

MC/19/0241

Date Received: 28 January 2019

Location: 218 Beechings Way Twydall Gillingham Kent

Proposal: Change of use of amenity land to residential to facilitate the installation of a vehicle crossover and hardstanding to front

Applicant Mr Philip Carey

Ward: Twydall Ward

Case Officer: Dylan Campbell

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 24th April 2019.**

#### **Recommendation - Refusal**

- 1 The proposal would result in the loss of public amenity land, which currently provides an important visual function within the streetscene. Its loss would have an unacceptable harsh and hardening impact, which would detract from the visual amenity and character of the area. The proposal fails to comply with Policy BNE1 of the Medway Local Plan and the design objectives set out in Paragraph 127 of the NPPF.
- 2 The proposed vehicular crossing would adversely affect the health and stability of the existing mature lime tree growing on the highway verge outside 218 Beechings Way. This tree has a high amenity value and forms part of a substantial avenue of trees on Beechings Way. In the absence of a tree report and supporting information, which complies with British Standard 5837:2012, the application fails to demonstrate that there would not be an adverse impact on the lime tree. The proposal therefore conflicts with the objectives of Policy BNE43 of the Local Plan and Paragraph 170 of the NPPF.

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

#### **Proposal**

This application is for the change of use of amenity land to facilitate the installation of a vehicle crossover, and hardstanding to front. The crossover would be 2.7m in width and would be sited to the front boundary, between the application site and 220 Beechings Way, providing a shared access from the lay-by, across the amenity land,

to the properties. The crossover would be sited between two mature lime trees growing on the highway verge.

### **Relevant Planning History**

MC/12/1235

Construction of a vehicle crossover to front

Decision: Refusal

Decided: 30 August 2012

### **Representations**

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

At the time of writing no letters have been received.

### **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 and are considered to conform.

### **Planning Appraisal**

#### *Background*

Several existing crossovers near the application site at 193, 197, 203, 207, 210, 214 and 226 Beechings Way have been brought to officer's attention. Following a search of the planning records for these crossovers it was found that five of them do not have the benefit of planning permission however would now be exempt from planning enforcement. Two have planning permission under ref MC/08/0163 and MC/09/0423. The permission granted under ref: MC/08/0163 was not constructed in accordance with the approved plan and has been built closer to the tree than it should have been, but is also now exempt from planning enforcement. The permission under ref: MC/09/0423 was constructed in accordance with the principles set out in the version of British Standard 5837 relevant at the time, with improvements in terms of the simultaneous removal of an existing path.

#### *Design*

The application property is an end of terrace dwelling on the south side of Beechings Way, set back from the highway, within a predominantly residential area. There is layby parking outside the properties on the southern side of the road, to the front of the application site. The property and its immediate neighbours on the south side of the road have modest front gardens, with a footpath/cycle path and a generous grass verge adjoining the highway. Along the length of the highway, this grass verge is continued with a limited number of examples of where there have been access points cut through the verge. In places the grass verge adjacent to the highway links with more extensive areas of open grass to provide a clear separation between the

properties and the highway and on-street parking, contributing to a spacious feeling to the street scene.

Although there are a limited number of exceptions, many of which do not have the benefit of planning permission, the continuation of the grass verge along the road makes a significant contribution to the characteristic pattern of development in the local area. The other crossovers in the area have been considered as outlined in the above section, however the proposal would create a noticeable interruption to the length of grass verge, replacing the existing narrow footpath and part of the grass verge with a wider hard surfacing. The change from grass verge to hard surfacing would impact on the beneficial contribution that the grass verge makes to the streetscene, providing a verdant separation between the dwellings and the highway and on-street parking.

It is considered that the proposal would result in the loss of public amenity land, which currently provides an important visual function within the streetscene. Its loss would have an unacceptable harsh and hardening impact, which would detract from the visual amenity and character of the area. The proposal fails to comply with Policy BNE1 of the Local Plan and the design objectives set out in Paragraph 127 of the NPPF.

#### *Amenity*

It is not considered that the proposal would not have a detrimental impact on neighbouring residential amenities in terms of loss of outlook, sunlight, daylight or privacy. The proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

#### *Highways*

Medway's vehicle crossing guidance and self-assessment, outlines that applications requiring the removal of a highway tree are likely to be refused and that to avoid damage to the tree roots or rooting environment, a minimum root protection area (RPA) needs to be left undisturbed around each tree.

An assessment has been undertaken, which concludes that there is insufficient space to install a standard construction vehicle crossing outside 218 Beechings Way without damaging the existing lime tree. It is considered that the proposal would conflict with Policy T2 of the Local Plan and Paragraph 109 of the NPPF.

#### *Trees*

The lime tree growing outside 218 Beechings Way is a valued component of the avenue of mature trees lining Beechings Way. A visual inspection of this tree from ground level did not reveal any significant defects other than the presence of some deadwood which could easily be removed.

The proposal does not include details of the means of construction or an assessment of the impact that the construction of a vehicle crossing would have on the mature lime tree growing outside 218 Beechings Way. The absence of the necessary information is contrary to the recommendations as set out in British Standard 5837:2012 Trees in

relation to design, demolition and constructions – Recommendations; the Medway Council guidance document “Vehicle Crossing Guidance and Self-Assessment”; Policy 11 of the Medway Council Tree Management Policy; and Policy BNE43 of the Local Plan and Paragraph 170 of the NPPF.

Whilst the proposed vehicle crossing is positioned further away from the lime tree growing outside 218 Beechings Way and covers a smaller area of the verge than what was proposed under MC/12/1235, the development would nevertheless have a significant adverse impact on the safe useful life expectancy of this important tree.

It is likely that the majority of tree roots on the east side of the lime tree would either be severed during excavation works or damaged during compaction of the underlying ground at a distance of no more than 1.7m from its base if a traditional vehicle crossing were to be constructed. In view of the fact that a no-dig cellular confinement construction would not be fit for purpose, due to the level changes, there would be a requirement to excavate to a depth in excess of 200mm below the existing path leading to the lay-by (which is only 5cm deep) and to an estimated depth of 500mm on the grass verge to accommodate the wider surface as proposed. The underlying ground would need to be compacted as part of the construction process. These works would be to the detriment of the safe useful life expectancy of this valuable tree which has a high amenity value and is an important component of the street scene. Having taken these matters into consideration the proposal fails to meet the objectives of Policy BNE43 of the Local Plan and Paragraph 170 of the NPPF.

### **Conclusions and Reasons for Refusal**

It is considered that the proposal would result in the loss of public amenity land, which currently provides an important visual function within the streetscene. Its loss would have an unacceptable harsh and hardening impact, which would detract from the visual amenity and character of the area. The proposal fails to comply with Policy BNE1 of the Local Plan and the design objectives set out in Paragraph 127 of the NPPF.

The proposed vehicular crossing would adversely affect the health and stability of the existing mature lime tree growing on the highway verge outside 218 Beechings Way. This tree has a high amenity value and forms part of a substantial avenue of trees at Beechings Way. In the absence of a tree report and supporting information, which complies with British Standard 5837:2012, the application fails to demonstrate that there would not be an adverse impact on the lime tree. The proposal therefore conflicts with the objectives of Policy BNE43 of the Local Plan and Paragraph 170 of the NPPF.

The application would normally be determined under delegated powers, but is being referred to Committee for determination at the request of Councillor Griffiths.

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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/>