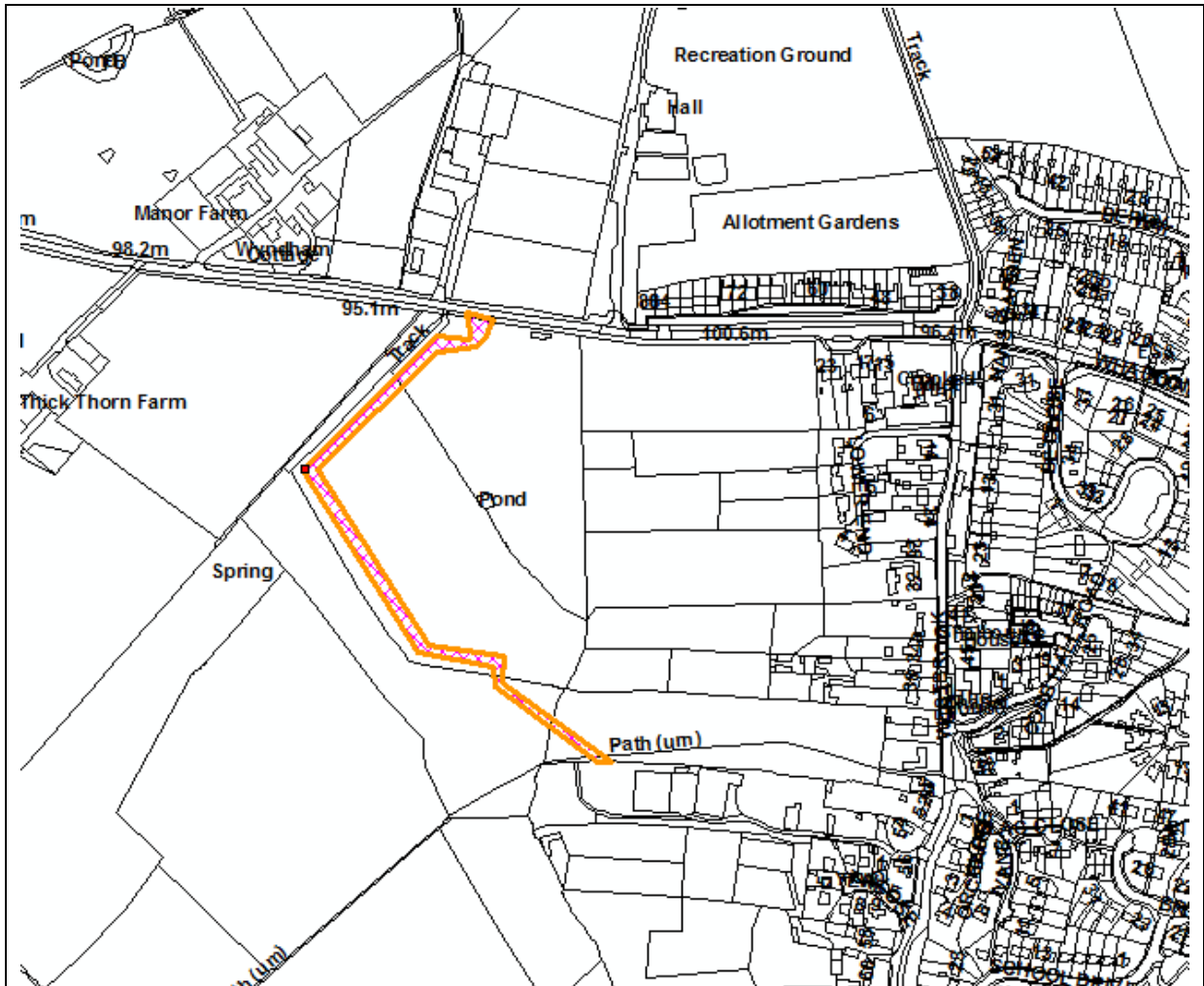


18/00307/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/00307/APP	NEWTON LONGVILLE	14/09/18
CONSTRUCTION OF NEW FARM ACCESS AND TRACK LAND SOUTH OF WHADDON ROAD NEWTON LONGVILLE BUCKINGHAMSHIRE MR S HILL	The Local Member(s) for this area is/are: - Cllr N Blake & Cllr B Everitt.	

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application;***
- b) Principle of the proposed development***
- c) Design and external appearance and impact upon the character and appearance of the area in general***
- d) Impact on highway safety***
- e) Impact upon residential amenities***
- f) Other Matters:***
 - a. Impact upon trees***

The recommendation is that permission be **GRANTED**, subject to conditions

Conclusion and recommendation

1.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies of the NPPF taken as a whole.

- 1.2 The development site comprises a pasture farm extending to approximately 70 acres with a range of agricultural buildings at the edge of the settlement. Two agricultural buildings with access via existing access off Westbrook End were granted planning permission 17/02309/APP in August 2017, this permission has been implemented and the buildings constructed. The current proposal seeks to create alternative farm access and track via off Whaddon Road to serve the existing agricultural buildings. The new farm access would result in the relocation of traffic away from the existing access via Westbrook Road which would improve the residential amenity of the residents along off Westbrook End Road who currently share the access with the farm, also the proposed development would improve the flexibility for the agricultural business and would accord the advice within NPPF.
- 1.3 It is accepted that the development would make a contribution to the prosperity of the rural economy. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site..
- 1.4 The landscape impact is not identified as harmful and it is acknowledged that the proposal would involve the removal of a section of the existing landscaping to provide the necessary visibility splays, these specimens are of limited amenity value and do not therefore make a significant contribution to the character and appearance of the lane in this area but some limited impact for the introduction of justified development on the localised landscape. Therefore, the proposed development would not result in the loss of important landscape features and, thus preserve the character and appearance of the countryside.
- 1.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of biodiversity, impact upon trees, flood risk and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm.
- 1.6 There are relevant development plan policies which are consistent with the NPPF and it is considered that the proposal would accord with GP35, GP38, GP39 and GP40 and there are no material considerations that indicate a decision other than in accordance with the development plan.
- 1.7 It is therefore recommended that the application be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The new access permitted off Whaddon Road shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

3. Prior to the development being first brought into use, minimum vehicular visibility splays of 79m from 2.4m back from the edge of the carriageway from both sides of the new access onto Whaddon Road shall be provided in accordance with the 'Buckinghamshire County Council's Guidance note, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to comply with the National Planning Policy Framework..

4. Prior to the development being first brought into use, the proposed entrance gate shall be set back a minimum distance of 13m from the edge of the carriageway. The gates shall then be erected, in accordance with the approved plans.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users and to comply with the National Planning Policy Framework..

5. Within one month of the new access being brought into use the means of access to the development shall be from Whaddon Road only. The existing access onto Westbrook End shall be permanently for residential purposes only.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework..

6. No use of the new access road shall commence until works along footpath NLO/16/1, shown in principle on drawing JM/SH/02, to include a tarmac or concrete ramp construction along said footpath with gradient no greater than 1:12 and minimum width 2m have been laid out and constructed in accordance with details to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highways and of the development and to comply with the National Planning Policy Framework.

7. Prior to the farm access track being brought into use, pedestrian inter-visibility splays of 2m shall be provided on each side of the access, the depth measured from the end of each hedge at the farm yard entrance. The length of each pedestrian visibility shall be kept clear of any obstruction at height of 0.6m above ground level.

Reason: To provide adequate inter-visibility between the access and existing public footpath for the safety and convenience of users of the footpath and of the access and to comply with the National Planning Policy Framework..

2.0 INTRODUCTION

The application has been brought to committee as Newton Longville Parish Council have raised an objection in relation to the proposal and have indicated to speak at committee if the application is minded for approval..

3.0 SITE LOCATION AND DESCRIPTION

The farm is located to the west of Newton Longville and comprises a pasture farm extending to approximately 70 acres with a range of agricultural buildings. The application site comprises of an existing agricultural enterprise situated on the western side of Westbrook End, Newton Longville. The holding which is approximately 70 acres in size is a mixed arable and livestock business.

- 3.1 The farm is bordered by Whaddon Road to the north, Newton Longville to the east and agricultural land on all remaining sides. The applicant operation extends to approximately 1,300 acres of farm land farmed in various different parcels. The subject land is used for the cultivation of crops, the grazing of beef cattle and a lowland sheep flock.
- 3.2 The application site currently shares an existing access via off Westbrook End Road with residential properties.

4.0 PROPOSAL

Full planning permission is sought for the creation of an access with an entrance gate off Whaddon Road leading to a new agricultural track serving the existing farm holdings. The track would be approximately 510m in length and comprise 4.8m wide concrete slabs.

- 4.1 The proposed scheme seeks to provide a new agricultural access including entrance gate separate to the existing access, enabling uninterrupted access with a suitable hardstanding for a range of farming vehicles including larger agricultural vehicles used in connection with the existing agricultural enterprise.
- 4.2 The application is supported by;
- Site Location Map
 - Site redline Map
 - Cross Over specification
 - Updated Visibility Splay
 - Sighting Survey
 - Design and Access Statement
 - Extended Phase 1 Habitat Survey

5.0 RELEVANT PLANNING HISTORY

- 5.1 79/01723/AV – Erection of agricultural building – Approved.
- 5.2 81/00881/AV – Dry fodder store and cattle yard – Approved.

5.3 17/02309/APP - Erection of agricultural building – Approved

6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 Newton Longville Parish Council have objected to this application.

6.2 The full comments received from Newton Longville Parish Council are appended to this report and a summary of their comments is provided below:

- **Support the proposal in principle**
- **Speed limit along Whaddon Road**
- **Access and Visibility Splay (Highway safety)**
- **Unsympathetic development**
- **Impact on the residents along Whaddon Road**
- **The parish council does not consider that dealing with these matters by way of conditions is sufficient and that details must be submitted and approved before planning consent is given.**

CONSULTATION RESPONSES

6.3 Trees – No Objections, subject to conditions

6.4 BCC Highways – The amendments made are considered to be a betterment to the existing situation, therefore, the Highway Authority has no objections subject to conditions.

6.5 AVDC Highways – Suggested conditions

6.6 AVDC Ecologist – No objection following the submission of the assessment Extended Bat Survey.

6.7 BPA Pipelines – No objection.

6.8 BCC Strategic Access - No objection subject to conditions.

7.0 REPRESENTATIONS

7.1 Two representation were received during the period for and against the proposal on the following grounds;

- Injury to property
- Posing danger to other road users
- Recommendation of conditions, should the application be supported by the Council
- Westbrook end should not be closed off

8.0 EVALUATION

a) *The planning policy position and the principle of conversion for residential use.*

- 8.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.
- 8.2 Newton Longville is a designated neighbourhood area, there is no made or emerging neighbourhood plan.
- 8.3 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP.35, GP.38, GP.39, GP.40.

b) Principle of the proposed development.

- 8.4 National Planning Policy Framework chapter 6 (83) advocates for local support towards sustainable growth and expansion of all types of business and enterprise in rural areas in order to promote the development and diversification of agricultural and other land-based rural businesses. There are no particular local policies in the Aylesbury Vale District Local Plan (AVDLP) regarding the construction of new agricultural accesses, therefore the proposed development will be assessed based on the provision within the NPPF.
- 9.5 Applicant has proposed a new access including hardstanding and entrance gate to serve the existing agricultural holding. The existing agricultural enterprise does not benefit from its own independent vehicular access, instead having to share an existing access with an existing residential property which restrict the accessibility for larger farming vehicles required on site. The provision of the new access will enable the applicant to operate his agricultural business on the land more effectively and efficiently without interruptions and access restrictions to farm vehicles needed for its

operations.

- 9.6 Thus, the development would help the sustainable growth and expansion of an existing rural enterprise, and would therefore accord with Chapter 6 of the National Planning Policy Framework. As such, the principle of development is considered acceptable.

Design and external appearance and impact upon the character and appearance of the area in general

- 9.7 AVDLP policy GP35 requires that development respects and complements the physical characteristics of the site and its surroundings, the building tradition of the locality, and the scale and context of the setting, the natural qualities and features of the area and the effect of the development on important public views and skylines.
- 9.8 The proposed development will involve the construction of a new agricultural access off Whaddon road leading to a new agricultural track serving the farm holdings. The proposed farm access with entrance gate would be located on the south side of Whaddon Road, a rural lane with existing landscaping and low brick walls enclosing the carriageway in certain areas. The proposed access would comprise a concrete bell mouth and constructed in accordance with BCC approved specification. Furthermore, the proposed gate to the farm access would be setback from the edge of the highway reducing its visibility along the road and allowing farm machinery to pull in and off the highway.

The proposed development whilst being visible from the public realm would not adversely impact the character of the area rather given its functional appearance would be in keeping and not out of character with rural landscape and agricultural setting.

- 9.10 Given the siting and design of the proposed development, the proposal is considered acceptable and would have no adverse impact on the character and appearance of the area. As such, the development is considered to comply with AVDC policy GP.35.

d) Impact on Highway Safety

A new vehicle access for the farm holdings would be constructed along Whaddon Road which is subject to a 40mph speed limit within the vicinity of the proposed access. Within the vicinity of the site due to the rural nature there are no pedestrian footways, public transport links and street lighting is not present.

9.12 The applicant has designed the proposed access with good visibility to be available in both directions for drivers emerging from the proposed access and will be setback by 13m from the edge of the carriage way .

9.13 Therefore, the development which would merely transfer existing vehicle movements associated with the agricultural holding from the existing access (Off Westbrook End) to the new location at Whaddon road. The formation of the new access and track along Whaddon Road would meet BCC Highways standard and would not have any detrimental impact on highway safety along Whaddon road, subject to conditions requiring the provision of the necessary visibility splays, construction details of the new access and provision of the entrance gates set back 13m from the carriageway. With regard to the parish council's concerns relating to the detail of the visibility splay a revised plan has been submitted which is clearer to view and the county highway authority are satisfied with the level of detail at this stage. The required visibility have been calculated using deceleration rate of 0.375g which is the industry standard, in line with the guidance found in Manual for Streets 1 and 2, and is the recommended minimum value rate for HGV's. In addition, a 2s reaction time was also used, again in line with Manual for Streets guidance for vehicle speeds of 40mph and above. The level of visibility required and achieved is considered robust. As such, BCC highways management would not be able to insist on any increase on this or request any greater level of visibility than 79m as conditioned. Therefore, it is important to remember that any mitigation scheme requested must be fully justifiable in planning terms, must be reasonable and proportionate to the impact that the development would be likely to have. Also, acknowledging that the application is solely for the creation of a new access, it is considered that it would not meet these tests and therefore requesting any traffic calming measure could not be justified. Conditions are normally an appropriate means to secure more detailed construction of the access and maintenance of the of the visibility splay and would meet the NPPF requirements for conditions. These are fairly standard approaches to conditions used by local authorities and the planning inspectorate alike.

9.14 With regard to the concerns raised by the parish on speed and volume of traffic

including the number of accesses existing and proposed, these matters have been considered by BCC highways when assessing the impact on the highway network and highway safety, and are satisfied that the visibility can be achieved within highway boundaries and the proposed access arrangements meet all of the required standards with regards to highway safety. Thus, the proposed development would accord with paragraph 108 of the Framework, which seeks to ensure safe and suitable access to the site can be achieved for all people.

e) *Impact upon residential amenities*

The proposed access would be sited immediately to the north of the site off Whaddon Road opposite to residential properties facing onto the proposed site location. The site benefits from a separation distance of approximately 130metres between the residential properties and the proposed agricultural access. This distance would help to ensure there is little or no noise disturbance affecting those properties within close proximity to the application site. Therefore, the proposed development will not cause any adverse impact to the neighbouring properties along Whaddon Road.

- 9.16 The existing access to the farm buildings is along Westbrook End which is tightly constrained, it is considered that the proposed development would result in an improved situation where the farm vehicles use an access with less dwellings in the immediate vicinity of it. Therefore, the proposal will result in a potential improvement to the amenity of residential properties along Westbrook End.

The proposed access would only be transferring vehicle movements associated with the agricultural enterprise from one part of the site to another, it is considered that such movements would not have an unduly harmful impact on the living conditions of nearby residents, with particular regard to noise and disturbance. The proposal would be consistent with Policy GP8 of the AVDLP 2004.

f) *Impact upon trees*

- 9.17 Whilst there is some existing planting along the part of Whaddon Road where the new access would be located, these specimens are of limited amenity value and do not therefore make a significant contribution to the character and appearance of the lane in this area. Whilst the proposal would involve a section of the hedge to be removed on the roadside along Whaddon Road where the road passes through the field hedge to provide necessary visibility splay and where the proposed access joins

the Highway, the proposal is therefore adjudged not to result to any loss of significant trees .

9.18 As such, it would not result in the loss of important landscape features and, would preserve the character and appearance of the countryside. Furthermore, the applicant has stated that the proposed route has been designed to avoid any trees within the hedgerows and is set over 6 metres from hedgerows and trees to avoid any root damage, ground works and movements will be limited to the width of the new access. Hedgerow removal will be overseen by a qualified individual to ensure no nesting birds are affected (if the removal takes place during the nesting bird season).

9.19 As such, the proposal would accord with AVDC Policies GP38, GP39 and GP40 which, amongst other things, seek to ensure that development fits in with and complements their surroundings, and conserve existing natural and other features of value; guard against the loss of existing hedgerows and trees particularly native Black Poplars, and hedgerows of amenity, landscape or wildlife value. These policies are broadly consistent with the core planning principles of the Framework to always take account of the different roles and character of different areas and the intrinsic character and beauty of the countryside.

9.20 Therefore, the proposed development is considered acceptable as it would not adversely impact or result to loss of any important trees or landscape.

Other matters raised by the parish council:

9.21 Damage to the footpath and right of way caused by the implementation of the new building under 17/02309/APP: this is a matter to be dealt with by the BCC as highway authority under their powers and is not relevant to the consideration of this application.

9.22 The need for a speed survey: BCC have not advised that this is necessary for the determination of this application..

9.23 The specifications of the construction to meet commercial rather than agricultural: this is reflected in the suggested conditions.

Case Officer: Babatunde Aregbesola

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