

MC/17/3788

Date Received: 1 November, 2017

Location: Land Rear Of 106,108,110,112 And 114 And Adjacent 98 Pilgrims Road, Upper Halling, Rochester, ME2 1HP

Proposal: Retrospective application for construction of an access road and driveway

Applicant: Mr Light

Agent: Mr Wells Andrew Wells Planning & Design 1 Gills Court Chaucer Close Medway City estate Rochester ME2 4NR

Ward Cuxton & Halling

Case Officer Amanda Barnes

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 17 January 2018.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall remain in accordance with the following approved plans:

Drawing number PL/463/01 received 6 November 2017.

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

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

Proposal

This is a retrospective application for full planning permission for the construction of an access road and driveway.

The site is an existing private equestrian yard providing stabling and grazing to the rear of the properties fronting Pilgrims Road. On site there is already a row of stables and separate buildings used for the storage.

An area of block paving has been constructed from the existing access road along the rear of No's 114, 112, 110, 108 and 106 Pilgrims Road which then fans out to give

access to the field, stables and riding ménage.

Relevant Planning History

MC/17/3288	Retrospective application for the formation of a riding ménage to the rear Current under consideration
MC/12/0838	Application for a Lawful Development Certificate (existing) for construction of detached garage to front and swimming pool building to side/front Decision Approval Decided 23 April, 2012

Representations

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

Three letters of representation have been received relating to:

- Concern about the access path to the development. For many years it has just been a simple and well used footpath. It was opened up a few years ago by the current occupant of 106.
- Heavy vehicles have been using this ever since including the earth movers engaged by 98. The track is very muddy and the mud often spills into the road which when wet is a skid hazard.
- Concerned that they will turn this into a road and then try to go ahead with even more developments. As well as increased traffic.
- The plans accompanying the application clearly call the track an "existing Access Road and Driveway" and state that it is "stone".
- Access to 98 should be via the front of their property
- Everything has been done retrospectively at this property
- If an access road is allowed what will stop housing being built
- This is an AONB. The stable owner has completely obliterated the area where there used to be a rare orchid.
- Accidents have happened with cars coming too fast off the footpath
- The footpath should remain a footpath

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 2012 and are considered to conform.

Planning Appraisal

Background

This application has been submitted following the report of unauthorized works on the site. A letter was written to the owner (enforcement case ENF/17/0183) advising that the new driveway required planning permission. Subsequently a planning application was submitted.

Principle and Design

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The site is set within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty and with the North Downs Special Landscape Area. Policy BNE32 of the Local Plan advises that development within the Kent Downs Area of Outstanding Natural beauty, as defined on the proposals map, will only be permitted when it conserves the natural beauty, wildlife and cultural heritage. Policy BNE33 of the Local Plan only permits development if it conserves and enhances the natural beauty of the areas landscape or the economic or social benefits are so important that they outweigh the county priority to conserve the natural beauty of the areas landscape. Paragraph 109 of the NPPF states that “*The planning system should contribute to and enhance the natural and local environment.*”

Within the Metropolitan Green Belt there is a general presumption against inappropriate development where Paragraphs 79 and 80 of the NPPF states that “*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:*

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration”*

The changes to the landform arising from an alteration to the materials are a relatively minor in terms of the impact on the appearance of the area. The siting of the driveway to the rear of existing properties mean they are hidden from public view by the houses along Pilgrims Road and are set against the backdrop of the rear elevations and curtilages of the residential properties when viewed from the wider countryside. Taking this into account and the natural slope of the land the changes are considered to be acceptable.

The changes are considered to maintain the open character of the area and have been constructed to serve a use that is common in the countryside are therefore considered to be acceptable and in accordance with Policies BNE1, BNE25, BNE30, BNE32, BNE33, and BNE44 of the Local Plan and the provisions within Paragraphs

56, 79, 80, and 109 of the NPPF.

Amenity

Policy BNE2 of the Local Plan and point 4 of paragraph 17 of the NPPF seek to ensure that the amenities of existing residents are safeguarded. As a result of the location of the development in relation to the rear elevations of adjoining properties fronting Pilgrims Road, the changes that have been made to the surface of the driveway and the use of the driveway are not considered to unacceptably affect the amenities of the occupiers of those neighbouring properties. The development is considered acceptable and to be in accordance with Policy BNE2 of the Local Plan and point 4 of paragraph 17 of the NPPF.

Highways

Policies T1 and T2 of the Local Plan deal with the impact of additional traffic caused by development and seek to ensure that the highway network is adequate in terms of capacity and safety. The changes made have formalised the existing driveway, they have not altered the access to the highway or changes to the parking. Accordingly no objection is raised to the proposal in terms of car parking and the impact on the highway and safety.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of design, amenity, affect on the landscape and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved. The proposal therefore accords with the provisions of Policies BNE1, BNE2, BNE25, BNE30, BNE32, BNE33, BNE44, T1 and T2 and of the Local Plan and paragraphs 17, 56, 57, 79, 80, and 109 of the NPPF.

This application would normally fall to be determined under delegated powers but has been referred to Members for determination due to the number of representations received contrary to officers' 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://publicaccess.medway.gov.uk/online-applications/>