

Planning Committee: 27 May 2014

Item Number: 19

Application No: W 14 / 0005

Town/Parish Council: Offchurch

Registration Date: 05/03/14

Case Officer: Emma Spandley

Expiry Date: 30/04/14

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Bury Lodge, Offchurch Bury, Offchurch Lane, Offchurch, Leamington Spa

Closure of existing access and construction of new access road to serve Bury Lodge and adjacent land. FOR Mr Harry Johnson

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The application proposes to close the existing access which serves Bury Lodge and the Farmland to the north. The owner of the site has farmland both north and south of Offchurch Lane which serves Bury Lodge and the surrounding land, therefore the new access will serve as an agricultural use but also an access way to Bury Lodge.

The access will be located approximately 46 metres from the existing access which is located close to the Canal bridge and restricts visibility. The proposed access will travel through woodland.

In support of the application a construction method statement has been submitted to minimise the impact on root protection zones.

THE SITE AND ITS LOCATION

Bury Lodge is located close to Offchurch Road and has an access way located to the west of the lodge. The current access way serves the farmland to the rear and Bury Lodge.

PLANNING HISTORY

There are no relevant planning applications relevant to the current application

RELEVANT POLICIES

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council -
Objection

Inland Waterways Association - no objection

Highways (WCC) - No objection

Ecology (WCC) - No objection

Public Response - The tenant at Bury Lodge has written in support of the application

ASSESSMENT

The main issues in this application are:-

- whether the proposal is inappropriate development within the Green Belt;
- the impact on highways; and
- the effect on ecology.

Whether the proposal is in appropriate development within the Green Belt

The NPPF states that inappropriate development is unacceptable in the Green Belt and should not be approved except in very special circumstances. The NPPF advises that development in the Green Belt should be regarded as inappropriate unless it falls within one of the identified exceptions listed within it at paragraphs 89 and 90.

Engineering operations are one such exception, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. These purposes include preventing urban sprawl and keeping land permanently open.

The area of hard standing will be 2.2 metres in width increasing to 3.2 metres at the access points, approximately 47 metres in length. The application form states the track way will be constructed from tarmac, however, this is not considered to be a suitable surfacing material in this rural location.

A more suitable surface material can be obtained by a suitably worded condition and it is considered that this will make the track way visually acceptable within the Green Belt.

The access track will be used for agriculture and serve access to Bury Lodge it will not reduce the openness of the Green Belt to any significant degree to constitute inappropriate development within the Green Belt.

Impact on Highways

Policy DP6 of the Warwick District Local Plan 1996-2011 states development will only be permitted which provides safe access routes and do not cause harm to highway safety.

The Parish Councils comments are noted, however, Offchurch Lane is subject to a 50mph speed limit, where visibility of 2.4m x 160m is required in both directions. The existing access is substantially below this standard. The Highway Authority consider the proposed access further along Offchurch Lane will be a betterment. Accident

statistics within the last 3 years shows that there has been a slight accident in connection with the existing access due to the lack of visibility in the southern direction.

It is considered that the proposed access is in accordance with Warwick District Local Plan 1996 - 2011 policy DP6.

Impact on ecology

A ecological survey was submitted at the request of Ecology. The ecological survey identified all habitats on site and potential for protected species to be found. It was noted that plantation trees in the path of the proposed new access road had already been removed however, they were not protected trees and did not require formal consent.

As the proposed road will only impact a small area of land it is not anticipated that the proposals will cause a significant impact to protected species or suitable habitat for these. If works are not carried out within two years updated surveys may be recommended.

It is considered that subject to the conditions listed the proposals is in accordance with Policy DP3 of the Warwick District Local Plan 1996-2013 and the aims and objectives of the NPPF 2012.

SUMMARY/CONCLUSION

The proposed new access will be a betterment to the existing access and therefore will be an improvement to Highway Safety. The construction of an access track in this location close to the tree belt and constructed out of more suitable materials is not considered to be inappropriate development within the Green Belt. The proposals are in accordance with the aforementioned policies.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing P839/102 & P839/111 dated 3rd January 2014 and details contained within the Tree Planning Management report and subsequent root protection drawings 001 Rev C, 002 Rev A and 004 Rev A and specification contained therein, submitted on 3rd January 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby approved shall not be used until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres as measured from the edge of the public

highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby approved shall not be used until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 The access hereby approved shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be used until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distance of 101 metres in the southern direction and an 'x' distance of 2.4 metres and a 'y' distance of 120 metres in the northern direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 The means of vehicular and pedestrian access hereby permitted shall be from the position identified on approved drawing No. P839/102 only. All other vehicular and pedestrian access to the development shall be stopped up within one month of the first use of the new access in strict accordance with details to be submitted to and approved in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 8 Notwithstanding the details of the surface materials contained within the application form, sample details of an alternative surface material for the access track is required to be submitted to and approved in writing by the local planning authority. **Reason:** The site is located within the Green Belt where development within the Green Belt is required to have unacceptable impact on the openness of the Green Belt in accordance with the aims and objectives of the NPPF 2012.
