Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3 December, 2014.

Recommendation - Refusal

1. The proposed development results in the loss of an area of grassed amenity land and the removal of a street tree which causes a detrimental impact on the visual amenity of the area contrary to Policies BNE1 and BNE43 of the Medway Local Plan 2003.

Proposal

This is a retrospective application for the change of use from amenity land to garden area to facilitate vehicular crossover and access to existing parking area at the front of the property.

The proposed crossover / hardstanding measures approx. 5.6m wide and 8m deep and includes the removal of a tree, grassed area and wooden bollards and the inclusion of a dropped kerb.

Relevant Planning History

GL/76/220 Double garage.
Approval with Conditions
30 November, 1976

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.
1 Letter of representation was received making the following summarised comments;
- Loss of important green space
- Loss of tree
- Non-permeable surface

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

Street Scene and Trees

The development is located on a grassed amenity area that previously included a tree and wooden bollards to stop parking on the land. Policy BNE1 of the Local Plan 2003 requires development to respect the visual amenity of the surrounding area. Policy BNE43 of the Medway Local Plan 2003 specifically relates to trees and seeks to retain trees, woodlands, hedgerows and other landscape features that provide a valuable contribution to local character. The importance of retaining street trees is also evident in the Council's adopted Tree Policy 12 stating that "there is presumption to retain significant trees unless there is a sound arboricultural reason for their removal, when assessing the suitability of any application for a vehicle crossing. Assessment of the impact of construction work on any tree will adhere to British Standard 5837". This is not a planning policy.

Street trees can help to soften and screen street features such as telegraph poles and significant areas of hard landscaping and can positively contribute to psychological well being of people by creating a visually pleasing and attractive environment. No tree report has been submitted with the application and as such, it is unclear as to the health of the tree and whether there was a sound arboricultural reason for its removal.

It is considered that the loss of an area of grassed amenity land and street tree would cause detrimental harm to both the streetscene and to the character of the area and the development results in a detrimental impact on the visual amenity of the area. Therefore the proposal is contrary to Policies BNE1 and BNE43 of the Medway Local Plan 2003.

Amenity

By virtue of the extent and nature of the development, the proposed vehicular crossover would not impinge upon the outlook, sunlight, daylight or privacy of the occupiers of any of the surrounding properties. Therefore there is no conflict with Policy BNE2 of the Medway Local Plan 2003 and accordingly no objection is raised in this regard.
Highways

The vehicular crossover benefits from good visibility along Mierscourt Road and the development would enable access to the hardstanding at the front of the property. The property also benefits from a detached garage to the rear. The proposed crossover is considered to be in accordance with Policy T2 of the Medway Local Plan 2003.

Conclusions and Reasons for this Recommendation

The proposed development has resulted in the loss of an area of grassed amenity land and the removal of a street tree which causes a detrimental impact on the visual amenity of the area contrary to Policies BNE1 and BNE43 of the Medway Local Plan 2003.

The application would normally fall to be determined under delegated powers but has been referred to Committee at the request of Councillor Doe who is objecting to the proposal due to the unauthorised works and consider that it is detrimental to the streetscene and area and therefore wishes it to be considered by the Committee. Cllr Royle also supports the need for the decision to be made by Committee as to refuse the application would authorise enforcement action but other sections of the Council have given contrary decisions.

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://publicaccess.medway.gov.uk/online-applications/