Estate. On the opposite (west) side of Old Lordswood Lane the land forms part of Beechen Bank, which is heavily wooded Ancient Woodland and the subject of a Woodland Tree Preservation Order. The application site is generally flat and has a covering of rough grassland. Along the eastern boundary of the site 1.8m high close-boarded fencing has been erected.

The site falls within the Taddington Wood and Beechen Bank Area of Local Landscape Importance (ALLI).

Old Lordswood Lane has a formally laid out junction with Lordswood Lane at its northern end, which is in the Medway Council area. To the southern end of Old Lordswood Lane an informal junction to Lordswood Lane has recently been formed. (The southern part of Old Lordswood Lane falls within the Maidstone Borough Council area.)

Background

This site has been the subject of a number of planning applications for residential, the most recent of which date from 2005 and 2006 and were refused planning permission. The previous application to these (MC2000/1216) was an outline application for residential development and was 'called-in' for determination by the Secretary of State, following a member resolution to grant outline planning permission for residential development contrary to the Officer recommendation. Following the holding of a public inquiry the Secretary of State refused planning permission and this decision is material to the determination of the current planning application.

As with the determination of all proposals for development, the starting point for the consideration of planning applications is the provisions of the Development Plan. The Medway Local Plan 2003 defines this area of land as lying outside of the designated urban area and within an Area of Local Landscape Importance (ALLI). This being the case, Medway Council would normally apply the rural restraint policies set out in the Local Plan to any development on the site. However, as part of the formulation of the currently adopted Local Plan the applicant lodged an objection to this site's inclusion with the Beechen Bank ALLI and sought to have it included within the urban area so that it would be considered to be acceptable for residential development. In consideration of this objection, the Local Plan Inspector concluded that the designation of this land as part of the ALLI was appropriate and that Lords Wood Lane formed a positive defensible boundary to the urban area and he could see no reason to alter it. The inspector therefore recommended that the application site should continue to be included within the ALLI.

In contrast to the Local Plan Inspector's conclusions, the Secretary of State in his decision relating to planning application MC2000/1216 concluded that the "site cannot be considered to lie within the open countryside" and thus for practical purposes forms part of the urban area. Despite reaching this conclusion the Secretary of State agreed with the Local Plan Inspector that the site makes a positive and valuable contribution to the landscape function of the ALLI and refused to grant planning permission accordingly.

There have been no material changes to the site since the previous planning applications for residential development on this site were refused. The applicant has erected a 1.8m fence along the boundary to Lordswood Lane about 7 years ago which replaced a post and rail fence.

This application was originally submitted as an outline application for 6no. dwellings - with the larger part of the application site falling within the Medway Council boundary and a smaller part within the Maidstone Borough Council area.

Maidstone Borough Council have determined the original application (for 6no. dwellings) submitted to them in relation to the part of the site in the Maidstone Borough Council area. The application (MA/12/2261) was refused planning permission on 4 June 2013 for the reason:

"1. The proposal would represent a development which, by virtue of its close proximity to Semi Natural Ancient Woodland protected under TPO No 1 of 1972, would only serve to isolate and put further pressure on the woodland edge, helping to deplete a semi natural ancient woodland, causing harm to the sylvan character and appearance of the site and the character of Beechen Bank, an Area of Local Landscape Importance and would therefore be contrary to policies ENV6 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and guidance in the National Planning Policy Framework 2012 and Natural England Standing Advice in respect of Ancient Woodland."

The revised scheme (current proposal), has a reduced site area, has reduced the number of units being sought and does not now encroach into the Maidstone Borough Council area. The section of the original site that fell within the Maidstone Borough Council area is now shown in a blue line.

Main Issues

The main matters for consideration are:

- Principle;
- Impact on the street scene, character of the area and ALLI;
- Amenities;
- Highway considerations;
- Ecology and trees;
- Contamination;
- Other matters.

Principle

The Secretary of State, in his decision relating to planning application MC2000/1216 concluded that the "site cannot be considered to lie within the open countryside" and thus for practical purposes forms part of the urban area. Despite reaching this conclusion the Secretary of State agreed with the Local Plan Inspector that the site makes a positive and valuable contribution to the landscape function of the ALLI and refused to grant planning permission accordingly.

In terms of Development Plan considerations the only alteration since the Secretary of states decision and the more recent refusals, has been the introduction of the NPPF. The NPPF seeks to promote sustainable development and design of the highest quality. It does also seek to protect important and valued landscape characteristics. As the site is within the ALLI and reflecting the previous comments of the Secretary of State about the positive contribution of the site to the landscape, it is not considered that there have been any fundamental changes to the Development Plan that would justify a change to the principle considerations.

Impact on the street scene, character of the area and ALLI

Policy BNE1 directs that the design of development should be appropriate in relation to the character, appearance and function of the built and natural environment. Policy BNE34 relates to Area of Local Landscape Importance and states that development will only be permitted if it does not materially harm the landscape character and function of the area or that the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. In 2011 the council produced the 'Medway Landscape Character Assessment' [MLCA] which is a material consideration in this assessment.

The application site is located within the Taddington Wood and Beechen Banks ALLI. Within the character assessment the overall ALLI designation extends beyond landscape importance to issues such as – role as green lungs and buffers, helping to maintain individual identity of urban neighbourhoods; as green corridors for community to reach wider countryside; as edge or fringe land needing protection from urban sprawl; as wildlife habitats and corridors. (Matters of ecology and wildlife habitat are considered in the 'Ecology' section below.)

This application is in outline only with all matters reserved and as such only the number of units on the land is being sought to be approved in this current application. The Planning/Design and Access statement details that the intention of the proposal is to provide 'executive style' homes intended for 'self build'. The relevant sections of the statement explain that 'executive style' means housing 'to meet the needs of professionals and managers, living and wishing to live in Medway'. The reference to 'self build' homes means that the plots are intended to be sold separately and the purchaser will then submit an application themselves for the design of their proposed dwelling.

The plans supplied with the application, other than the site location plan, all show an 'illustrative' scheme only. Although a lot of detail is given in the Design and Access Statement (D and A statement) in relation to the five houses, these are in relation to the 'illustrative' scheme only and if the application were approved the final development on the site may differ significantly from the illustrative scheme. To some extent this could be addressed by the use of planning conditions but not entirely.

Whilst there is little benefit assessing the illustrative scheme in great detail, as all matters are reserved and the intention is for the plots to be sold separately, it is necessary at this stage to consider plot sizes and layout, the scale of the dwellings, landscaping and how all the proposed development then impacts on the ALLI. It must then be assessed if the development of the site for 5 dwellings, with suitably worded conditions and potential legal agreement, overcomes the Secretary of State and Local Plan Inspector's objections to the redevelopment of the site and meets with policy requirements.

The applicant has submitted a 'Landscape Statement' with this application which concludes that the NPPF does not support the use of local landscape designations. However, the NPPF does recognise the need to protect valued landscapes. The Medway Landscape Character Assessment is an up-to-date evidence base that is relevant to the consideration of this proposal and is clear in its assessment of the value of the area identified in the Local Plan as ALLI, of which the site is part.

The applicant's landscape assessment considers the proposal would result in a 'slight adverse landscape effect at Day One...for views immediately adjacent to the site when viewed from Old Lordswood Lane, to the west of the site.' It continues 'Neither the Day One landscape or visual effects are considered to be significant . It is predicted that the visual effects of the development would reduce over time on account of the boundary treatments set out in the Landscape Strategy', which it considers can be secured by legal agreement. The proposed landscape strategy would involve 'a frontage belt of planting that would be carried across the individual development plots, straddling the existing close-boarded fencing'. 'The landscape strategy has also identified a zone along the western site boundary, essentially covering the part of the site within Maidstone Borough Council's area, so as to safeguard the existing vegetation. It recommends reinforcement of the understory to the trees at the southern end. It proposes that 'individual boundaries between plots would be formed by post and wire fencing with native hedgerows' and the access to the sites [from Old Lordswood Lane], as shown on the illustrative details, have been informed by the landscape strategy without removing any vegetation. The use of 'no-dig' construction methods could ensure no damage to existing vegetation occurs. The statement concludes that the illustrative layout and design of the dwellings are of a spacing 'as to allow good permeability through the site for views from the east to the Beechen Bank backdrop'.

Whilst it is appreciated that the development is for fewer properties than has formerly been indicated for this site the previous planning inspector concluded the value of the site is fundamentally in terms of the preservation of openness and the landscape function in the setting of the ALLI (Beechen bank/Taddington Woods) as seen from the existing residential area and Lordswood Lane. Notwithstanding the fewer dwellings proposed and the applicant's landscape assessment (based on the illustrative scheme), the redevelopment of the site for residential purposes will degrade the value of the site in terms of this function. Dwellings, garages, hard landscaping and vehicle parking will be apparent to some extent under this proposal from outside of the site and will de-grade the landscape function of the site. It is considered that large parts of Beechen Banks woodland are now enclosed by residential development and views of it from surrounding roads (looking over the development) are very different in character to views where it is connected by open space. This makes the preservation of this site as undeveloped open space (notwithstanding the ancillary agricultural buildings currently within the site) between the road and adjacent area all the more important.

The policy BNE34 test for development is whether this development materially harms the landscape character and function of this area or that the social and economic benefits are so important that they outweigh the local priority to conserve the area's landscape function. In terms of function, the development will reduce the extent of the 'green break' within the surrounding urban development. The open connection between the road and the woodland will be lost. The issue of openness is also relevant in the context of the open space to the east of Lordswood Lane - less rural in character but nevertheless undeveloped. Jointly these two spaces provide a strong sense of openness as an increasingly more suburban and built up character develops along the road to the northwest. Additional benefits of the site remaining undeveloped, are that the semi rural character of this lane will remain, with less risk of erosion and damage to the vulnerable woodland edge.

It is considered that the current proposal will materially harm the landscape character and function of the Beechen Bank/Taddington Woods ALLI and that there are no economic and social benefits that are so important that they outweigh the local priority to conserve the area's landscape. As such the current proposal is considered to be contrary to the Policy BNE34 of the Medway Local Plan 2003 and the requirement to protect valued landscapes in the NPPF.

Ecology and Trees.

Policy BNE37 requires that new development that would cause the loss, directly or indirectly, of important wildlife habitats or features should not be permitted unless is designed to minimise the loss involved. Policies BNE41 and BNE43 seek to protect and minimise harm to and loss of trees and landscape features on and adjacent to development sites, including trees protected by Tree Preservation Orders.

A Habitat and Protected Species Study has been submitted with the application. (This was based on the original site outline proposal for 6no. dwellings.) It is considered that the effect of potential ecological impacts is adequately covered in the study and there is minimal ecological interest on the site itself. However the woodland (Taddington Wood/Beechen Bank) to the south and west (on the opposite side of Old Lordswood Lane) is designated as ancient woodland. This land falls within the Maidstone Borough Council area. Although the proposal will not cause any direct loss to the ancient woodland there is the potential for increased access to the woodland and indirect effects of lighting and pollution resulting in the deterioration of the woodland. Any lighting associated with the development would need to be designed to be sympathetic to the woodland and nocturnal wildlife by minimising lightspill and ensuring that lighting is directed away from trees.

The revised scheme allows for the retention of trees on the site (the part of the site now within the blue line) some of which were previously to be removed. The revised illustrative scheme also offers some additional measures to increase ecological interest and habitat around the retained tree belt (blue line area and crossing into the site application area). The illustrative proposal details the intention to remove invasive species from around the retained trees, the planting of native undergrowth under these trees and the creation of an adjacent area for 'wild flowers' and 'native hedgerow'. Greater details of the management of this ecological area, together with details of how this area is to be protected from residential encroachment could be agreed and controlled by legal agreement.

It is recognised that a low density of housing is proposed, with only some of the properties in the illustrative scheme having vehicle access from Old Lordswood Lane. However, as the development is on the very edge of the Medway Council area there will be implications for the Maidstone Borough Council area to the west and south of the site, particularly in regard to the impacts of the potential upgrading of Old Lordswood Lane on the ancient woodland to the west. (It is also needs to be kept in mind that this proposal reserves the matter of access and the final access arrangements may be different to the illustrative scheme accompanying this application.)

Examining highway records no part of Old Lordswood Lane is shown to be adopted highway within the Medway Highway records. However, Maidstone Borough Council officers have provided a copy of the Kent County Council highway record that shows that, south of the vehicle access to 801 Lordswood Lane, Old Lordswood Lane is adopted highway by Kent County Council as the Highway Authority.

The original submission for 6no. dwellings included land within the Maidstone Borough Council area and therefore required a planning application to be submitted to Maidstone Borough Council in relation to the proposal, as well as Medway Council. Maidstone Borough Council refused their planning application (MA/12/2261) for the reason stated above.

The Maidstone Council report further explained the background assessment to the refusal reason as being related to the removal of 2 category C Hornbeam trees and isolating a small group of 5 trees to create a driveway from Old Lordswood Lane. Construction activity is likely to be within the RPA of a number of trees and there is an indication that the Old Lordswood Lane may be resurfaced. Whilst the report then states that 'In practical terms, whilst it may be possible to achieve this proposal without detriment to adjacent individual trees through above ground construction and other protection precautions in accordance with BS5837:2012 , it will only serve to isolate and put further pressure on the woodland edge, helping to deplete Maidstone's stock of Ancient woodland and eroding its capacity for symbiosis and regeneration.' The report goes on to report comments from the Kent Highway Officer that he was minded Old Lordswood Lane did need to be resurfaced in a bounded material to stop mud being dragged onto Lordswood Lane. (The applicant's agent has commented in the revised Design and Access statement that the Maidstone Officer incorrectly assessed the lane as being a 'rough track' and states that it is 'a surfaced road' and is 'unlikely to need major works to provide a suitable access'. However, Old Lordswood Lane is an adopted road in the Maidstone Borough Council

area, the KCC Highway Officer considers works will need to be undertaken to the road. (These comments may in part reflect thoughts that the existing, somewhat potted, surfaced area of the lane is relatively narrow and mud areas are being eroded in places. This track may need to be widened to accommodate this development.)

The planning inspector commented (Public Inquiry in relation to the development of the site for 8no. houses in 2002) that 'if permission were to be granted for development served by Old Lordswood Lane, it would need to be subject to a Grampian condition to ensure works [upgrading of Old Lordswood Lane] were carried out before development took place. No survey works have been undertaken to show that the lane could be widened or individual driveways provided, without affecting the protected trees.' For the current proposal there are no trees within the application site (which is all within the Medway Area) which would be affected by the upgrading of Old Lordswood Lane but there is the potential for damage to trees in the adjacent land (owned by the applicant) within the Maidstone Borough Council area and Beechen Bank area of Ancient Woodland in the Maidstone Borough Council area with an upgrading of the access. If the development were to be approved it would need to be subject to a Grampian condition to evidence that Maidstone Borough Council/Kent County Council have agreed the works to the highway and these works need to be carried out in full accordance with the agreed scheme, potentially prior to any development commencing on the site to ensure delivery.

In addition it is considered that if construction traffic used Old Lordswood Lane to access the site that traffic will potentially compact the ground (some of the track has potted hard surfacing but this strip is narrow and adjacent to it is mud surface), damage tree roots, tree trunks, overhanging branches and so forth, which would cause harm to protected trees, ancient woodland and as a consequence the ecological and wildlife interests of the area. If gaining access from Lordswood Lane only, this matter is further complicated as the proposal is for 5 plots to come forward for development individually (self-build). It is possible that, in terms of highway safety and retention of landscaping, there may only be one access point accessible from Lordswood Lane, which would complicate the delivery of the plots if they are all sold separately. As it may become necessary for future site owners to allow access over their site to other plots, should this proposal be approved it would be necessary to ensure suitable access and turning on site is allowed from Lordswood Lane and an undertaking is given by all future plot owners that no development traffic will use Old Lordswood Lane.

Subject to suitably worded conditions and legal agreement there is no objection to the proposal under policies BNE37, BNE41 or BNE43.

Amenities

Policy BNE2 relates to the protection of neighbouring amenities and those of future occupiers of development.

This proposal is in outline only with all matters reserved and as such the amenities of neighbours and future occupiers cannot be assessed fully at this time. At this time it is realised that existing trees and the built form of neighbouring houses (as they are built individually), to the southern side of each property, may create a situation of significant overshadowing at certain periods the day and during the year. If the application were to be approved it would be necessary to require timed shadow-plots for reserved matters application(s) to allow full assessment of the proposal(s).

No objection is raised to the proposal under policy BNE2 of the Medway Local Plan 2003.

Contamination

Policy BNE23 requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

In this case a Desk Study report for the site has been submitted which concludes that the presence of contamination at the site is considered unlikely, but it cannot be completely discounted. Therefore, it is recommended that further (intrusive) investigation of the site, including some targeted geoenvironmental sampling be undertaken, followed by analysis of selected samples for a general suite of possible contaminants.

Subject to the carrying out of all recommendations in the conclusion of the study, and a condition requiring remediation measures to be agreed should unexpected contamination be discovered during construction, no objection is raised to the proposal under policy BNE23.

Highway matters

Policies T1 and T2 require that new development will not significantly add to the risk of road traffic accidents or be detrimental to the safety of vehicle occupants, cyclists or pedestrians. Policy T13 relates to adopted vehicle parking standards.

This proposal is in outline form only and does not propose to establish the matter of 'access', however the illustrative scheme submitted shows 3 of the proposed dwellings accessing their plots only from Old Lordswood Lane and the two southernmost properties sharing a single access directly from Lordswood Lane.

In relation to the illustrative access from Lordswood Lane (available to vehicles leaving the shared driveway to plots 4 and 5) the proposal is not particularly detailed at this stage but on site it is clear that appropriate sightlines can be achieved for an access in this location, potentially with changes to the boundary treatment and landscaping. (Landscaping on the wider highway verge can be the subject of a legal agreement.)

There is no pedestrian footway to the western boundary of the site (eastern side of Lordswood Lane). Pedestrians from plots 1, 2 and 3 can walk along Old Lordswood Lane and cross to the western side of Lordswood lane at the road junction. However, pedestrian access to/from plots 4 and 5, using the vehicle access shown on the illustrative plan, would not benefit from footways on the western side of the carriageway. It is therefore recommended that a pedestrian access to these plots be provided from Old Lordswood Lane, possibly through the land within the blue area. This could be required by planning condition.

The matter of temporary access from Lordswood Lane to the site for construction traffic is discussed above, and should the proposal be approved would need to be the subject of a legal agreement.

Some neighbours have raised concern in relation to waste collection lorries stopping on Lordswood Lane causing congestion and a highway hazard. The existing properties to the north of the application site currently pile their waste/recycling at the northern junction of Old Lordswood Lane for collection. This collection point may be too far to be realistic for the occupiers of the proposed dwellings but ultimately the collection point will be advised to householders by the Council's Waste Services team. In terms of highway safety and the potential for collections directly from Lordswood Lane is not considered to be wholly unacceptable in highway safety terms as the collection lorry would stop for such a short time. It is not considered to be necessary to direct this matter by planning condition but the matter will be left for the future consideration of the Waste Services team should development go ahead at this site.

Subject to suitably worded conditions and legal agreement there is no objection to the proposal under policies T1, T2 or T13 of the Medway Local Plan 2003.

Local Finance Considerations

Not relevant to this proposal.

Conclusions and Reasons for Refusal

The redevelopment of this site for residential purposes (5no. dwellings) would prejudice the character and function of the locality and result in the loss of land that is recognised as making a positive and valuable contribution to the Area of Local Landscape Importance within which it is located. The proposal is therefore contrary to Policy BNE34 of the Medway Local Plan 2003 and the guidance of the NPPF to protect and enhance valued landscapes.

This application would normally fall to be determined under delegated powers but is being referred to planning committee due to the level of representation received supporting the proposal.

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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>