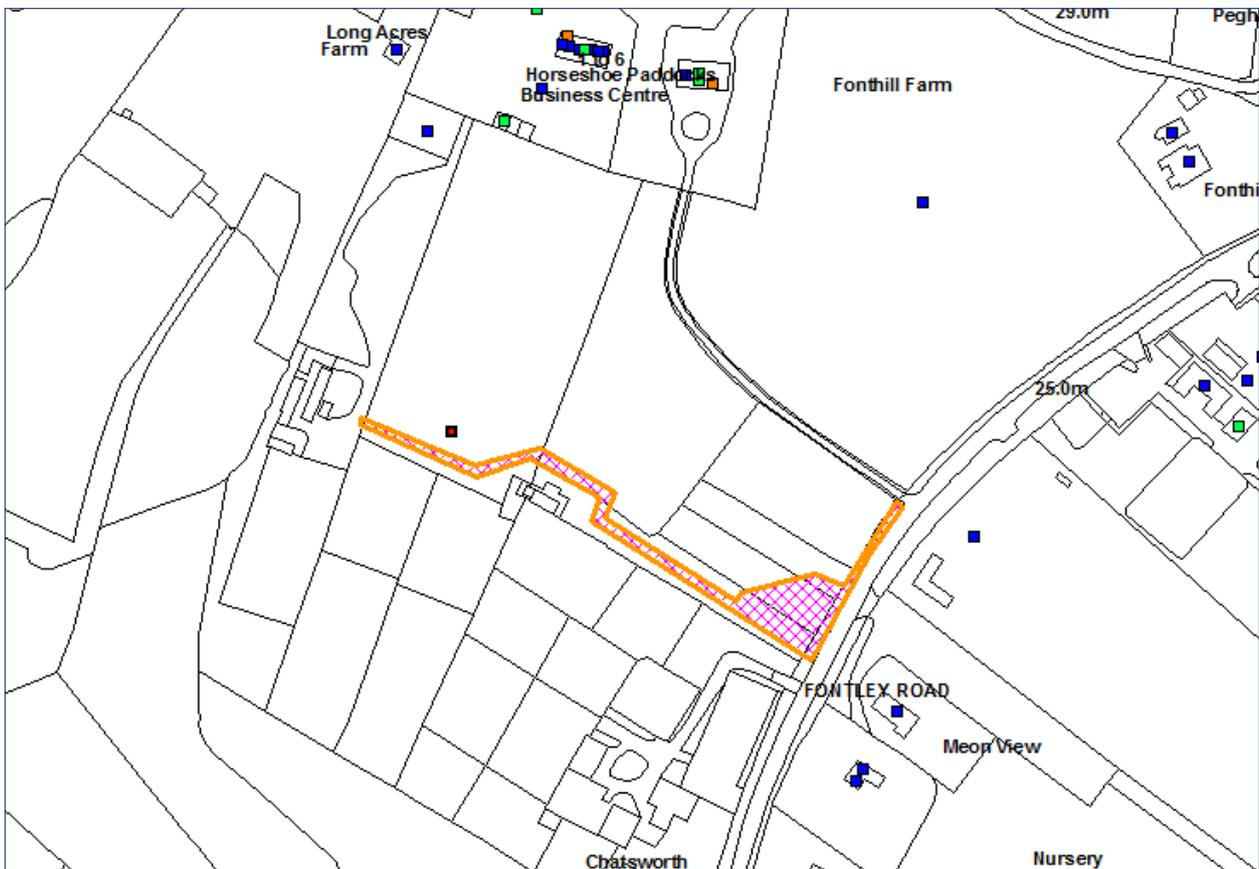


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 18/01666/FUL
Proposal Description: Proposed creation of a new vehicular access via Fontley Road; retention of existing field access track; replacement of existing dilapidated footbridge and improvements to public footpath.
Address: Land Rear Of Horseshoe Paddocks Business Centre, Laveys Lane, Titchfield, Hampshire
Parish, or Ward if within Winchester City: Wickham
Applicants Name: Mr K. Hoare
Case Officer: Liz Marsden
Date Valid: 10 July 2018
Recommendation: Permission subject to conditions



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General Comments

Application is reported to Committee due to the number of comments received contrary to officer recommendation.

Amended plans and transport statement received 03.12.18 to address Highways concerns.

Site Description

The proposed access is to serve an existing equestrian site with an area of around 2.2ha located to the west of Fontley Road. It is on level land, the majority of which is laid to grass and subdivided into a series of paddocks, with stable buildings set along the westernmost boundary of the site. To the north there is a small industrial estate (Horseshoe Paddocks Business Centre), from where the existing vehicular access is taken. There are open fields either side of the paddocks and the area as a whole is predominantly rural in character and appearance. There is a footpath that diagonally crosses the land which the access is to serve, entering the southernmost part of the site from Fontley Road and exiting through the Business Centre to the north.

Proposal

The access road is substantially complete and extends along the southern boundary of the site from the group of stable buildings, on the western edge of the site, to the boundary with Fontley Road, a distance of around 200m. There is a slight detour around a stable block set roughly halfway along its length. The track is constructed from crushed stone, which provides a permeable surface. At the junction with Fontley Road, the access has been angled away from the boundary, so that it is more central to the road frontage of the field and further from the existing access to Chatsworth Equestrian Centre to the south, allowing a wide bell mouth onto the road. The existing ditch along the roadside is to be piped under the new entrance.

The proposed development also includes replacing the existing dilapidated footbridge that serves the public right of way and which enters the site by means of a stile. In addition, new hedgerows are to be planted along the boundary fence and along the initial section of the access road which is most visible in the public domain, together with trees to be planted in the triangle of land created by the angle of the access and along the frontage.

Relevant Planning History

19/00463/LDC (current application) - Change of use of agricultural land to equestrian use and erection of 19 stables.

Consultations

WCC Engineers: Drainage:

Land drainage consent will be required from the Lead Local Planning Authority for works within the ditch. Would be a good opportunity to ensure that the ditches are clear of obstructions in line with the riparian responsibilities of the owner.

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WCC Engineers: Highways:

Applicants will need to enter into Section 278 Agreement with the Highway Authority.

HCC Highways:

Satisfied that the access arrangements shown on the revised plans are acceptable in principle with the details agreed via the S278 design check process. No objection subject to condition.

HCC Countryside Access:

Wickham Footpath 27 runs through the site and is already obstructed at its northern end by the Business Centre and through the site by the paddock fences. The proposals state that the bridge at the southern end will be improved though this is not reflected in the plan. The proposed vehicular access will intersect the right of way and is likely to cause an adverse impact on the amenity value of the route and exacerbate the current access difficulties and therefore object to the proposal.

Representations:

Wickham Parish Council

Object to the proposals until the footpath is fully defined and made safe and accessible

7 letters received from 6 households objecting to the application for the following material planning reasons:

- Additional vehicles pulling out on to this narrow road, which has no street lighting would be dangerous.
- Fontley Road not wide enough for two lorries to pass each other and need to pull into entrances.
- Road used as a cut through and is at capacity.
- Access is close to an existing riding school and its use by lorries could distress the horses and pupils.
- The access will be used for vehicles other than those required to serve the stables, notably, a tree surgeon business and a fleet of lorries owned by the applicant. This would result in increased noise and disturbance in the area near the riding school and would be detrimental to the business operating there as well as the occupants of the dwelling that is located there.
- Construction business being run from the site together with a waste removals business. It is likely that the access will be used to serve these businesses and not just the stables.
- It could facilitate the change of use of the fields into another industrial estate.
- Additional pollution

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA4,

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM1, DM12, DM15, DM18, DM23

National Planning Policy Guidance/Statements:

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National Planning Policy Framework

Supplementary Planning Guidance
Wickham Village Design Statement
High Quality Places SPD 2015

Planning Considerations

Principle of development

The site is located in the countryside where the use of land for equestrian purposes is appropriate and Policy DM12 states that the provision of facilities or development in connection with such a use will be permitted providing that they comply with the Development Plan and subject to its impact on the character and landscape of the area and neighbour amenity, as discussed in the following sections.

Design/layout

The access track has taken the most direct line between the stable buildings and Fontley Road to which it is hoped to connect, along the boundary of the site, where it will have least impact on the size and layout of the paddocks. The main length of the track is 4m wide and at present this has been laid nearly to the road, though the eastern part of this is to be removed as the access angles away from the southern boundary to provide room for a wider bell mouth at the point that it meets the road. Information has been received to demonstrate that the access will enable access and egress by a 4 x4 towing a horsebox, the main purpose for which it is required as well as larger emergency vehicles.

The public footpath, which enters the site at its southernmost point by means of a stile, will have to cross the new track and an appropriately designed gate will be on the northern side where the access will be fenced off from the paddocks. To the south there will be a gap by the side of the new track and a gap will also replace the stile making this part of the footpath easier to negotiate. The existing footbridge over the ditch will be replaced with a new one to Countryside Service Design Standards.

Impact on character of area and neighbouring property

The track is, in itself, relatively unobtrusive, being laid flat and defined by the same type of post and rail fencing characteristic of the site and surroundings. The new access onto the main road, although wider than those to either side is of a similar simple design and the gates are to be set sufficiently far back so as to be unobtrusive. The primary impact is therefore from the use of the access, both in terms of noise and disturbance and highways safety.

Concern has been raised that the access will variously; facilitate the expansion of the business park onto the site; be used in connection with a construction/waste removals business and be used to accommodate large vehicles owned by the applicant but unrelated to the equestrian use of the site. These would cause noise and disturbance, which, due to the close proximity of the access to the boundary with Chatsworth Equestrian Centre and the riding arena, could result in detriment to the riding school that operates there.

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However, from a recent visit to the site there was no evidence of any commercial operation taking place and all the structures that were there, including some shipping containers, were being used in connection with the equestrian activity. Therefore the level and type of vehicular activity on the proposed access would be similar to that associated with the equestrian use, which currently obtains access from Lavey's Lane, via the Horseshoe Paddocks Business Centre. This has been calculated in the transport statement as being 44 daily two-way trips per day, including owners, vets, farriers etc. The largest type of vehicle, other than horseboxes, would be a small flat bed lorry delivering hay and straw once a month.

It is not considered that this level of traffic movement would be excessive or that the type of vehicle would be extraordinary in this rural setting so as to result in harm to the neighbouring equestrian business. It is noted that the arena at Chatsworth is located adjacent to the Fontley Road (closer than the proposed access) and would therefore already be affected to a certain extent by all types of vehicles that use it.

The new access could also have a beneficial impact on the occupants of Lavey's Lane, in that it would remove the number of equestrian related vehicular movements that currently use this narrow road to access the site.

Landscape/Trees

The boundary of the site has very little planting at the present time, with the post and rail fence along the frontage being visible behind the overgrown verge, due to being set at a slightly higher level than the road. The proposal includes the planting of trees and hedgerows behind the existing fence and along the most publically visible part of the new access, which will serve to soften the entrance and be in keeping with the rural character of the area.

Highways

Concerns have been raised about the level of traffic already using Fontley Road, but it should be noted that this proposal will not increase the number of vehicle movements, which the equestrian use already generates, but alters the point at which they access the highway. The access has been assessed by the County Highways Authority and is considered to be adequate in terms of visibility and manoeuvrability to serve the vehicles and use for which it has been designed. Since this assessment was based on the submitted information and which related specifically to the current use of the land that the access is to serve, it is felt to be appropriate to apply a condition to ensure that it is not used more generally by commercial vehicles unrelated to the equestrian use.

Other Matters

- Impact on public right of way (Wickham Footpath 27). The Countryside Access team has raised an objection to the proposal on the grounds that the vehicular access would result in loss of amenity value to the route and exacerbate the existing access difficulties, notably the obstruction of the public right of way (PROW) by the business Centre and by the compartmentalisation of the field which it crosses into paddocks. The stile leading from the southern end of the field onto the plank bridge crossing the ditch running along the roadside is also said to be difficult to use. It is also specified that in order to implement the proposal, if permitted, it will be necessary to enter into a Highways agreement for its surfacing and an agreement with Hampshire Countryside Service for the planting of hedges and erection of fences and gates that affect the PROW, this

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agreement is unlikely to be forthcoming due to their view that such features would not be in the public interest. Subsequent comments have recommended a diversion of the footpath as a solution.

It is acknowledged that the definitive line of the PROW is significantly compromised by features that have been in situ for some years and that a formal diversion may overcome this. However, the current proposal needs to be assessed in terms of its direct impact on the existing PROW and it is not possible to take into account issues that have no bearing on the application or to use it as a lever to alter the line of the footpath, the majority of which lies outside the red line of the application site. The features of the current proposal insofar as it affects the PROW are limited to:

- The access track. This is 4m wide and will be used by vehicles around 44 times a day going in each direction, considerably less than Fontley Road onto which the PROW emerges once it has left the field. Furthermore, the track crosses the footpath at a point where it curves and only 25m from the junction with the main road where vehicles going in either direction will be moving at a reduced speed. It is not considered that the access will therefore result in a hazard to users of the footpath. The stone surface of the track would not be inappropriate to a rural footpath.
- There is to be a 'kissing gate' to the north of the track where the footpath is to enter the paddock and this needs to be stockproof. The application specifies that it will be constructed to Countryside Service Design Standards.
- To the south of the track there will be a gap in the hedge that is to be planted, ensuring that there is no obstruction of the PROW and there is to be a further gap place of the stile described as 'difficult to use' is located. This will improve accessibility, particularly as, when currently viewed on site the stile is entirely overgrown and barely visible.
- The existing bridge is to be replaced, again to Countryside Service Design Standards, which is also considered to be an improvement.

The importance of retaining PROWs is recognised, but in this case it is considered that the minor obstacles proposed in the form of the track and the kissing gate are offset by the improvements to the access to the field and it would not be possible to sustain a reason for refusal based on the adverse impact on the PROW. The applicants should however be aware that the agreement of the Countryside Service is required for works affecting the footpath and an informative is added to this effect.

- Drainage. Both the footbridge and the vehicular access cross a ditch that runs along side the road and works within this area will require consent from the Lead Local Flood Authority. An informative has been added to this effect.

Recommendation

Permission subject to the following condition(s):

Conditions

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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. The access hereby approved shall be used only in connection with the equestrian use of the land which it is to serve and for no other purposes or vehicles.

Reason: To accord with the stated requirement for the access and the standard to which it has been designed.

3. The development shall be carried out in accordance with the following approved plans:

0789-18-NJT dated 13/12/2018 – Proposed site plan

0790-18-NJT rev.A dated 29/06/2018 – Details of proposed gates and replacement bridge

2018-4289-001 Rev. C – Access arrangements contained in the Technical Note dated November 2018 (ref.JAHO/18/4289s)

Reasons: For the avoidance of doubt and in the interests of proper planning

Informatives.

1. In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.In this instance additional information has been sought during the course of the application process to address concerns.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - Winchester District Local Plan Part 1 - Joint Core Strategy: MTRA4, CP7, CP17, CP20
 - Local Plan Part 2 - Development Management and Site Allocations: DM1, DM12, DM13, DM15, DM18, DM23
3. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.
4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs

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Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During Construction, 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.
6. The applicant should note that Ordinary Water Course (OWC) consent will be required for any works to the ditch. More information can be found at: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/channelwatercourse>
7. Notwithstanding the works approved by this consent, it will be necessary to obtain the consent of the Countryside Service for works (including the erection of fences and gates and the planting of hedges) that affect the definitive line of Wickham Footpath 27.