

**MC/22/0606**

Date Received: 7 March 2022  
Location: Land Opposite 20-30 Weybridge Close Lordswood  
Chatham Medway  
Proposal: Construction of four 2-bedroom flats with associated parking and landscaping  
Applicant Ticlo  
Mr C Neate  
Agent Cogito Consulting  
Mrs Heather Thwaites  
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GU27 1QF  
Ward: Lordswood And Capstone 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 4th May 2022.**

**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:

Received on 19 April 2022:

01422 PL01 Rev A - Proposed Plans and Elevations

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

- 3 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; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of

complaints. The construction works shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development above slab level shall take place until details of all materials to be used externally 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.

- 5 Prior to the first occupation of the development herein approved a plan indicating the positions, design, materials and type of boundary treatment to be erected 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 any dwelling and/or building is 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.

- 6 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme for the entire application site (but excluding the private rear garden space) should be provided:

- i. Plans and information providing details of all paving and external hard surfacing, lighting and services (including drainage). Soft landscape works, including details of planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

A timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and 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: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No dwelling shall be occupied until the secure private cycle parking provision shown on drawing number 01422 PL01 Rev A received 19 April 2022 has been implemented and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 9 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement received 7 March 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 10 Prior to the first occupation of the development herein approved details of the provision of 6 electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 11 No development shall take place until the scheme for the protection of the retained trees within the Tree Protection Plan (dated 23 February 2022) received 7 March 2022 has been implemented. The tree protection measures shall be retained throughout the construction phase of the development.

Reason: Required prior to the commencement of development to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 12 Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements for the dwellings, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling is in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 No dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space and has been provided, surfaced and drained. Thereafter it shall be kept available for such use 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 or in such a position as to preclude vehicular access to this reserved parking space and garaging.

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 Policies T1 and T13 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 planning application is for the construction of four 2-bedroom flats with associated parking, cycle storage, refuse storage and landscaping.

The building would be located to the north of 20-30 Weybridge Close on an area of informal amenity space. The proposal would appear as a terrace of three dwellings, similar in character and appearance to the other dwellings in the streetscene. It would measure approx. 15.93m in width, approx. 10.55m in depth, approx. 5.23m to the eaves and approx. 8.51m to the ridge.

The ground floor flats would each have a private access on the left and right of the front elevation and the first-floor flats would share an access in the centre of the front

elevation. The ground floor flats would each benefit from a private courtyard to the rear and the first-floor flats would benefit from a balcony to the rear. Refuse storage would be to the side elevations of the building and cycle storage would be to the south facing side elevation. Each flat would consist of a 2 double bedrooms, kitchen/ living room, bathroom, and storage space and would benefit from an element of private amenity space.

### **Site Area/Density**

Site Area: 0.1656 hectares (0.41 acres)

Site Density: 24 dph (10 dpa)

### **Representations**

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

39 letters have been received (32 from separate households) raising the following objections:

- Loss of open space
- Contrary to SLAA 2010
- Impact on wildlife
- On street parking competition
- Highway safety
- Loss of privacy to neighbouring dwellings
- Loss of daylight and sunlight
- Intrusive and overbearing
- Out of keeping
- Surface water drainage

### **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 2021 and are considered to conform.

### **Planning Appraisal**

#### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site lies within an urban, residential area and it is occupied by trees and grass although it is not allocated as protected open space, or informal open space within the Local Plan. Policies S1 and S2 of the Local Plan seek to prioritise redevelopment within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policy H4 of the Local Plan

seeks to minimise the loss of greenfield sites and resist the loss of open space for residential use and supports residential development in the form of infilling of vacant or derelict land providing that a clear improvement in the local environment will result.

It is acknowledged and material that the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, emphasising Economic, Social and Environmental considerations, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

In determining whether the principle of this proposal is acceptable, it is important to assess the loss of open space against the provision of much needed housing and whether the proposal constitutes sustainable development within the planning balance.

### Loss of Open Space

Paragraph 119 of the NPPF states that decisions should *'promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.'*

The NPPF also seeks to provide open space and protect and enhance existing open space and recreation as access to a network of high-quality open spaces is important for the health and well-being of communities. In determining whether the loss of open space is acceptable, it is important to assess the quality and availability of the site as open space, the benefits it brings for health and well-being of communities, and the quality and availability of the space.

The open space does bring benefit in terms of visual amenity and being a usable community asset, and the environmental benefits in terms of having a positive impact on the well-being of residents and the contribution that trees and greenery have in terms of climate change and biodiversity, although the area is relatively small. The clear negative of the scheme is the loss of an area of green open space.

Whilst the proposed development would result in the loss of part of the area, this site is not protected open space or formal open space under the Local Plan and therefore it is shown has having no specific designation in the Local Plan insert map. Additionally, most of the open space would remain and whilst in private ownership,

would be able to be utilised by the surrounding residents. It is noted that there is provision of formal open space in the locality, to the north, northeast and west, and it is considered that the partial loss of the application site would not lead to a deficiency in provision for the community.

Whilst it is acknowledged there is some harm regarding the impact on the environment and social wellbeing of existing residents because of the loss of green open space, it is considered that the benefit of the provision of much needed housing outweighs this harm particularly given that mitigation is proposed with the replacement tree planting (see below). There is no objection in principle to the residential development on site subject to compliance with the detailed matters which are set out in the assessment below.

### *Design and Trees*

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policy BNE43 of the Local Plan relates to trees on development sites and paragraph 174 of the NPPF outlines that decisions should contribute to and enhance the natural and local environment.

The area follows an established pattern of two-storey, terraces and semi-detached properties of a similar design and appearance set within a cul-de-sac and set back from the highway to provide shared off-street parking areas and soft landscaping. This includes examples of flats close to the application site which have been designed to appear as two-storey terraced properties (7 – 27 Weybridge Close and 37 – 43 Shepperton Close). The proposal would reflect the size and scale of other terraces in the streetscene and would comprise a similar palette of materials to match. The front elevation of the development would be articulated with the use of three gable end roof projections, along with three front doors to provide private accesses each to the ground floor flats, as well as a shared access to the first-floor flats. This has adequately broken the length of the frontage into three narrower sections to reflect the vertical rhythm of the terraces and flats in the streetscene. The layout makes use of the existing road to provide access to off-road parking and refuse and cycle storage, with an element of soft landscaping introduced to soften the appearance of the proposed hardstanding parking areas. There would be no boundary treatment to the front, to reflect the openness of the streetscene. The boundary treatment to the rear would be a 1.2m high post and rail fence with low planting to provide an element of private amenity space with a degree of separation from the open space.

The application is supported by a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan reference R05 (dated 28 February 2022) which shows the redevelopment of the open space would result in the loss of 6 of the 24 existing trees. The submission recommends that six replacement trees to be planted in the remaining open space, at a height of approx. 3-4m and approx. 12-14m in girth. The Tree Survey also recommends 3 species. Whilst replacement tree planting is welcome, it is advised that a net gain in the number of trees would be expected, and it is noted that there is

adequate space for replacement planting in the retained area of open space. The number of replacement trees and the species are to be confirmed by details to be submitted pursuant to a condition requiring a Landscape and Management Plan. The tree protection measures submitted are considered acceptable and would also be controlled via a condition.

It is appreciated that there would be an impact on the area in terms of a loss of green open space, however, it is considered that the proposal would complement and the built form of development of the surrounding streetscene and adequate mitigation can be provided subject to appropriate conditions. In considering the quality of the scheme and mitigation proposed, balanced with the need for housing, no objections are raised regarding Policies BNE1, BNE43 and H4 of the Local Plan and paragraphs 126, 130 and 174 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

#### Neighbouring Residential Amenity

A daylight and sunlight assessment has been carried out and due to the size, scale, and siting of the proposal in relation to neighbouring properties and habitable room windows and taking into consideration the path of the sun, it is considered that the proposal would not detrimentally impact neighbouring residential amenities in terms of loss of daylight or sunlight.

With regards to privacy, the flats have been positioned so that the first-floor front elevation windows are approx. 17.2m – 20.7m from the private gardens of 49-51 Weyfield Close; and the south facing side elevation windows and balconies are approx. 21.9m – 25m from the front elevation windows of 20-30 Weybridge Close. The first-floor balconies to the rear would be approx. 15m – 27.5m from the rear boundary of the dwellings along Kingston Crescent. Given these separation distances and relationship to neighbouring dwellings, it is considered that any direct overlooking of neighbouring rear gardens or windows along Weybridge Close would be minimised and none of the proposed windows would be required to be obscure glazed.

Due to the proximity of the proposal to neighbouring dwellings and other properties it is recommended that a Construction Environmental Management Plan is secured by condition to mitigate noise and disturbance to nearby residents and occupiers during the construction process.

No detrimental impacts would result in terms of neighbouring amenity regarding loss of sunlight, daylight, outlook, privacy, or increased noise and disturbance in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.



## Amenity of Future Occupiers

The proposed flats have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed gross internal floor areas (GIA) of each flat would exceed the minimum standard for a 2-bedroom, 4-person single storey minimum GIA of 70m<sup>2</sup>. All bedrooms meet the national standards area and width requirements, and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) outlines that, flats should be provided with an element of private outdoor amenity space measuring a minimum of 5m<sup>2</sup>. The ground floor flats each have a private courtyard area and the first-floor flats would benefit from balconies.

In these circumstances, subject to the conditions above, it is considered that the flats would benefit from adequate future occupier amenities, in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

## *Highways*

Policy T1 of the Local Plan relates to the assessment of highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Paragraph 110 of the NPPF relates to sustainable transport and highways safety and paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal includes 6 off-road parking spaces, which would meet the Council's Parking Standards. The proposed access would not result in a detrimental impact to highway safety and the number of trips expected would not significantly impact the highways network. The site plan also illustrates that each space would be provided with an electric vehicle charging point in line with paragraph 112e of the NPPF. therefore, a condition would be required to provide the details of the electric vehicle charging points and to ensure the parking areas are provided prior to occupation and retained thereafter. The proposal also includes covered and locked cycle storage, which is considered adequate and would be conditioned. It is considered that the proposal is in accordance with Policies H4, T1, T2 and T13 of the Medway Local Plan and paragraphs 110 and 112e of the NPPF.

## *Climate Change and Energy Efficiency*

The Climate Change and Energy Efficiency Statement confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- Meet Approved Document L1A
- Environmentally friendly materials to be sourced
- 100% LED lights to be installed
- tinted double glazing
- Efficient means of heating

- max water usage limit
- surface water drainage
- EV charging points
- cycle storage
- increased biodiversity

Any forthcoming permission would include a condition requiring the implementation of the above energy efficiencies and the submission and approval in writing by the LPA of a signed verification report. No objections would therefore be raised regarding paragraph 154 of the NPPF.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £253.83 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 have submitted the SAMMs mitigation contribution form and fee. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

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

The proposal would respect the character and appearance of the streetscene, it would not result in any detrimental impact to health, amenity, or highways safety. The proposal is in accordance with Policies S1, S2, S6, BNE1, BNE2, BNE35, BNE43, H4, T1 and T13 of the Local Plan and paragraphs 11, 110, 112e, 119, 120, 126, 130, 154, 170, 180, 181 and 183 of the NPPF.

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 officer's recommendation for approval with conditions and at the request of Councillor Jarrett.

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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/>