

**Land south of Aylesbury Road
and east of Blackstone Farm,
Aylesbury Road, Blackthorn**

14/01310/F

Ward: Launton

District Councillor(s): Cllr David
Hughes

Case Officer: Laura Bailey

Recommendation: Approval

Applicant: Mr Tony Wilson

Application Description: New access & gates

Committee Referral: Major development (site area) **Committee date:** 30th October 2014

1. Site Description and Proposed Development

- 1.1 The site is located on a parcel of land alongside the A41, within the Parish of Blackthorn. The site is generally flat and is flanked on its eastern side by a small river/stream. The site is well screened from the road by mature hedgerow. The site lies within flood zones 2 and 3 and is within an area of archaeological interest. The site also lies within a Conservation Target Area, is within 2km of a SSSI and there are numerous legally protected species within close proximity of the site.
- 1.2 Planning permission is sought for the creation of an access onto the A41, approximately 4 metres in width, with timber gates approximately 1 metre in height. Access is required for farm machinery, grass cutting and general maintenance.
- 1.3 Planning permission was granted in 2009 for an identical proposal (09/00732/F refers). Consent is required to form the access as the A41 is a classified road. The application is considered a major development, due to the site area of the application site (over 1 hectare).

2. Application Publicity

- 2.1 The application has been advertised by way of site and press notice.
- 2.2 No representations have been received.

3. Consultations

- 3.1 **Blackthorn Parish Council:** No comments received.

Cherwell District Council Consultees: None.

Oxfordshire County Council Consultees

- 3.2 **Highways:** No objection, subject to conditions.

Other Consultees:

3.3 **Aylesbury Vale District Council:** No comments received.

3.4 **Buckinghamshire County Council:** No comments received.

3.5 **Environment Agency:** No comments received. Written/verbal update to be given at committee.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)
Planning Policy Guidance (PPG)

Submission Cherwell Local Plan (January 2014)

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the Council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA). The Council is presently (22 August – 3 October 2014) seeking representations on the Proposed Modifications.

PSD1: Presumption in favour of sustainable development

ESD7: Sustainable drainage systems (SuDS)

ESD16: The character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Impacts on the character and appearance of the area
- Highway safety
- Flooding

Impact on the character and appearance of the area

5.2 The field is currently landlocked as a result of the stream that crosses the site and the proposed access will allow access to the field for maintenance, as outlined in the Design & Access statement.

5.3 Whilst there will be a need to remove a section of the hedgerow (~4 metres) to create the access, it is considered that this would not be unduly harmful to the

character and appearance of the locality. The style and form of the access gate will be controlled by planning condition, to ensure it remains in keeping with its rural surroundings.

- 5.4 Accordingly, it is considered that the proposal complies with the requirements of Policy C28 of the ACLP and Government guidance contained within the NPPF.

Highways

- 5.5 The Local Highway Authority (OCC) notes that a previous application has been made on the site in which they raised no objection to subject to conditions.
- 5.6 The LHA therefore raises no objection to the proposal, subject to conditions to require the new access to be constructed in accordance with OCC's specification, vision splay dimensions and protection and position of the proposed access gates within the site.
- 5.7 I consider that subject to the aforementioned conditions, the proposal would not cause detriment to highway safety and therefore complies with Government guidance contained within the NPPF.

Flooding

- 5.8 As the site is located within flood zones 2 and 3, the Environment Agency have been formally consulted. As their response is pending, an update will be given at committee.

Engagement

- 5.9 A 2012 amendment to the Town and Country Planning (Development Management Procedure) Order and the NPPF requires that Local Planning Authority's demonstrate that they have worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.10 In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal represents sustainable development, as it will preserve the character and appearance of the surrounding area, will not cause detriment to highway safety and will not increase the risk of flooding. For these reasons, the application is recommended for approval, subject to the conditions and recommendations set out below.

6. Recommendation

Approval, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and

Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:

Drawings: Block plan (14/1497)

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, full details of the proposed access gate, including elevations denoting the colour, design and material of the gates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the rural locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use of the access hereby approved, vision splays measuring 4.5m x 215m shall be provided to each side of the access.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

6. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.9m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. Any gates provided shall be set back a minimum of 10.0 metres from the edge of the carriageway and shall open inwards into the site.

Reason: To ensure that vehicles may wait clear of the highway while the

gates are opened or closed, in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Planning informatives

1. Written permission must be gained for the formation of an access, from the Northern Area Office (Contact 0845 310 1111) for this action.
2. Currently the gradient for the access will need levelling to the road surface level to provide an improvement for vehicles accessing and egressing the site.
3. No details relating to structural calculations have been supplied; the carriageway is situated above the level of the plot of land. So as to ensure the integrity of the Highway, calculations are required to be submitted to OCC.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through the efficient and timely determination of the application.

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