

Application Number: DM/2020/01036

Proposal: Reposition of access and gate, new planting and retention of access track.

Address: Bluebell Farm, Blackbird Farm Road, Earlswood

Applicant: Mr James Howells

Plans: Landscape Visual Impact Assessment EDP 5271 r 001b - LVA, Site Layout 3756 SK 003A - , Location Plan 3756_PA-001 - , Site Plan 3756_PA-002 - , Landscaping Plan EDP5271_D004

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 06.08.2020

This application is presented to Planning Committee at the request of the local Member

1.0 APPLICATION DETAILS

1.1 Site Description

Bluebell Farm is a residential property covering approximately 8 acres. It comprises the house, gardens, outdoor swimming pool, pool house, garage manege and large steel framed barn. The vehicular access to the property is from the south off Bluebell Road and Blackbird Farm Road. The access is shared with several other properties. Approximately 400 metres to the north of the property is Old Road and there are two agricultural fields between the house and the road. The land slopes upwards from the house in a northerly direction towards Old Road. Between the house and Old Road a track of loose hoggins (gravel, sand and clay) has been laid and there is a double five bar gate at the access point.

There is a footpath running down the western side of the site but this is not identified as a definitive Public Rights of Way and is outside the application site.

1.2 Value Added

This was the subject of pre application discussions where it was suggested that the visual impact of the proposal should be minimal and that a landscaping plan be submitted

1.3 Proposal Description

The application seeks the retention of the track, with the repositioning of the access and gate. There would be a single farm access gate, set back from the road. A timber fence would be erected around the entrance and there would be additional planting. The access track is approximately 420 metres long and surfaced in hoggins. The applicants maintain that the access would be used by horseboxes entering the property, which would be approximately 9.2 metres in length. The existing access to the property is unsuitable for the house box as the lane is so narrow. It is proposed that the new access track would be used by the large horsebox on an occasional basis. The existing access to the south of the site along Blackbird Lane will remain in use for domestic vehicles.

The application is accompanied by a Landscape visual assessment.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00861	Proposed alterations & 2 storey extension	Approved	15.09.2020
DM/2020/01036	Reposition of access and gate, new planting and retention of access track.	Pending Determination	
DC/2017/00607	New vehicular access to northern boundary of site to Old Road.	Refused	24.10.2017
DC/2015/00556	Replacement and relocation of existing garage and pool house.	Approved	21.10.2015
DC/2015/00373	Amendments to approved planning permission DC/2014/00121.	Approved	21.10.2015
DC/2014/00121	extend existing steel framed barn and construct new manege in adjoining field	Approved	07.04.2014
DC/2013/01103	Detached double garage and workshop with office accommodation in roof space.	Refused	01.04.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

A number of representations have been received and are summarised below, the full responses are available on the website.

Shirenewton Community Council – Refuse on the basis that the access and use may cause an obstruction at the Old Road junction. In addition concerns are raised in connection with footpath 156 which runs through the site. The comments provided on the 2017 application still apply which recommend refusal on the basis of the adverse visual impact on the landscape and that the highway movements would create a traffic safety hazard.

MCC Highways - No objection

Drawing 3756_PA – 005 Proposed site layout, shows a significant improvement to the existing access and is suitable for the proposed vehicles. The proposal is not considered to be detrimental to the safety and capacity of the immediate highway network and offer no objection.

MCC Ecology – Comment

Note that the development is retrospective and that a comprehensive landscape plan has been submitted, that implemented as agreed will result in a net benefit for biodiversity. Welcome the overseeing of works during the nesting bird season and suggest this be increased to dormice. Should these works form part of the consent we would want to see them undertaken using sensitive methods for all species that could be encountered.

MCC Landscape and GI - No objection

Following the submission of an appropriately scaled LVA and landscape plan there are no objections. The applicant has considered the visual impact and provided appropriate mitigation. The landscape plan is acceptable with an appropriate selection of species, density and aftercare proposals

5.2 Neighbour Notification

None Received

5.3 Local Member Representations

Cllr L. Brown - I would be grateful if the above application could be called into planning committee for consideration of relevant planning policies and highway concerns.

This application (DM/2020/01306) for a new rear access, follows on from a previous application (DC/2017/00607) for a new access which was refused, this application has a more standard galvanised gate entrance. The application concerns creating an additional access with a 400m hoggin drive across open countryside onto the very narrow lane called Old Road for a horsebox entrance. There is already a shared access which the applicant expects to continue to use except for just car use access rather than currently for both uses.

6.0 EVALUATION

6.1 Principle of Development

Old Road is an adopted but unclassified highway. In line with the permitted development rights granted by Schedule 2, Part 2, Class B of The Town and Country Planning (General Permitted Development) Order 1995 the laying out and construction of a means of access to this highway would not require planning permission. In line with the allowances granted by Schedule 2, Part 2, Class A of the above order, the erection and or construction of a gate, fence, wall or other means of enclosure 1m or less in height, adjacent to the highway would also be permitted development. However, as the track has been constructed without first seeking prior approval by virtue of Schedule 2, Part 6 Class A, the development now requires full planning permission. The principle of a new access in this location is acceptable in terms of highway safety. The main issue in this case is the visual impact of the track.

A previous application in 2017 for a track and access in this location was refused based on the unnecessarily over-engineered access with stone boundary walls and electric gates and the visual harm of the proposed driveway. This proposal is very different from that scheme proposing a more rural style, low key access to be used occasionally by horse boxes.

6.2 Sustainability

Approval of this access will not result in any additional traffic movements on the local roads. The purpose of the access to improve access for the horsebox to the property.

6.2.1 Good Design and Place Making

Policy DES1 of the LDP requires that all developments respect the special character of the local area. In this case the field access has been changed and now incorporates a timber fence around the access which is now considered to respect the rural character of the area and are in keeping with similar field accesses in the area. The simple galvanised field gate reflects similar gates along Old Road. The application also proposes a new hedge planted inside the timber fence which will add to the rural appearance of the site. In addition, mitigation planting is proposed to ameliorate and mitigate the limited effects of the proposed development such as potential hedgerow removal to facilitate a safe visibility splay. The hoggin finish of the access track also remains in keeping with the rural nature of the surrounding area.

6.3 Landscape

Policy LC5 of the LDP requires that development proposals that may impact on landscape character, must demonstrate through a landscape assessment how landscape character has influenced their design, scale, nature and site selection. A Landscape and Visual Appraisal by Environmental Dimension Partnership was submitted as part of the application. This Appraisal seeks to consider the potential effects of the new road access and associated driveway upon the character and appearance of the landscape in which it is located and ways in which this can be mitigated through better design. The report also considers opportunities for enhancements associated with the scheme, including in relation to biodiversity and Green Infrastructure.

The assessment describes a typical and very common rural landscape of fields surrounded by hedgerows, mature trees, and post and rail fencing. The revised plans are far less domestic in character than the previous scheme and propose features which are common place in the wider landscape, such as the galvanised access gate flanked by hedgerow and post and rail fencing. The assessment concludes that as a result of the changes the visual effects will be extremely limited to within 1km of the site and have no more than a minor effect on the visual amenity.

It is proposed to provide additional planting around the access, the track will have the appearance of an informal farm track and a field access. This is considered to be keeping with the rural character of the area and is consistent with other rural accesses in the vicinity. The track will be visually unobtrusive. A new mixed native hedgerow will be planted along the northern boundary of the site. This hedgerow will then be grown up to meet the height of the existing hedge, effectively assimilating the new access into the existing road-side character. The planting of additional native broadleaved trees along the eastern boundary and within the north-eastern corner of the northern field to augment existing trees adjacent to the access and provide further softening of the scheme.

The surface of the new track is to be hand sown with grass seed to help provide a ground level screen. New native deciduous hedges with larger tree specimens of extra-heavy standard form are to be planted alongside existing paddock fences where they cross the land west to east, to the south of the proposed access. The site is well screened by existing vegetation and the track will not be visually prominent in the wider landscape. MCC Landscape and GI officers have reviewed the LVA and found it to be appropriately scaled and proportionate. The applicant has considered the visual impact and provided appropriate mitigation. The landscape plan is acceptable with an appropriate selection of species, density and aftercare proposals. Therefore the proposals are considered to accord with LDP Policy LC5. .

6.4 Footpath

There is a way marked public access track to the west of the site. It appears to be locally well used but is not on the definitive map. The footpath is separated from the field by a post and wire fence and not affected by the proposal.

6.5 Biodiversity

Policy NE1 of the LDP states that development proposals shall accord with nature conservation interests and will be expected to retain and enhance habitats, they should incorporate native vegetation and ensure the protection and enhancement of wildlife. In this case the application proposes substantial landscape planting. The comprehensive landscape plan, when planted up as agreed will result in a net benefit for biodiversity. It is welcomed that the landscape information provides that an Ecological Clerk of Works would be instructed to oversee any works during the nesting bird season, the scope of this role should also include dormice considering the proximity to known records and the potential suitability of the hedgerow, though it is noted to be well maintained. The translocation of the hedge should be undertaken using sensitive methods for all species that could be encountered. This can be controlled by condition which will accord with the objectives of Policy NE1 of the LDP

6.6 Impact on Amenity

There are no residential properties close to the new access that would be affected by it. There is only one other property on Old Road between the B4245 and the application site and that is Goytre Farm. That property has its access off Bluebell Road. There are several other properties further west along Old Road. They will not be significantly affected by the new access given the very low number of vehicles using it. It will just be used for the occasional horse box. The properties sharing the existing access to Bluebell Farm are likely to benefit from the new access because there is currently some concern from those neighbours about the use of the horse box on such a narrow access.

6.7.2 Access / Highway Safety

The existing access to the farm is no longer suitable to accommodate the applicant's horsebox, and it is, therefore, proposed to construct a more suitable access on to Old Road, to the north of the farm. The existing access to the farm is from Bluebell Road (to the south) via Blackbird Lane. Blackbird Lane is a shared access, serving Bluebell Farm, Priory Farm and Croeso. The existing lane is narrow (less than 2.75m wide) and does not allow two vehicles to pass, particularly larger vehicles. It is also difficult to manoeuvre the applicant's horsebox, which is 9.2m long, between the B4235 (to the north-east) and the farm via Bluebell Road. There is an existing road sign, just south of the junction with Old Road, indicating that Bluebell Road is unsuitable for heavy goods vehicles.

The proposal will not alter the number and type of vehicle movements generated by the site. Therefore, there is no impact on the wider highway network associated with this additional access.

The proposed access is 4.5m wide, widening to 16.5m at the edge of carriageway (with 6.0m by 6.0m splays on either side of the access); and has an inward opening gate, set back a minimum of 6.0m from the edge of carriageway along Old Road. A swept-path analysis at the proposed access has been undertaken to demonstrate that the proposed access can accommodate the horsebox accessing and egressing the farm. It is accepted that Old Road is very narrow and does not allow for two vehicles to pass however this is the same situation on Bluebell Road. The route to Bluebell Farm from the B4245 via Old road is approximately 550 metres shorter than it is via Bluebell road. There is therefore a net benefit for highway users as a result of the new access. It is unlikely that the horse box will be used more than once each day. The access is for the applicants own personal use and not associated with a commercial enterprise.

The Highway Authority offer no objection to the proposal. The Highways Officer considers that the proposed new access is a significant improvement over the existing access and is suitable for the vehicles proposed. It is not considered that the track is detrimental to the immediate highways network and so the proposals, in terms of highways safety are considered acceptable.

6.5 Response to the Representations of Third Parties and Community Council

The Local Member has described the proposal and referred to the previous refusal of an access on the same site.

Shirenewton Community Council has recommended refusal of the application saying that the comments made on the 2017 application still apply. However, each planning application should be determined on its own merits. The current proposal is very different from the refused scheme and is considered for the reasons set out above to address the previous reasons for refusal.

The Community Council is also concerned about the harmful impact of the new access upon the rural landscape. A detailed Visual Landscape Assessment was submitted as part of the current application and found that the impact was acceptable. The Council's Landscape and GI Officer concurs with this assessment.

The Community Council considered that the proposal would obstruct the Old Road. They suggest that the track would be better positioned next to the hedgerow, however the LVA found that the position of the track was acceptable in visual terms. The impact on the highway network has been discussed in detail in the main body of the report and is considered acceptable.

The new access will not generate any additional traffic journeys. The Highway Authority offer no objection to the proposal.

6.6 Well-Being of Future Generations (Wales) Act 2015

6.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.7 Conclusion

The vehicular access and track will not have an adverse impact on the wider landscape. The LVA has demonstrated that the access and track does not cause a significant visual intrusion, does not cause significant adverse change in the character of the area, is not unsympathetically sited or introducing an incompatible use. The proposal harmonises with the surrounding landscape and therefore accords with the objectives of Policy LC5 of the LDP. The proposed landscaping of the site will provide a net benefit for biodiversity and accords with the objectives of Policy NE1 of the

LDP. The access will not have a harmful impact on the wider road network and accords with the objectives of Policy MV1 of the LDP. This application is policy compliant and is recommended for approval subject to suitable conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Hedgerow Translocation

No works to translocate the existing hedgerow shall commence until the role and responsibilities and operations to be overseen by an appropriately competent ecologist have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all necessary activities, and works shall be carried out, in accordance with the approved details to include but not be limited to;

- o Stage(s) that ecologist will be required
- o Toolbox talk for contractors
- o Working methods necessary to achieve stated objectives, e.g. measures to protect nesting birds, dormice, hedgehog
- o Timetable for implementation, demonstrating that works are aligned with the proposed phasing of works;

Reason: To safeguard species protected by the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010.

4. Landscaping implementation and maintenance condition.