

Planning Committee: 06 April 2011

Item Number:

Application No: W 09 / 0355

Town/Parish Council: Beausale

Case Officer: Debbie Prince

01926 456555 planning_west@warwickdc.gov.uk

Registration Date: 01/04/09

Expiry Date: 27/05/09

**Field at Longbrook opposite Fernwood Farm, Rouncil Lane, Kenilworth,
CV8 1NN**

Alterations to access and construction of hardstanding area. Retrospective. FOR
Mr D Manuel

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

SUMMARY OF REPRESENTATIONS

Beausale Haseley Honiley and Wroxall Joint Parish Council: Objection on the following grounds- The position of this gate way (virtually on the bend) makes it inherently unsafe, no matter what modifications are made to it. If the Highways Authority think it is ok (as I think they do) because it is a C road then it needs traffic marshals at times of use.

Gateway needs existing ditch (Rouncil Lane) to be piped underneath hard core, or will cause flooding on to dangerous bend. Applicant has not declared intended use correctly, or the level of use of improvements to the entrance do however make access safer for the farmer, stocks gathering all in accordance with the application. If the application is to improve safety for events than the entrance needs moving.

Kenilworth Town Council: Comments - Although not in our area, Members had been invited to comment on the above application and at the Planning Committee held on 13 August 2009 it was resolved that Warwick District Council be advised that, in regard to the relocated gate sought in retrospective planning application W20090355 in the field at Longbrook opposite Fernwood Farm, Rouncil Lane, this Council fully endorsed the concerns expressed by Beausale, Haseley and Wroxall Joint Parish Council should it be utilized for motocross purposes. Members added their own concerns for road safety, inappropriate traffic levels speeding and the incidence of noise pollution affecting residents when motocross events were held which affected both the joint Parish Council and this Town.

In view of the wording of this retrospective application seeking only to move the gate and lay a hard core surface, Members most strongly recommended that Warwick District Council refer the application to their Planning Committee so that all related issues affecting the Joint Parish Council and Kenilworth Town Council could be considered fully.

Public Response: Two letters have been received objecting to the proposal on the grounds:-

The access is unattractive and urban in character.

There was no original gateway and if there was it has not been used for many years.

The hedgerow has been removed.
The ditch has been filled.
The access is on a dangerous bend and not suitable for motor cross vehicles (large campers towing trailers)
There is no provision for waste and effluent management.
The wildlife will suffer.

Longbrooke Environmental Group: Were concerned that the motocross events taking place on the land were causing a highway safety hazard and that Planning Committee make the decision. Furthermore, if permission is granted retrospectively for the improved access then some agricultural restrictions need to be placed on its use. The Group has also sought the advice of the County Highway Engineers.

County Highways: Has no objection to its use as an access for agricultural purposes subject to a condition covering the use of a bound macadam material for a distance of 5m as measured from the near edge of the public highway carriageway. They further add, however, that highway safety would be severely impinged by this access being used for the purpose of moto cross events.

County Ecologist: Has no objection subject to pre-commencement condition and notes.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

In 2009 Moto Cross events had been carried out on a field nearby which were investigated by the Enforcement Officer and an improved vehicular access constructed.

This retrospective application for the access was made as a result of negotiations between the County Highway Engineers our enforcement team and the landowner. As the Moto Cross activity ceased and no further communication was heard from the applicant for over 18 months the applicant was contacted and asked if he wished to withdraw the application. The applicant has stated that he now wishes the application to be determined but that the access be considered as an agricultural field access only.

KEY ISSUES

The main issue in this case is to consider whether the use of this access would be suitable for use as a field access as the applicant has not held Moto Cross events since 2009 and does not intend to hold such events in the future and therefore now only requires the access for safe access to the field.

Site and its Location

The application site is a made up field access, fencing and gate on a sharp bend along Rouncil Lane at Longbrooke opposite Fernwood Farm in the Green Belt to the west of Kenilworth.

Details of the Development

The proposal would involve the retention of a made up and gated field access for agricultural purposes.

Assessment

It seems that most of the concerns and objections received from the Parish and Town Council and other interested parties relate to the use of the access for motocross. The County Highway Engineer and I agree that such an access would not be suitable and would be detrimental to highway safety if used for such purposes. However, he has no objection to its use as an agricultural field access.

As necessitates on such a sharp bend the access is quite substantial with an area of hardstanding which provides sufficient room for a vehicle or tractor to pull off the highway to open the gate without obstructing Rouncil Lane. The original metal field gate has been used and supplemented by an additional 3.2m x 1.2m gate and short lengths of timber post and rail fencing which dips into the ditch to prevent sheep escaping.

In my opinion the appearance of the access has successfully softened over time and now does not appear as stark as when it was first constructed. The County Highway Engineer agrees that it is suitable for normal agricultural purposes and a condition of the permission would be that it is only used as such.

The condition and notes suggested by the County Ecologists are pre-commencement requirements which are not relevant to this application which is retrospective.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawing(s) Block Plan, Elevation A, Elevation B, and specification contained therein, submitted on 1st April 2009 unless first agreed otherwise in writing by the District Planning Authority. **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.
- 2 The access shall be used for agriculture as a field access only and for no other purpose . **REASON** : Other uses would be detrimental to highway safety.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful

effects in terms of highway safety which would justify a refusal of permission.
The proposal is therefore considered to comply with the policies listed.
