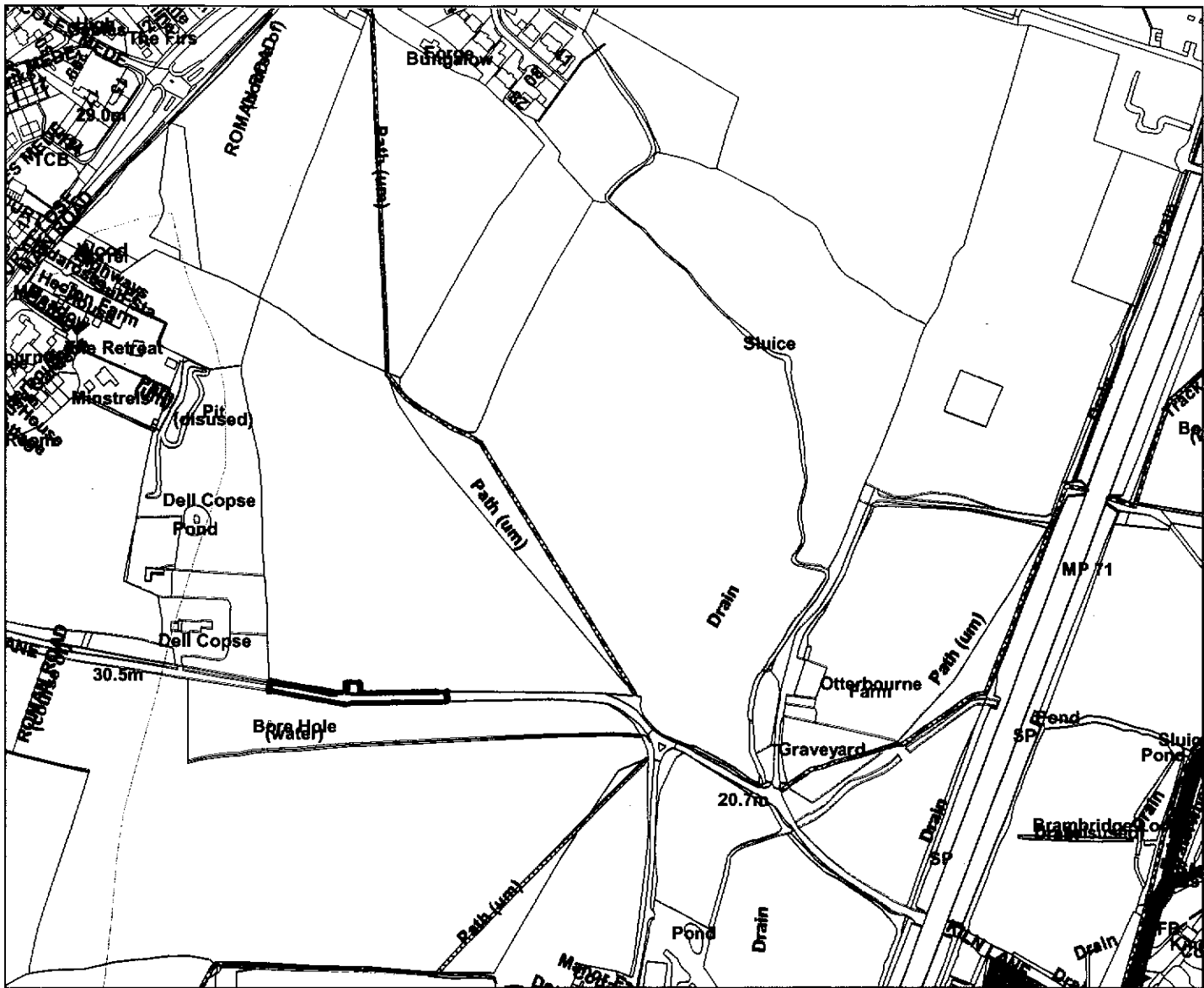


# Land West of Otterbourne Farm, Kiln Lane

11/02151/FUL



**Legend**

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	24 November 2011
SLA Number	00018301

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 9  
**Case No:** 11/02151/FUL / W22377  
**Proposal Description:** Replacement of existing vehicular access (retaining existing footpath access)  
**Address:** Land West Of Otterbourne Farm Kiln Lane Otterbourne Hampshire  
**Parish, or Ward if within Winchester City:** Otterbourne  
**Applicants Name:** Mr K Butt  
**Case Officer:** Miss Megan Birkett  
**Date Valid:** 12 September 2011  
**Site Factors:** Countryside  
Public Right of Way  
**Recommendation:** Application Permitted

**General Comments**

This application is reported to Committee because of the number of objections received.

This application is reported to Committee at the request of Otterbourne Parish Council, whose request is appended in full to this report.

**Site Description**

The site is located on the northern side of Kiln Lane about half way between Otterbourne, to the west, and Brambridge, to the east.

It is approx. 300m to the west of the railway line and the River Itchen is approx. 400m to the east of the application site.

The proposed access would serve a large field currently used for agricultural purposes, including haylage and the grazing of cattle.

The field measures approx. 5ha. And is bounded by mature hedgerow. The hedge consists of mainly Hawthorn, Field Maple, Blackthorn and some scattered Bramble and Ash.

There is an existing access located in the south eastern corner of the field that is proposed to be blocked up for vehicular access with pedestrian access to a public footpath that runs along the eastern boundary of the field.

**Proposal**

This application is for the creation of a new replacement access off Kiln Lane to the existing agricultural field.

The existing access would be closed and replaced with new planting and a kissing gate for access to the footpath and 15-20mm grade grit stone, well-compacted aggregate surface on the new entrance from the road to the pedestrian access.

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**Relevant Planning History**

No relevant planning history on this site.

**Planning history on adjacent site (Land At Otterbourne Farm Kiln Lane Otterbourne Hampshire)**

08/02676/FUL - Change of use of barn to B1 office; refurbishment including replacement roof and bin/cycle store. Refused 15th January 2009.

09/01271/FUL - Change of use of barn to B1 office; refurbishment including replacement roof and bin/cycle store. Permitted 12th August 2009.

09/02241/FUL - Change of use of land for equestrian and erection of stable block with associated planting and minor alterations to access. Withdrawn 13th January 2010.

**Consultations**

Ecology

Comments received 18/10/11 requesting further survey work to be undertaken.

Engineers: Highways:

No objections, subject to conditions. (Conditions 4, 5, 6, 7, 8 and 9)

Landscape:

No objections: "The proposal to develop a new access in to the adjacent field from Kiln Lane at this point will not in my view cause significant harm to the rural character. The hedge will need to be cut back to improve sight lines but will be reinforced to the rear of the hedge with new planting (details required)". (Condition 2)

Highways Agency:

No objections

Rights of Way Officer – Comments received 07/10/11 – "As acknowledged within the D & A Statement, a public footpath, *Otterbourne Footpath No 6*, runs across the site from the same access point as the existing farm gate, this being via a kissing gate immediately alongside the field gate. (A minor point - the D & A Statement incorrectly suggests that the path runs ".....*from the south-east corner to the north-east corner.*" The path in fact runs to the north-**western** corner of the field.)

We note and welcome the intention to retain this existing form of access. However, we do have concerns over the proposed new ditch at the new section of hedgerow which will replace the field gate entrance. We believe that this would adversely affect access across the verge to the footpath and require further details before we can support the application."

Comments received 19/10/11 – "We are happy to withdraw our objection subject to securing a suitable surface via the required condition." (Details as submitted in plan no. WIN/814/1/AP/003)

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**Representations:**

Otterbourne Parish Council – Object for the following reasons:-

- The proposed removal of 151m of hedge row would significantly alter the character of this approach to the village.
- A recent development further along the lane has had a significant impact on the character of the surrounding area.
- This application is contrary to the Village Design Statement Guideline no.7 and no.9.
- The requirement for such a large access of some 10 metres at the roadside with such large visibility splays would indicate use by a size of vehicle inappropriate and hazardous to the highway.
- Kiln Lane is narrow and twisting, barely capable of taking two car widths and with water channels at the edges. There is no footway. There is a weight restriction of 3 tonnes and the two river bridges at Brambridge are very hazardous and negotiable only with great care. Kiln Lane is a key route to Colden Common and Twyford and a so called rat run at certain times. Lorry deliveries to the Brambridge Garden Centre, wrongly directed by navigation equipment, often get grounded over the mini roundabout by the Church into Kiln Lane, causing traffic chaos.
- The Parish Council asks for a Planning Brief for proposed use of the site and access.
- The proposed size of access and visibility splays is not understood or accepted with regard the current use of the site. Concern relates to use of the access for other purposes than to maintain the field.
- As background to this, an application in 2009 on the adjoining site for Livery Stables was withdrawn. Part of this site has very recently been developed and there is concern that this proposal for replacement vehicular access may be used in conjunction with further development proposals for the adjoining site. Attached is a copy of the Statement by the Parish Council with regard the application for Livery Stables made in 2009.

7 letters received objecting to the application for the following reasons:

- The size of the opening would be out of keeping
- 151m of established hedgerow would be removed which provides habitats for creatures that we are seeking to preserve.
- The proposal is not in keeping with the Village Design Statement, especially no.7 and no.9.
- This would cause a serious accident on Kiln Lane (especially as so close to tight bends).
- No justification given for moving the access.
- The disruption of the hedgerow is unnecessary and undesirable.
- This would set a precedent for future applications for commercial properties.
- Kiln Lane has traffic problems already.
- Accumulative nature of access would cause damage to nature of Kiln Lane.
- Should have regard to potential flooding and pollution.

Reasons aside not material to planning and therefore not addressed in this report

- The Old Churchyard entrance is no longer easily accessible.
- Young trees were removed at the Old Churchyard entrance.
- The brick wall at the Old Churchyard is not in keeping with the character of the

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surrounding area.

**Relevant Planning Policy:**

South East Plan 2009:

CC6, C4

Winchester District Local Plan Review

DP3, DP4, CE10, T4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

Supplementary Planning Guidance

Otterbourne Village Design Statement

Other Planning guidance

Manual for streets

**Planning Considerations**

This application relates to the construction of a new access and gate, to help facilitate access to land to the agricultural field owned by the applicant. The existing access in the south eastern corner of the site will be blocked up for vehicular access, but a kissing gate retained for access to the existing pedestrian public right of way. There is a Twinwall 300mm drainage pipe proposed underneath the access to the kissing gate to bridge the existing ditch.

Principle of development

The principle of this development is acceptable as it accords with the Highway Authority standards and policy T.2 in the Winchester District Local Plan Review which states 'Development that requires new or improved access will be permitted provided it does not, interfere with the safety, function and character of the road network, or have adverse environmental implications and meets the Highway Authorities standards'.

The applicants Design and Access Statement considers the existing access into the field is unsafe as it is located on a bend with poor visibility. The proposed new access is required to provide a safer and more direct access to the field without increasing vehicle movements in and out of it. It is considered that the blocking up of the existing vehicular access would provide safer pedestrian access for the users of the Public Right of Way.

The Otterbourne Village Design Statement is assessed in conjunction with the Development plan policies and outlines the qualities of the village and its distinctiveness as a place from the viewpoint of its residents. The Otterbourne Village Design Statement highlights, 'The Village Environment' under paragraph 7 and 9, the importance of the hedgerows along Kiln Lane and that they should be retained. It goes on to suggest that if necessary these hedges should be replaced with locally occurring hedge planting. Policy DP4 of the Winchester District Local Plan Review follows the same principles and it is considered that the replacement indigenous planting proposed reduces any detrimental harm on the surrounding village environment.

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Impact on highway safety and character of surrounding area is considered below.

Impact on character of area and neighbouring property

The proposed access requires visibility splays of 2.4m by 70m in both directions when exiting the site and therefore this requires the removal of some of the vegetation along the frontage.

It is considered that the removal of the vegetation along the verge of Kiln Lane in this location would not result in significant detrimental harm in relation to the character of the surrounding area. The vegetation lost along the frontage is proposed to be replaced within the site on the northern side of the hedge (condition 2).

This part of Kiln Lane is very enclosed with dense vegetation and therefore the loss of some of the vegetation along the immediate frontage of the site would open up the road slightly without compromising the rural setting of the area. The replacement planting would ensure the density of the vegetation is not lost.

The proposed gate and small driveway into the field would not result a form of development that would affect the character of the area as this form of development is typical within rural locations such as Kiln Lane.

It is considered there will be no material planning harm to neighbouring properties as a result of the proposed access in this location. It is situated within a stretch of the road with no residential properties nearby and the nearest dwelling is a considerable distance away. Kiln Lane currently serves many other sites along this road and the introduction of an access, and blocking up the existing will not affect materially the character of the area, or impact on the amenity of adjacent sites.

Landscape/Trees

There is no proposal to fell any trees in relation to this application and it is considered that there will be no adverse impact on the landscape. The hedge will need to be cut back to improve sight lines but will be reinforced to the rear of the hedge with new planting (details required in condition 2).

Highways/Parking

The proposed access is considered acceptable in terms of highway safety. The visibility splay requirements are achievable in this location and therefore it is unlikely to cause harm to users of the adjoining highway. The Highway Engineer has raised no objection subject to conditions 4, 5, 6, 7, 8 and 9, to deal with the access, visibility, cut off drain and gates.

Ecology

Further information was requested by the ecologist requiring a survey and further clarification of the proposed works to the hedge and any effect on existing ecology.

The survey was submitted in August 2011, ref no. E287 with the following details:

Approx. 125m<sup>2</sup> of hedgerow was searched for the presence of gnawed hazelnuts. No opened hazelnuts were found during the course of the survey. Ecological Assessment

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suggested that dormice were unlikely to be found on site due to poor habitat connectivity.

The ecology report concluded that it is unlikely that dormice utilise the site and therefore unlikely that dormice will be encountered during works.

It is therefore considered that the proposed works would not result in identified harm on the existing habitats of dormice. A mitigation condition is suggested (condition 3).

**Conclusion**

The stopping up of the existing access with a kissing gate to provide pedestrian access, and the new access proposed is not considered to impact on the character of the area, or affect highway safety.

**Recommendation**

Application Permitted subject to the following condition(s):

**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 the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 Prior to commencement of development a detailed plan showing indigenous hedgerow for the southern boundary and the south western corner part of the field shall be submitted to and approved by the Local Planning Authority. The scheme approved shall be carried out in the first planting season following the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

3 The works hereby permitted must be carried out under the supervision of a trained and suitably licensed dormouse ecologist. The site must be checked prior to clearance works for the presence of dormouse nests. If a nest is discovered a buffer zone of 5m must be maintained unless otherwise agreed with the Local Planning Authority.

Reason: In order to ensure that no disturbance is caused if a nest is found.

4 The proposed access and drive shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

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Reason: To ensure satisfactory means of access.

5 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 10 metres from the highway boundary.

Reason: In the interests of highway safety.

6 The existing access(es) to the site shall be stopped up and abandoned and the verge crossing shall be reinstated to the requirements of the Local Planning Authority, immediately after the completion of the new access hereby approved and before the new access is first brought into use.

Reason: In the interests of highway safety and the amenities of the area.

7 Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times.

Reason: In the interests of highway safety.

8 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

Reason: In the interests of highway safety.

9 Any gates provided shall be set back a minimum distance of 10 metres from the edge of the carriageway of the adjoining highway.

Reason: In the interests of highway safety.

10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials of the gate and type of boundary treatment to be erected for the proposed vehicular access and the existing access in the south east corner of the field. The boundary treatment shall be completed before the access is first brought into use. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

**Informatives:**

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.



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The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3, DP4, CE10, T2  
South East Plan 2009: CC6, C4

No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

**OTTERBOURNE PARISH COUNCIL**

**Mrs J Ayre  
Clerk**

**Tel: 01962 775481  
Email: j.ayre3@btinternet.com**

**Parsonage Barn  
Bunstead Lane  
Hursley  
Winchester  
Hampshire  
SO21 2LQ**

21 October 2011

Development Control  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ

For the attention of the Case Officer

Dear Sirs

**Case No. 11/02151/FUL Land West of Otterbourne Farm, Kiln Lane  
Replacement of existing vehicular access (retaining footpath access)**

Otterbourne Parish Council has studied the plans and wishes to register its **objection** to the above proposal.

There is great concern regarding the following aspects:

1. The access width and requirement for visibility splays of 70 metres in each direction. We have calculated that this would amount to 151 metres of hedgerow being depleted, which despite the proposal to reinforce at the back will considerably change this important approach lane to the village.

Kiln Lane is cherished by Otterbourne residents as a key remnant of open countryside. A very recent development further along the lane has had a significant impact despite the Decision Notice stating: *'The proposal will not have a materially harmful impact on the countryside character here and conditions have been recommended to exercise control over materials, lighting and landscaping'*. Photograph of the site entrance with ancient gravestone in far corner attached.

We request that you take account of The Otterbourne Village Design Statement Guideline No 7: The important hedgerows along Poles Lane, Kiln Lane and Main Road, including the hedgebanks of the old road should be retained. (DP4)  
Guideline No 9: Landowners, farmers and developers are encouraged to achieve biodiversity in surrounding farmland by retaining hedgerows and field edges. (CE11, DP1).

2. The requirement for such a large access of some 10 metres at the roadside with such large visibility splays would indicate use by a size of vehicle inappropriate and hazardous to the highway.

Kiln Lane is narrow and twisting, barely capable of taking two car widths and with water channels at the edges. There is no footway. There is a weight restriction of 3 tonnes and the two river bridges at Brambridge are very hazardous and negotiable only with great care. Kiln Lane is a key route to Colden Common and Twyford and a so called rat run at certain times. Lorry deliveries to the Brambridge Garden Centre, wrongly directed by navigation equipment, often get grounded over the mini roundabout by the Church into Kiln Lane, causing traffic chaos.

3. The Parish Council asks for a Planning Brief for proposed use of the site and access. The proposed size of access and visibility splays is not understood or accepted with regard the current use of the site. Concern relates to use of the access for other purposes than to maintain the field.

As background to this, an application in 2009 on the adjoining site for Livery Stables was withdrawn. Part of this site has very recently been developed and there is concern that this proposal for replacement vehicular access may be used in conjunction with further development proposals for the adjoining site. Attached is a copy of the Statement by the Parish Council with regard the application for Livery Stables made in 2009.

The Parish Council has seen the cumulative effect of proposals in other parts of the Parish and is concerned about this in relation to Kiln Lane. Should the Officer be minded to recommend approval, then the Parish Council requests the application be heard by Planning Committee.

Yours faithfully

Mrs J Ayre  
Clerk

Encs:

copy of access of recent development at Otterbourne Farm, Kiln Lane with 43 m visibility splay  
copy of Cllr Hudson's statement 17 December 2010

Case No: 09/02241/FUL  
17 December

Land at Otterbourne Farm, Kiln Lane, Otterbourne  
Change of use of land for equestrian and erection of  
stable block with associated planting and minor  
alterations to access

**Comment: to request that the application is determined  
by Committee. Application Withdrawn**

Otterbourne Parish Council Planning Committee is very concerned indeed about this development proposal and requests that Winchester CC Planning Committee determines this Application.

Our objection in principle is based on the cumulative effect of change of use proposals at Otterbourne Farm, which is in an area of open countryside outside the village settlement boundary. We have already seen the escalation of Applications at Four Dell Farm on Poles Lane, after a change of use, with heavy goods vehicular traffic affecting the well-being of residents in the village.

Kiln Lane is cherished by Otterbourne residents as a key remnant of open countryside. There is no footway, and the narrow twisty road, with weight restriction of 3 tonnes at the 2 river bridges at Brambridge is very hazardous and negotiable only with great care. Kiln Lane is a key route to Colden Common and to Twyford and is a so called rat run. Lorry deliveries to the Brambridge Garden Centre, directed by SATNAV, often get grounded over the mini roundabout by the Church into Kiln Lane, causing traffic chaos. The proposed equestrian site with access by cumbersome horse boxes and trailers would add to traffic flow problems. It is probable that some horse riders would attempt to ride on Kiln Lane, which would cause accidents. The scale of the equestrian facility is clearly commercial livery, with 6 loose boxes. There could be later expansion of stables on the site, generating greater traffic flows. There is a footpath through the site, and pedestrians would need to be safeguarded.

Cllr Suzanne Hudson