

MC/14/1555

Date Received: 30 May, 2014

Location: Land Adjacent 4 Berengrave Lane Rainham Kent ME8 7LS

Proposal: Change of use of amenity land to side to residential garden and the erection of fencing to western boundary

Applicant: The Old Farm Cottage

Agent:
Ward Rainham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September 2014.

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: Location Map with Scale 1:500, Elevation DRG No 1, Elevation DRG No 2 and Section DRG No 3, all received 16 June 2014.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes E and F of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The proposed chain link fence shall be installed in accordance with the approved details and finished with green PVC coating and shall be retained thereafter.

Reason: In the interests of visual amenity of the area and in compliance with Policy BNE2 of the adopted Medway Local Plan 2003.

- 5 The existing brick and flint boundary wall shall be retained and maintained thereafter.

Reason: In the interests of visual amenity of the area and in compliance with Policy BNE2 of the adopted Medway Local Plan 2003.

- 6 The advice and recommendations in the Preliminary Ecological Assessment received 11 August 2014, shall be implemented when undertaking any maintenance on the site.

Reason: In the interests of protection of any existing wildlife within the area and in compliance with Policies BNE37 and BNE39 of the adopted Medway Local Plan 2003.

For the reasons for this recommendation for approval please see planning appraisal section and conclusion at the end of this report

Proposal

This application is for the change of use of amenity land adjacent to 4 Berengrave Lane to residential garden and for the erection of 1m high fencing facing onto Berengrave Lane.

The area of amenity space is triangular in shape measuring a length of approx. 81m and a maximum width of approx. 28m, with a retaining wall approx. 1.3m high that abuts the public path running the full length. A 1m high square chain link fence is also proposed to be stepped back by approx. 1m from the back edge of the retaining wall with an access gate included within the fence to allow for maintenance.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent County Council Ecology have also been consulted.

4 letters of objection were received from neighbouring properties making the following summarised comments;

- loss of privacy if landscaping screen removed
- loss of local wildlife
- greenspace should be preserved
- unsuitable for a garden
- noise and disruption to local residents
- loss of important amenity space
- loss of trees and landscaping
- impact on habitat for wildlife
- maintenance of retaining wall

- impact on the adjoining properties
- chain link fence is inadequate

Kent County Council Ecology has made the following comments:

- Satisfied that the survey has been carried out to an appropriate standard and that no further ecological survey work is necessary at this time.
- If planning permission is granted, the recommendations contained within the report should be implemented to minimise the potential for ecological harm during management works and to ensure that the site is enhanced for biodiversity.

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, 2012 and are considered to conform.

Planning Appraisal

Principle, Street Scene and Design

The proposed change of use relates to piece of land located to the rear of Nos. 1 to 23 (odd) Quinnell Street, with a frontage facing Berengrave Lane adjacent to No. 4 and will therefore be visible from the street scene. The land sits much higher than the highway at approx. 1.3m high with a brick and flint retaining wall fronting Berengrave Lane. Berengrave Lane slopes downwards to the north and the land and retaining wall follows this line.

The land is currently overgrown and does not serve any purpose other than the visual contribution it makes to the appearance of the streetscene. It is considered that the proposed change of use would not result in any detrimental harm to the appearance of the streetscene as although it would form part of the curtilage of a dwelling it would be without built form and retain greenery to the Berengrave Lane street frontage. However, it is important to recognise that as part of the residential curtilage of No. 4 Berengrave Lane, the land could be developed under permitted development rights enjoyed by the property. As such, it is recommended that should planning permission be forthcoming, a condition be applied to remove permitted development rights to ensure the street frontage is protected from the construction of any potential buildings or fencing that might otherwise be erected under permitted development rights.

In addition to the proposed change of use, the applicant wishes to erect a 1m high chain link fence stepped back approximately 1m from the back edge of the retaining wall with an access gate for the purpose of maintenance. The applicant has stated that the intention is to undertake only minor clearance and maintenance works. It is recommended that should planning permission be forthcoming a condition be attached requiring the fence is finished in an appropriate colour in order to blend in to its surroundings and that the retaining wall is maintained appropriately. The existing bushes once trimmed on a regular basis should obscure the proposed fence.

Subject to the imposition of the suggested conditions, there is no objection to the proposal in relation to Policy BNE1 of the Medway Local Plan 2003.

Ecology

The applicant has also confirmed that no alterations to the land are due to take place other than minor clearance and maintenance in order to access the site but it is the intention that the land and the existing landscaping of trees/shrubs/bushes shall remain as it is. The submitted preliminary ecological assessment concluded that '*...the change of use from 'amenity' to 'garden' is considered to result in a positive ecological benefit for the site, provided some of the recommendations within this report are adhered to and that wildlife legislation is not breached.*' Subject to the recommendations being implemented on site, the ecological value of the site will be improved and enhanced. It is recommended that should planning permission be forthcoming, a condition should be attached to ensure that the recommendations in the report are implemented on site. With the inclusion of the suggested condition, no objection is raised with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

Neighbour Amenities

Policy BNE2 of the adopted Local Plan seeks to ensure that the amenities of existing residents are safeguarded. The location, height and design of the proposed fencing, together with no proposed alterations to the area of land, would not result in a detrimental impact on neighbours in terms of loss of outlook, privacy, sunlight or daylight and as such no objections are raised with regard to Policy BNE2 of the Medway Local Plan 2003.

Highways

Due to the location of the fencing there will be no impact on the highway. The proposal is considered to be in accordance with Policy T1 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Recommendation

The proposal is considered acceptable in terms of design, amenity and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policies BNE1, BNE2, BNE37, BNE39 and T1 of the adopted Local Plan and the application is accordingly recommended for approval.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to officer's recommendation.

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>