

New agricultural access

Report Item No
A4

Land At Worthington Lane Breedon On The Hill

Application Reference
17/01342/FUL

Applicant:
Staunton Harold Farms

Date Registered:
11 September 2017

Case Officer:
Anna Edwards

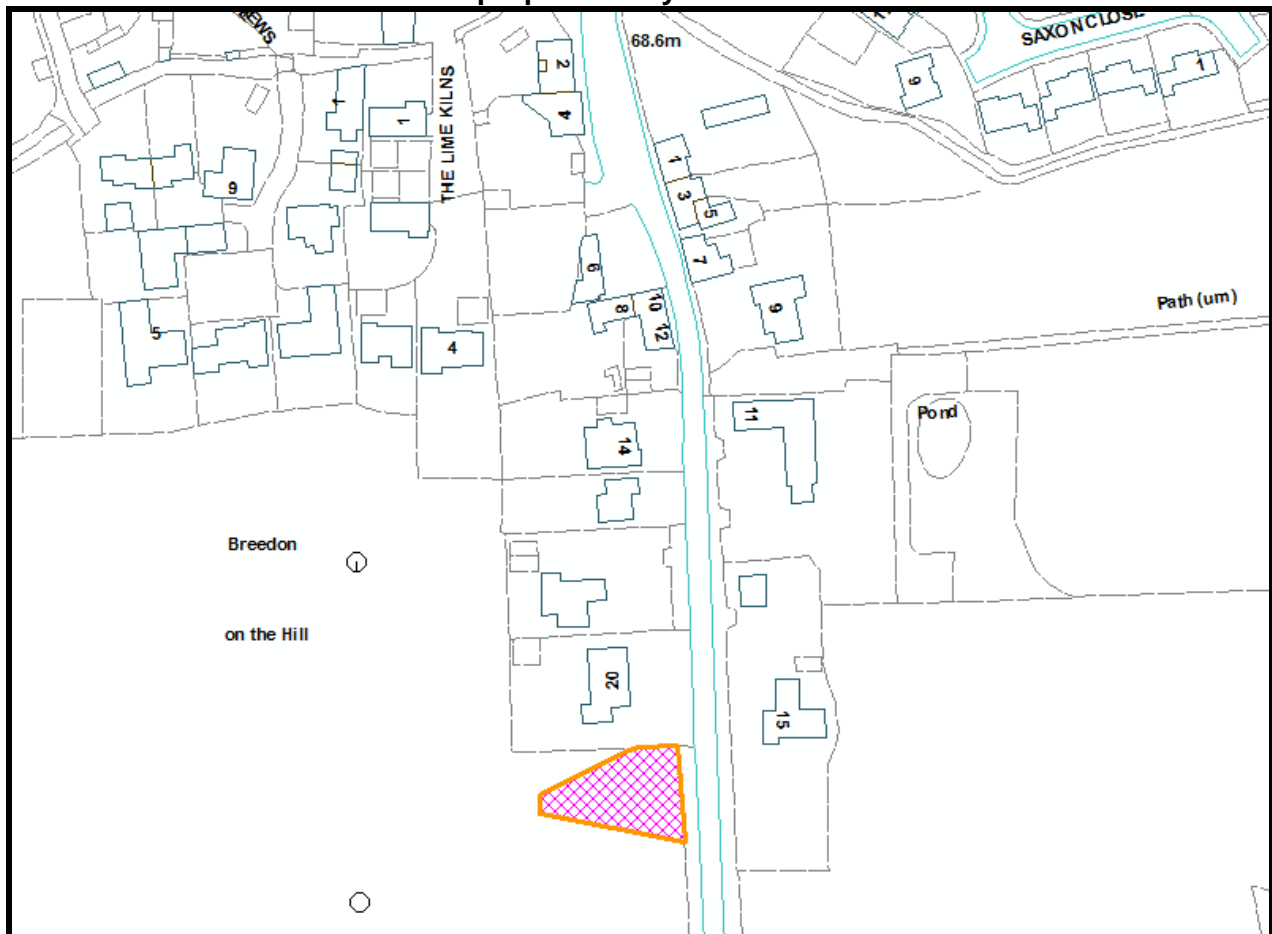
Consultation Expiry:
10 November 2017

Recommendation:
PERMIT

8 Week Date:
6 November 2017

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is related to a councillor and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for a new agricultural access at Land at Worthington Lane, Breedon on the Hill. The site is located to the south of No. 20 Worthington Lane, Breedon on the Hill, situated outside the defined Limits to Development and is currently utilised for agriculture.

Amended plans were sought and received during the course of the application to overcome highway concerns.

Consultations

5 representations have been received objecting to the application and 2 representations have been received in support of the development. Breedon on the Hill Parish Council also object to the development. Leicestershire County Highways Authority have raised no objection to the proposal subject to conditions.

Planning Policy

The site lies outside the Limits to Development as identified in the adopted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF and the adopted Local Plan and other relevant guidance.

Conclusion

The principle of the development is deemed to be acceptable given that the proposal is for an agricultural use within the countryside and it would not be significantly harmful to character and appearance of the countryside or surrounding area. The proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, in this case S3, D1, D2, IF4 and IF7 and the NPPF.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Approval is sought for a new agricultural access at Land at Worthington Lane, Breedon on the Hill. The proposed new access would be formed to the south of No.20 Worthington Lane. The proposed access would be located just within the 30 mph speed limit zone into Breedon. The proposal comprises a vehicular access to agricultural land through an existing gap in the hedgerow. The access will be secured by a gate (set back from the highway by 11.0 metres) and post and rail fencing. A turning head would also be provided. Visibility splays of 65 x 2.4 metres would be provided in both directions. Visibility would be provided by a small amount of trimming back of the hedgerow. The proposal includes no additional hedgerow removal.

The application has been amended a number of times since the original submission following advice from the Local Highway Authority in order to overcome highway safety concerns.

The application was accompanied by the following supporting information:- a Agricultural Statement and a Design and Access Statement.

Recent relevant planning history found at the site:

16/00360/OUTM - Erection of 27 dwellings (Outline application - all matters reserved except for part access) Refused (Dismissed at appeal).

2. Publicity

3 neighbours notified.

Site Notice displayed 22 September 2017.

3. Summary of Consultations and Representations Received

Statutory Consultees

Breedon on the Hill Parish Council object to the application on the following grounds:

- Residential development on the site has previously been rejected on access grounds;
- There has never been a pedestrian access in this location (contrary to the annotation on the plans);
- The access is not within a 30mph zone (contrary to the application submission);
- Use of the access for agricultural purposes would not be acceptable on highway safety grounds (including appropriate visibility);
- The proposal could result in fly tipping, anti-social behaviour and security issues;
- A number of neighbours have objected to the scheme.

Leicestershire County Council - Highway Authority has no objection, subject to conditions.

Third Party Representations

5 letters of objection have been received. The issues raised within the letters are included below;

- Illegal removal of the hedge
- Dangerous, awkward Location for access
- Unsuitable access being adjacent to domestic dwellings
- New access would cause danger to traffic and pedestrians from mud and rain pouring down into the highway

- Existing access is safer with greater visibility
- Planning inspectorate pointed out that an access would be detrimental to Worthington Lane
- Field could be used for fly tipping

2 Letters of support have been received. The key points raised in the letters are included below;

- Existing access is not safe
- New access will enable vehicles to enter the site without the need to wait on the roadside
- New access will mean no damage to the ground (as caused by existing access).

The full contents of the consultation responses and the neighbour objections are available to view on the public file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2012)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 7, 17 (Achieving sustainable development)
Paragraph 28 (Supporting a prosperous rural economy)
Paragraph 57 (Requiring good design).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version.

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S3 - Countryside
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development

5. Assessment

The application site is located outside the Limits to Development as defined in the Local Plan. The application site is therefore within the countryside. Policy S3 of the Local Plan stipulates that only certain types of development are permitted within the countryside. The proposal is deemed to comply with criteria (a) of Policy S3 falling under 'Agriculture'. Development deemed acceptable under Policy S3 are only supported where specific criteria are also met under points i to vi of Policy S3, which are considered below in the 'Design and impact upon the countryside' section. Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside and does not specifically preclude development within the

countryside.

Paragraph 28 of the NPPF confirms the need to support economic growth in rural areas. It was highlighted in the supporting 'Agricultural Statement' that an independent access to the subject field would allow the farming business greater flexibility in its farming operations, for example without separate access it wouldn't be possible to graze the subject field and grow a crop in the adjacent field without obtaining damage to the crop whilst obtaining access. A separate access to each field would allow for a different use in each field.

The proposal is deemed to be acceptable in principle meeting criteria set out in Policy S3 the adopted Local Plan and the relevant paragraphs of the NPPF. It is now necessary to assess the proposal against the remaining planning considerations.

Design, Impact on the Countryside

Consideration has been given to the design of the proposed agricultural access and whether it would have an acceptable impact upon the character and appearance of the surrounding area and countryside.

The proposed access would allow for direct access to the field which does not currently benefit from direct vehicular access. Traditionally access was gained via the Church View development (to the north west of the field) however this access is to be closed. There is an existing access via an opening in the hedgerow to the south of the subject field. However, the supporting 'Agricultural Statement' considers that the existing access does not meet highway safety standards and highlights that damage is being caused to the field by crossing it.

The proposed agricultural access has been positioned in the north eastern corner of the subject field. The 'Design and Access Statement' states that this point of access was chosen due to its location within a 30 mph zone, good visibility in both directions, existing opening in the hedgerow and because it is a natural collection point for animals.

A point raised by objectors was that the hedgerow had already been removed without consent. However the removal of the hedgerow for pedestrian access is deemed to be 'Permitted Development' under the Hedgerow Regulations 1997. In order to comply with the regulations an existing opening must be planted with replacement hedge within 8 months of making the new opening. It has been confirmed by the planning agent that there will be planting up of a 5 metre section to the northern boundary of the subject field in the spring.

It was raised within a letter of objection that the Planning Inspectorate pointed out that an access would be detrimental to Worthington Lane (this reference is being made to the appeal decision relating to previously refused outline planning permission at the site for residential development ref: 16/00360/OUTM and appeal ref APP/G2435/W/17/3167167). In relation to the previous application the inspectors report refers to the extensive loss and removal of roadside vegetation required which would result in significant harm to this section of Worthington Lane. The proposed Agricultural Access plan Rev E received on the 25th April 2018 shows no additional removal of hedgerow in addition to that already removed under permitted development. In order to provide the required visibility splays which is covered in the highway safety section below the hedge may require trimming back which is not considered to have a significant impact upon the rural character or setting of Worthington Lane.

It is considered that the proposal would comply with the six criterion set out under the second part of Policy S3 of the Local Plan, with reference to the hedgerow removal in the paragraphs

above it is considered that the proposed agricultural access would not be significantly harmful to the appearance or character of the landscape. The size and scale of proposed access is deemed to be appropriate and acceptable for such use as an agricultural access. The proposal would also not undermine separation between settlements, would not create ribbon development and would be well integrated with existing development and buildings.

Overall, the proposal is considered to be acceptable and would not look out of keeping with the character and appearance of the surrounding area or countryside and is considered to be compliant with Policy S3 and D1 of the Local Plan and the Good Design for North West Leicestershire SPD.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The subject field is already utilised for agricultural purposes and the access proposed is required in association with that use. It is noted that there would be heavy agricultural vehicles using the access as well as access for daily checking of livestock. It is, however considered that the proposed agricultural access would not give rise to a significant number of vehicular movements and would therefore be acceptable in relation to nearby residential amenity. Overall the proposals would comply with Policy D2 of the Local Plan.

Highway Safety

The letters of objection received have raised concern that the proposed agricultural access would be dangerous and unsuitable. The Parish Council also raised objections raising highway safety as an issue. Amended plans were sought and received during the course of the application following advice from the County Highway Authority. The County Highway Authority, in its response to amended plan 'Rev E' received on the 25th April 2018 stated that *in its view, the residual cumulative impacts of the development can be mitigated and are not considered to be severe in accordance with Paragraph 32 of the NPPF, subject to conditions as outlined in this report.* Therefore, subject to relevant conditions, it is considered that the proposed site drainage is deemed to be acceptable; the visibility splays are adequate; the gates are set back the required distance and an acceptable turning space would be provided.

Given that there has been no objection from the County Highway Authority subject to conditions, it is considered that the proposal is acceptable in relation to highway safety. It is therefore considered that the proposal would not conflict with highway safety policies IF4 and IF7 of the adopted Local Plan or the advice contained in the County Council's Highways Guidance.

Other Matters

The Parish Council and neighbour objections raised an objection on the grounds that the access would provide convenient parking for fly tipping and would be a security issue for access to rear gardens along Worthington Lane and Pear Tree Close. Should these issues arise at the site then this would be dealt with under separate legislation.

Conclusion

The principle of this development is considered to be acceptable. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is

deemed to comply with the relevant policies in the Local Plan and the advice contained in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

1. Time limit.
2. Approved plans.
3. Highway safety - access width, turning, drainage, surface.
4. Highway safety - minimum distance for gates or obstructions.
5. Provision of visibility splays.
6. Access gradient.