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| Application No: 11/00783/F | Ward: Cropredy | Date Valid: 17 May 2011 |
| Applicant: | Mr Thomas Doran | |
| Site Address: | Corner Meadow, Farnborough Road, Mollington, Banbury | |

Proposal: Vehicular Access

1. Site Description and Proposal

- 1.1 The site forms a small parcel of land (roughly 0.32 hectares) within the wider site known as Corner Meadow which is located immediately to the north of the junction between Farnborough Road and the A423 Southam Road, approximately 600m north of the village of Mollington. Corner Meadow as a whole forms a triangular shaped parcel of land containing a small wooded area on the southern boundary. Access to the wider site is via an existing gateway from Farnborough Road.
- 1.2 Planning permission is sought for a new access from Farnborough Road into the site in question, the requirement for which has resulted from the sale of the site and the land being in different ownership to the rest of Corner Meadow.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and a press notice. The final date for comment was 30 June 2011.
- 2.2 Two letters of representation have been received which are summarised below (see Public Access for full content of each):
- 2.3
- Fast growing conifers planted to each side of the access meaning that before long visibility will be severely diminished
 - Plot has adequate access facilities proportionate to size of site. No need for two accesses.
 - Proposes access to unauthorised pitch
 - Increased risk of traffic accidents
 - Farnborough Road carried fast moving traffic (derestricted)
 - Two access increases risk of animals straying onto road (collision and animal death)
 - Removal of trees and hedgerow – reducing screening and therefore negative impact upon AHLV
 - Tree survey for whole site required
 - Views of local residents ignored.

3. Consultations

- 3.1 **Mollington Parish Council:** strongly objects to the application:

- Removal of hedgerow and trees – negative visual impact and AHLV
- Existing access not altered to comply with access condition
- Second entrance will double opportunity for a road traffic accident
- No need for second access
- Tree survey required?
- This is a Gypsy and Traveller site not a mobile home site as stated in the application
- Ploy to legitimize unauthorised pitch
- PC raised valid objections to all applications
- Planning department allows unchecked incremental development
- Had current size of site been made clear at the time of Appeal Inspector would have rejected.
- Development out of control. Department seems reluctant to address problem.
- Attention drawn to Committee meeting on May 19th where the following was agreed:
 - Report to be brought to committee on sustainability, access for emergency vehicles, fire risk, parking, turning area and play area.
 - Schedule for completion of conditions. If no agreement take enforcement action

3.2 **Local Highway Authority:** raises no objections subject to the construction of the access in accordance with the submitted plans.

3.3 **Landscape Officer:** No coherent plan. Hope that previously conditioned planting has been implemented

3.4 **Council's Arboricultural Officer:** has not commented to date

3.5 **County Drainage Officer:** Preferable to use porous block paving and permeable sub-base (more suitable for SUDS).

4. Relevant Planning Policies and Guidance

4.1 Planning Policy Statement 1: Delivering Sustainable Development
PPG13: Transport
South East Plan 2009 (SEP) – Policy C4
Adopted Cherwell Local Plan 1996 – Policies C13 C28

5. Appraisal

5.1 Main Planning Considerations

5.1.1 The main issues to consider in the determination of this application are as follows:

- Planning History
- Highway Safety
- Visual Amenity/Landscape Impact

 Each of these matters will be considered in turn.

5.2 Planning History

5.2.1 The planning history of the site has recently been reported to Members. Planning

permission has been granted for a total of six static caravans of the Corner Meadow site together with two touring per static caravan. Applications references 09/00622/F, 10/01610/F and 11/00293/F refer.

5.3 Highway Safety

- 5.3.1 The proposed access would be positioned 55m to the north west of the existing access. Given its location further from the Farnborough Road/Southam Road junction than the existing access and the number of units that it would serve, the Local Highway Authority does not consider that it would be a risk to highway safety.
- 5.3.2 Subject to the recommended condition (that the access is constructed in accordance with the submitted plan and to a specification acceptable to the Council), SDPHE is satisfied that the proposal is appropriate in terms of its impact upon highway safety and convenience in accordance with PPG13.

5.4 Visual Amenity/Landscape Impact

- 5.4.1 The western boundary of the Corner Meadow site is planted with quite mature vegetation, the only break in which is where the current vehicular access enters the site from Farnborough Road and some glimpses of the existing caravans can be viewed through the northern part of the western boundary.
- 5.4.2 In her appeal decision, the Inspector recognised the importance of the AHLV designation within which the site is located however considered that the appeal site was more visible from the east than from any other direction due to the hedge along the eastern boundary being sparser and the site being on land elevated above the Southam Road.
- 5.4.3 The assessment that must be made is whether the creation of the proposed access would cause harm to visual amenity or the wider landscape. A short break in the existing hedgeline and the creation of an appropriately specified access to the highway with gate and fencing suitable for the rural location of the site, would in SDPHE's view be acceptable in visual impact terms. The access would not be prominent within the rural street scene on approach from north and south unless within close proximity to the site and providing that the specification and materials used are appropriate to that context it is not considered that the creation of a second access would cause harm to visual amenity.
- 5.4.4 The creation of the access would undoubtedly open up views into the site and therefore expose some of the development within it. However given the fact that little can be viewed through the hedgeline along Farnborough Road, this would still act as a good screen; protecting the character and appearance of the countryside on this side of the site. Short distance views into the site and of the development therein would be gained, however such views would only be gained for a very short while when passing the site and it could not therefore be concluded in SDPHE's opinion that such views would be so harmful to the countryside that the application should be refused.
- 5.4.5 It is concluded therefore that the proposal would conserve the Area of High Landscape Value as required by Policy C13 of the aCLP and would respect and

be sympathetic to the character of the rural context of the development as required by Policy C4 of the SEP and Policy C28 of the aCLP.

5.5 Parish Council and Third Party Representations

- 5.5.1 The existing access is unauthorised and Officers are recommending through a parallel report that the Council takes action against this access and gates to ensure that it is constructed to the satisfaction of the Council. One which is of an acceptable specification which makes use of acceptable materials and is enclosed by gates that are appropriate for the rural context.
- 5.5.2 An application for a vehicular access cannot be recommended for refusal based on an opinion that there is no need for the access. The merits of the scheme must be considered against relevant planning policy.
- 5.5.3 Whilst some of the works on the site are unauthorised (the extent of which is addressed in the enforcement report on the agenda), the application is for a vehicular access only and the Council must give consideration for this proposal only based on its own merits.
- 5.5.4 The Local Highway Authority raises no objections to the scheme therefore it would be unreasonable to recommend refusal on highway safety grounds.
- 5.5.5 Removal of screening and impact upon the Area of High Landscape Value has been assessed within this report.
- 5.5.6 A tree survey of the whole site would be unreasonable and unnecessary in relation to the creation of a single access. The Council's Arboricultural Officer has been consulted and his comments in relation to the proposal are awaited.
- 5.5.7 The views and comments of the local residents and the Parish Council, many of which are valid comments, have been taken into account in relation to this application and every application previously, however unless it can be concluded that a proposed development would be harmful when considered against national and local planning policies, it would not be reasonable for officers to recommend that the application be refused. Furthermore, whilst many of the concerns of local residents are appreciated, not all of the matters raised are material planning matters in relation to which a planning application could be reasonably refused.
- 5.5.7 There is no indication in the Inspectors appeal development that further units would be rejected. At that time two caravans were proposed and that is what was considered at the time. The restrictive condition over number was put in place as this is what the decision had been based on.
- 5.5.8 The decisions made about reporting back to Committee about the circumstances on the site are reported in the parallel report relating to the site on this Agenda.
- 5.5.9 Development on the site is not unchecked or out of control. Each application that has been submitted has been considered against relevant planning policy and progress is being made on the unauthorised matters.

5.6 Conclusion

- 5.6.1 The proposed access, providing that it is constructed, laid out and retained in accordance with a specification to be firstly agreed in writing by the Local Planning Authority would be acceptable in highway safety terms and would preserve the Area of High Landscape Value and would not cause harm to visual amenity. The application is therefore considered to comply with Policies BE5, C4 and T1 of the South East Plan and Policies C13 and C28 of the adopted Cherwell Local Plan. The application is therefore recommended for approval.
- 5.6.2 The application is brought before Members of the Committee by the Chairman following a request by Councillor Attack.

6. Recommendation

Approval; subject to the following conditions:

- 1. S.C. 1.4 [Time Limit]**
- 2. S.C. 4.0ab [Access Specification]**

Planning Notes

1. This planning permission is given for the access to the site only, indicated as hatched on the submitted plans 1073-TD-2 and 1073-TD-1. It does not grant planning permission for the site boundary of unit 2 or the siting of the mobile homes in the location indicated.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is considered to be acceptable in principle and would not give rise to any unacceptable risk to highway safety and nor would it be unacceptable in terms of its impact upon the landscape. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPG13: Transport, Policies BE5 and C4 of the South East Plan 2009 and saved policies C13, C28 and C30 of the Adopted Cherwell Local Plan 1996. For the reasons given and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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