

Planning Committee: 27 February 2018

Item Number: 9

Application No: [W 17 / 2209](#)

Town/Parish Council: Barford

Case Officer:

Dan Charles

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Registration Date: 18/12/17

Expiry Date: 12/02/18

Land at, Westham Lane, Barford

Revised access and parking layout to serve a residential development of 9 properties (previously approved under application reference W/16/0441) FOR Waterloo Housing Group

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

That planning permission is GRANTED subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks to provide a relocated and reconfigured access to serve a development of 9 residential properties for which planning permission has been granted. The revised proposal will require the removal of a section of hedge to facilitate the revised access point which is proposed in order to provide improved access and manoeuvring space for vehicles to enter and exit the site in a forward gear.

The previously approved access is proposed to be retained and provided with bollards to create a pedestrian/cycle only access point.

The development of the site is currently under construction.

THE SITE AND ITS LOCATION

The application site relates to a rectangular shaped parcel of land located to the southern side of Westham Lane just outside, but adjacent to, the village boundary and Conservation Area of Barford.

The site is currently being developed for a total of 9 affordable dwellings.

The site is located within open countryside and is relatively flat. A mature hedgerow forms a boundary to the western edge and northern edge of the field adjoining Westham Lane and a residential property is located to the east. A new

housing development is located on the opposite side of Westham Lane to the north.

PLANNING HISTORY

W/17/1619 – Variation of Condition 2 (Approved Plans) of planning permission reference W/16/0441 to amend the access arrangements for the site – WITHDRAWN 27 October 2017

W/16/0441 - 4 no. blocks of semi-detached and terraced houses forming 9 no. residential plots of 3 bedroom houses with associated gardens and parking – GRANTED 20 July 2016.

RELEVANT POLICIES

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Barford Village Design Statement (September 2009)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton JPC - No objection

WCC Ecology - Agree with locations of english oak trees to retain functionality of hedgerow.

WCC Highways - No objection subject to conditions.

Public Response - a total of 10 letters of objection received on the following grounds;

- Development is sub-standard for village with no design flair or thought for quality and place.
- Destruction of rural character.
- Land is of indeterminate ownership creating a safety hazard and future maintenance issues.
- Damage being caused to lane as a result of the development.

- Lane not suitable for development and has only been used by local people for recreational purposes.
- Parking layout is not in keeping with local character.
- Issues with legal responsibility for future maintenance of access and visibility splays.
- Should be considered as part of a full application for whole development.
- Cannot adequately access the site with fire service vehicles which is contrary to Building Regulations.
- Appeal decision referring to third part land ownership clearly demonstrates that conditions relating to visibility splays on third part land is unreasonable and unenforceable so would not meet the tests of conditions.
- Applicants do not own the hedge.
- Cars cannot pass within the proposed access.

ASSESSMENT

History/Background

Planning permission was granted under application reference W/16/0441 for the erection of 9 dwellings on 20 July 2016. At the time of writing, the construction of these dwellings is substantially complete. The position of the access as approved has raised some difficulties regarding access for larger vehicles to be able to enter and exit in a forward gear. In light of this situation, the current proposal seeks to amend the position of the access to the site to improve the access and egress from the site for larger vehicles.

Principle of Development

The principle of development for the scheme was established under planning application reference W/16/0441. All required pre-commencement conditions were discharged and the works implemented in pursuance of that permission. Officers are satisfied that the principle of development in this case has therefore been established for the construction of new dwellings.

This proposal is for the alteration to the site access. Policy TR1 of the Warwick Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergence vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles.

Subject to the above criteria being met and an assessment of all other site specific criteria, Officers are satisfied that the principle of development is acceptable.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The development was approved with the access located within the north eastern corner of the site. The revised access point is to be moved further along the lane and will result in the loss of a section of hedgerow. The applicants have provided mitigation in the form of replacement planting to offset the visual harm of the hedgerow loss. These planting works are to be secured by condition.

The revised access to the current application site would result in an element of urbanisation insofar as it replaces a rural hedgerow with an engineered access point. However, with the adjacent access to an existing development site located to the north, it would not appear as an alien feature within the landscape. Officers are satisfied that the access would be read in conjunction with the residential development and would be part and parcel of those works so would not result in any detrimental visual harm to the character of the local area or wider landscape.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal would move the vehicular access away from the nearest residential property to the east of the site. This would be retained for pedestrian access only. In this respect, Officers are satisfied that the proposal would increase the distance between the adjacent dwelling and manoeuvring traffic which would lead to an improvement in terms of neighbouring amenity.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The revised access location has been considered by the County Highways Officer.

The proposed vehicular access will now be located on the section of Westham Lane that is private and not maintainable at the public highway expense. The submitted plans demonstrate that an emergency vehicle (fire pumping appliance) can turn within the application site, and re-enter the public highway using a forward gear.

As the proposed vehicular access is not located within the limits of the public highway, the construction works will not be technically approved by the Highway Authority. On this basis, the Highway Authority recommended that a Road Safety Audit be carried out, to ensure that the detailed design of the proposed access is acceptable.

In response to this request, a Road Safety Audit was carried out by an independent transport consultant. The assessment raised no issues with the proposal and the assessor is satisfied that the scheme would not be harmful to highway safety. The County Highways Officer has considered the report and is satisfied with its findings.

Officers are therefore satisfied that the proposed access is acceptable having regard to Highway Safety and visibility.

A bin store shall be located in the north-east corner of the application site, so that waste can be collected from the roadside and the refuse vehicle will not have to enter the application site.

The parking layout has been amended to reflect the revised access point but the overall layout retains the linear row of frontage parking as previously approved. There is no change to the level of car parking provided within the site.

The proposal would result in the provision of a separate pedestrian access to the site, utilising the previously approved access which would be provided with bollards to prevent vehicles entering or exiting in this location. This would benefit the future site occupiers as it would reduce the potential for vehicular/pedestrian conflict as a result of a single shared access for users.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

Ecological enhancements of the site were secured through the grant of planning permission under reference W/16/0441.

Whilst the proposal results in the loss of a section of hedgerow to facilitate the revised access, sections of the hedgerow will be replaced elsewhere to minimise the overall loss of hedgerow as a result of the scheme. The replacement hedge works are to be secured by condition.

The County Ecologist has assessed the current scheme and is satisfied with the proposed planting of English oak trees to retain the functionality of the retained hedgerow. The planting of these trees are to be secured by condition.

Other Matters

A third party representation makes reference to the fact that the hedgerow is not within the applicants control and therefore, the maintenance of the visibility splays cannot be achieved in perpetuity. An appeal decision making reference to a dismissed appeal on these grounds has been provided.

Officers have sought legal input into this element and in the case of this application, the applicants have included the land within the site edged red and have signed Certificate C to demonstrate that the owners of the land are unknown as well as notice being served on parties that they know have an interest in the land. As part of this process, a press notice has been completed to attempt to locate the owners of the land. No representations have been received as part of this process that identifies the owners of the land.

In terms of the appeal decision, the site in that respect was proposing an access onto an 'A' Class Road where traffic levels were significant. The ownership in this case was known to be a third party but no mechanism was in place to secure the agreement and the highway authority had objected on this basis.

With regards to Westham Lane, this is a small, rural lane where traffic levels are minimal. The applicants have carried out all reasonable endeavours to locate the owner of the land but have not been successful. In this respect, Officers are satisfied condition 4 meets the relevant tests and the relevant notices have been served in order to allow future maintenance of the visibility splay.

Conclusion

The proposal represents an improvement to the point of access serving this approved development and would not result in visual harm to the local area, harm to the amenity of neighbours, harm to features of ecological value.

- 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(s) 9378.02i and DWG-09, and specification contained therein, submitted on 22 November 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development shall not be occupied until the new access and site layout including the provision of bollards to the existing access point have been constructed and laid out in general accordance with drawing no. DWG-09. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 4 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right (east) of the vehicular access and 25 metres to the left (west) of the vehicular access, measured to the near side of the 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 0.6 metres above the level of the carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 5 The additional planting as shown on plan reference 9378.02 shall be carried out in accordance with the approved details within the first planting season following the substantial completion of the development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
