

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 July 2008

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	08/00764/FUL	Valid Date	22 April 2008
W No:	04676/15	Recommendation Date	2 July 2008
Case Officer:	Mr Andrew Rushmer	8 Week Date	17 June 2008
		Committee date	24 July 2008
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	New access and track to serve farm holding (THIS APPLICATION MAY AFFECT THE SETTING OF AN ROW)
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Site:	Meadows Farm Ervills Road Worlds End Hambledon Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	N	N	Y = 23, Parish Council and Worlds End Residents Association	N	N	N

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

Item No: 6
Case No: 08/00764/FUL / W04676/15
Proposal Description: New access and track to serve farm holding (This application may affect the setting of a Public Right of Way)
Address: Meadows Farm Ervills Road Worlds End Hambledon
Hampshire
Parish/Ward: Denmead
Applicants Name: GM Farms
Case Officer: Mr Andrew Rushmer
Date Valid: 22 April 2008
Site Factors:
Recommendation: Application Permitted

General Comments

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

An application for a similar proposal was refused on 16th November 2006 (ref: 06/02947/FUL, W04676/13) and another was withdrawn on 1st October 2007 (ref: 07/01412/FUL, W04676/14). The application has since been amended to try to overcome the previous objections. More specifically, the quality of the access and the route of the access track have been amended, hedging has been incorporated and a replacement bridge is now proposed, as opposed to a culvert.

Site Description

The site of the proposed development is located approximately 1.5km from the outskirts of the settlement boundary of Denmead. The site is in a rural location. The landscape in this area has a distinctive pattern of irregular fields, with tree'd hedges forming boundaries, interspersed with small irregularly shaped woods and copses.

The site is located next to a local distributor road. There are a cluster of dwellings in the vicinity and a pub virtually opposite the site (The Chairmakers Arms)

The access track is proposed to run across a field/meadow to a steel barn, which is currently empty. A ditch/stream runs through the meadow, and is traversed by a small bridge.

The site is crisscrossed by rights of way, one of which utilises the bridge.

The farm has an existing access next to the entrance to The Priory, which has a poor degree of visibility.

Proposal

The proposal seeks permission for a new farm access track. The access track will be lined with a new hedgerow (a mixture of blackthorn, hawthorn and hazel). The proposal also involves the provision of a replacement bridge.

The track would be constructed from hoggin, tarmac and a strip of concrete capping slabs

at the entrance. New gates are also proposed, which will be located 15 metres from the entrance to the track.

Relevant Planning History

06/02947/FUL / W04676/13 - Engineering works to form new highway access and track to serve farm - Refused - 16/11/2006.

07/01412/FUL / W04676/14 - New access and track to serve farm (Resubmission) - Withdrawn -01/10/2007

Consultations

Engineers: Highways: No objection

The applicant has supported the proposal with traffic speed data. The Highways Engineer recommends three conditions, which are included in the conditions below (Conditions 2, 3 and 4). The Council's Highways Engineer has previously commented (application ref: 06/02947/FUL) that the existing access is substandard due to lack of sufficient visibility (the visibility splays are not in the control of the applicant).

Landscape: No objection

Considers that there would be a landscape impact, but not a significant one, and that the land is not subject to any special landscape designations. The proposal is considered to be acceptable in landscape terms, subject to the imposition of a suitable landscape condition (Condition 5).

Environment Agency: No objection

This application has addressed their previous concerns sufficiently, and so no objection is raised. The Environment Agency biodiversity officer has assessed the ecological impact of the proposal and recommends the imposition of a condition (Condition 6).

Rights of Way: No objection

The Access Development Team recommends the imposition of two conditions. These have been added below as informatives, as they are not considered to be valid as conditions.

Representations:

Denmead Parish Council: Strongly objects

The Parish Council considers that the proposal does not maintain or enhance the District's landscape character, as it would detract from or result in the loss of an area of ecological importance and cause harm to a river corridor. The Parish Council considers it would result in a detrimental impact being inflicted on the habitat of Amber Listed species of birds (i.e. birds subject to historical population decline during 1800–1995, but recovering - RSPB). In addition, the Parish Council considers that the proposal will disrupt the flood plain. The Parish Council is also of the view that permitting the proposed scheme would result in enforcement action in the vicinity being undermined, and are concerned about the lack of a site visit by the Environment Agency. Finally, the Parish Council requested, that if consent is granted, a condition be imposed limiting the track to use by agricultural vehicles.

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

- Increase in quantity of highway traffic;
- The new access will be dangerous;
- The winding nature of the access track is hazardous;
- New access road is not necessary, existing access is more appropriate;
- No attempt has been made to improve the existing access;
- The applicants have not properly considered other alternatives;
- Detrimental impact on footpath users;
- The new access will have a detrimental impact on the landscape;
- The use of the track for heavy vehicles is not consistent with the landscape context;
- Detrimental impact on local birds;
- Loss of a 'beautiful brick bridge';
- Lack of ecological survey;
- Will increase flooding in the area and cause flooding to local roads;
- Proposal would undermine efforts made in the area by the Environment Agency to alleviate flooding in the area;
- Concerned about impact of sewage plant;
- Loss of farmland;
- New access and associated use of the barn will result in noise and disturbance to local residents;
- Not notified of the proposal by the Local Planning Authority;
- May facilitate residential development;
- The existing access has a covenant on it, therefore necessitating the new access track, which will be used for heavy engineering traffic. These engineering vehicles will then be stored in the barn;
- Considers the supporting statement to be inaccurate;
- The Environment Agency should have objected;
- Previous objections to the application have not been overcome.

One other letter received, stating no objection, provided adequate measures were taken to address the flooding associated with the site.

Relevant Planning Policy:

Winchester District Local Plan Review 2006:
DP3, DP4, CE5, CE10, CE12, CE13, T2

National Planning Policy Guidance/Statements:
Planning Policy Statement 25

Planning Considerations

Principle of development

The existing access has been assessed by the Council's Highways Engineer and has been deemed to be unacceptable. In order to make the visibility splays at the existing access acceptable in highways terms, a portion of hedgerow would need to be removed, which would contradict the requirements of Policy DP4 of the Winchester District Local Plan Review 2006, which requires that trees and hedgerows be protected.

Of relevance is a recent appeal case where a new access track was permitted in an Area of Outstanding Natural Beauty, in Cornwall. In the case in question, it was reported that highway safety concerns overrode the modest detrimental impact on the landscape. In this case, the Planning Inspector also stated that it was unreasonable to focus on need, and the applicant was not obliged to prove that there was a need for the new development.

Furthermore, in connection with the above, Legal opinion is that a Local Planning Authority could consider need where there might otherwise be potential grounds to refuse an application, for example if the new access was required for the more efficient operation of a farm holding or to accommodate larger vehicles which the existing access could not accommodate. If that was to be the case in this instance, it would be appropriate to consider whether the need for the development was sufficient to overcome the potential reasons for refusal. In this instance, the officers consider there are no potential reasons for refusal on landscape, ecological, flooding or highway safety grounds and therefore it is not appropriate to consider whether or not there is an overriding need for the development.

Design

The proposal is considered to be in compliance with Policy DP3 of the Winchester District Local Plan Review 2006. In terms of design, the proposal incorporates hedging along the track wherever it is practical (the Environment Agency has imposed certain exclusion zones, which are required to develop in their natural state), and therefore responds positively to the character of the area. In terms of impact on adjoining residents, it is considered that there is a sufficient degree of separation from the neighbouring properties for there to be no detrimental impact caused.

Impact on character of area

The proposal will not have a significant impact on the landscape, and the Council's Landscape Architect does not consider that a reason for refusal on landscape grounds is defensible at appeal. Therefore, it is considered that the proposal does not contradict the requirements of Policy CE5 of the Winchester District Local Plan Review 2006.

Highways/Parking

The Highways Engineer has previously deemed that the existing access is substandard. A highways objection was raised to the first application at this site for an access track (ref: 06/02947/FUL) due to the proposed access not being of a suitable standard, but not in connection with the second application, which was withdrawn (ref: 07/01412/FUL). With regard to the current application, the Highways Engineer does not object to the proposal and the application is considered to be in compliance with Policy T2 of the Winchester District Local Plan Review 2006.

Other Matters

The Environment Agency raised an objection to the previous application on the grounds of the proximity of the access track to the watercourse, and the proposed culvert. These objections have now been overcome through an amendment to the route taken by the access track and the use of a replacement bridge instead of a culvert. As a result of the amendments the Environment Agency is now raising no objection to the proposal.

Denmead Parish Council has requested that a condition be attached requiring that the

use of the track be restricted to use by agricultural vehicles. It is considered that this condition would not be enforceable (as it would require constant supervision). A planning decision was also recently quashed in the High Court due to unenforceable conditions being attached. Furthermore, such a condition is likely to be unreasonable, as it would require any non- agricultural vehicle to use the alternative access, which is considered to be substandard.

The letters of objection make reference to Amber Listed birds being affected by the development. However, it is considered that, as the access track will only take up a relatively small area, especially when compared to the size of the field in which it will be located, the proposal will have no significant detrimental impact and is consistent with the requirements of Policy CE10 of the Winchester District Local Plan Review 2006. Furthermore, the Environment Agency has considered the issue of nature conservation (the application was considered by the Environment Agency's Biodiversity Officer) and has raised no objection.

The loss of a 'beautiful brick bridge" does not appear to be relevant, as the existing bridge is not of any particular merit in terms of visual amenity. Concerning the fears in connection with the sewage plant, presumably this fear relates to flooding, and, as has been stated above, the Environment Agency has raised no objection in this regard. With regard to the concern about the loss of farmland, the information available from DEFRA shows that the land in the area is Grade 4, hence not suitable for protection under Policy CE12 of the Winchester District Local Plan Review 2006. Finally, the existence of any covenants is a private law issue and should not form part of the consideration process of a planning application.

Recommendation

Application Approved, subject to the following conditions:

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. 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 15 metres from the highway boundary.

Reason: In the interests of highway safety.

3. 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. No structure, erection or vegetation exceeding 600mm in height above the level of the adjacent highway shall be permitted within the splays.

Reason: In the interests of highway safety.

4. Any gates provided shall be set back a minimum distance of 15 metres from the edge of the carriageway of the adjoining highway.

Reason: In the interests of highway safety.

5. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or 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.

6. A minimum of a 4 metre buffer zone (measured either side from the top of the bank of the river) must be staked out and delineated by a highly visible barrier during the construction of the track. This buffer zone must not be encroached upon by any of the works and there shall be no erosion of the land, storage of material or movement of machinery behind this line. (The bank top is defined as the point at which the bank meets normal land levels). After completion of the construction, this margin for wildlife shall not be planted but left to develop naturally.

Reason: To protect the river corridor.

7. Prior to the commencement of development, the surface material of the entire track shall be agreed in writing with the Local Planning Authority, and the proposal carried out in accordance with the approved details.

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

Informatives

This permission is granted for the following reason:

1. 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.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3, DP4, CE5, CE13, T2

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3. If it is considered that walkers may be at risk during the construction phase of the new bridge, then a temporary closure should be applied for. Such an application should be made to the Access Development Team, Countryside Service, Hampshire County Council, Room 200, Mottisfont Court, High Street, Winchester SO23 8ZF. If such a closure is not applied for, then the path must remain available to walkers at all times during the construction.

Appropriate warning signs should be placed on the track at the approach to the path during the construction works.