
APPLICATION NO.	18/02561/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	01.10.2018
APPLICANT	Mr S Barker, Longdown Management Ltd
SITE	Fields Farmland, Rownhams Lane, Rownhams, SO16 8AQ, NURSLING AND ROWNHAMS
PROPOSAL	Proposed farmland access
AMENDMENTS	Proposed Site Levels (15.10.2018) Existing Farm Access Track (16.11.2018)
CASE OFFICER	Mr Jacob Cooke

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located adjacent Rownhams Lane, the lane has a verdant character of mature trees either side of the road. The application site itself, to the road side, features 4 young trees which still retain the tree guards. These trees are replacements of larger trees that were removed previously. To the south of the application site lies an access track, the entrance of which is adjacent Bakers Drove. This access track serves the farmland subject of this application and the residential properties which are under separate ownership.

3.0 PROPOSAL

3.1 The proposal comprises of an 8.1m x 8m hardstanding area with visibility splay and a pair of 4m wide field gates with double width access off Rownhams Lane to serve an agricultural field for the purposes of arable farming. Justification for the need of a two way access has been submitted which details that due to the turnaround time of the vehicles entering and exiting the site, vehicles would pass each other upon exiting and entering the field.

3.2 The applicant has provided a statement describing the agricultural activities that are to be carried out on site. Currently, the land is laid to grass which has been the case for the last three seasons, with the intention to grow maize within the next two years.

3.3 The applicant has provided a written statement justifying why in their opinion it is essential for this access to be located in the countryside. This justification concludes during the harvesting period of maize (which typically takes places between August – September), the loading/unloading of the tractor trailer would result in a turnaround time of approximately 20 minutes.

Please refer to Table 1. for a breakdown of the amount of tractor trailer loads required to harvest the whole site. Due to this timeframe, the applicant considers this as sufficient justification for the access.

3.4 Table Showing Maize Yield Per Acre and Total for Site

Please note, the base line figure used for the yield of tonnes per acre was provided by the applicant.

Yield of Maize (tonnes /per acre)	Area of Arable Land Parcels (acres)	Total Yield of maize for site (tonnes)	Range of tractor trailer loads to offload site	Range of weight per tractor trailer load to offload site (tonnes)
18	14.3	257.4	17 – 20	12.85 – 15.1

Table 1: Maize Yield per Acre and Total for the Site.

3.5 The statistics outlined in *Table 1* show that the 14.3 acre site to be used for the growing of maize would result in approximately 257 tonnes of maize. Therefore, the total yield of maize could be cleared from the site by 17 – 20 tractor trailer loads.

3.6 Following further submitted information, the location which is proposed to be used to off load the harvested maize into silage clamps is located at Coles Farm, Marchwood Road, Eling, Southampton approximately 4.5 miles away. The length of the route travelled from the application site to the silage clamp may alter to avoid taking a slow moving vehicle such as a tractor and trailer on the M271.

3.7 Statements submitted by the applicant attempts to provide justification for the access track based on subjective highway safety concerns and notes there would *'remain a real safety issue with the likelihood such a situation would inevitably mean vehicles waiting on the highway causing delays to traffic and accordingly a hazard to other road users and pedestrians'*, the applicant goes further, stating the existing access opposite Bakers Drove *'has virtually no visibility available...and ...is positioned opposite a road junction which adds to vehicle conflicts in this location; whereas the relocated access will have no such conflict'*.

4.0 **HISTORY**

4.1 **15/00054/REFS** Outline application for demolition of one dwelling and outbuilding and erection of up to 140 dwellings (Use Class C3) including access, associated landscaping, open space and management of the SINC (Details of access to be determined) **APPEAL DISMISSED** 28.10.2016.

4.2 **15/00355/OUTS** Outline application for demolition of one dwelling and outbuilding and erection of up to 140 dwellings (Use Class C3) including access, associated landscaping, open space and management of the SINC (Details of access to be determined) **REFUSE** 02.10.2015.

4.3 **14/02837/SCRS** Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for up to 150 dwellings **EIA Not Required** 24.12.2014.

4.4 **TVS.03495/1** Outline: Erection of dwelling - Fields Farm House, Rownhams Lane, Nursling and Rownhams. **REFUSE**- 15.02.1988. **APPEAL DISMISSED** – 04.08.1988.

4.5 **TVS.03495** Extension and alterations - Field House Farm, Rownhams Lane, Rownhams. **PERMISSION subject to conditions** – 12.08.1981.

5.0 **CONSULTATIONS**

5.1 **Highways:**

- The proposed visibility splays are considered achievable. In line with this, Highways development Planning raises no objections to this proposal.
- Vehicular visibility splays to the left of the existing access track is virtually nil and possibly 2.4m x 3 - 4m at most and as such severely restricted.
- With regards to the visibility envelope, visibility in the vertical plane is the same for all vehicles. Driver eye height in a car is around 1.05m and this progresses to around 2m in a large vehicle such as an HGV or tractor.
- Drivers of all vehicles need to be able to see obstruction from a point of 2m to a point 600mm above the carriageway surface.

5.2 **Ecology:** No major concerns over the proposal but would recommend the following informative notes:

- Dormice and their breeding sites and resting places receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if dormice, or evidence of dormouse presence (e.g. nests), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
- Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

5.3 **Trees:** Objection –

The submitted information is a tree survey from 2014, which identifies the trees on-site and their condition at that time. It also shows the interaction of the TPO'd trees with the required visibility splay.

This information is not adequate (in tree terms) to move forward with this application. The information needs to be up dated, and needs to demonstrate through a site specific arboricultural method statement, which complies with B.S:5837:2012 that the entrance can be built, and how it is to be built without detriment to the TPO'd trees. This will need to include tree protection, special surfacing (if required) location of gate post and how they are to be built, and how the visibility splays are to be achieved without removal of any trees.

6.0 **REPRESENTATIONS** Expired 26.10.2018

6.1 **Parish Council:** Objection (summarised):

- The track currently used by farm vehicles is only accessed on an infrequent basis at certain times of the year; applicant has referred to harvest time for access purposes.
- The vehicles entering/leaving the track are slow moving; this would be the same situation with the proposed entrance.
- The safety issue could be resolved by using a banksman to control the traffic on the rare occasions this is required.
- This area of Rownhams is characterised by many mature trees forming an avenue.
- The Parish Council, with agreement of Hampshire County Council replaced trees, previously felled by the applicant, to re-instate the street scene where the trees were felled.
- Existing mature trees now covered by a TPO.
- The introduction of a new entrance would be contrary to the reason for refusal at a recent Appeal which found the landscape character was an important consideration.
- Proposed entrance closer to a sharp bend in Rownhams Lane, whereas existing access provides very good sight lines to the left and right when leaving or entering the track.
- The width of proposed entrance implies two vehicles will be able to pass one another side by side.
- This is not in keeping with a field entrance which would normally be secured by a single five bar gate.
- The proposal cannot justify two farm gates which give the impression of a two-way road.
- Surely one vehicle at a time would only require access or egress.

6.2 **9 x letters of representation:** Objection(s) summarised:

- Removal of TPO trees.
- Would create unsafe access; existing access has good visibility.
- Banksman could be used to control traffic when farm vehicles moving.
- Need for gates is questionable as field has been divided into two by planting a row of saplings across the centre of the field.
- Why two gates and a two lane carriageway?

- Entrance would be completely out of character and is a prelude to another application for permission to develop the land with housing as previously attempted.
- Existing access is adequate.
- Farm traffic would be limited.
- Not made directly aware of the planning application, instead we were supposed to see a notice which was put on a bus stop on the opposite side of the footpath that is only used by school children.
- Neighbours have not been informed or consulted with about the proposal.
- Site is very close to a dangerous bend.
- Proximity of the proposed entrance to the bend on Rownhams Lane now with a newly installed pedestrian crossing point on the bend is of concern in terms of safety.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

Policy COM2 – Settlement Hierarchy

Policy E1 – High Quality Development in the Borough

Policy E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5 - Biodiversity

Policy T1 – Managing Movement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the character and appearance of the area
- Impact on trees
- Impact on biodiversity
- Impact to the highway

8.2 **Principle of Development**

The site is located within the countryside as designated by Inset Map 5 of the Test Valley Borough Revised Local Plan 2016. Development outside of the settlement boundary is considered against policies COM8-COM14, LE10, LE16-LE18, or it is essential for the proposal to be located in the countryside. It is considered that policies COM8-COM14, LE10, LE16-LE18 are not applicable to the proposal. Therefore, the proposal is required to justify why the proposed access is essential to be located in the countryside. This is assessed in the following paragraphs.

- 8.3 Plans submitted outlining the agricultural holding in the ownership of the applicant indicates the existing access track adjacent Bakers Drove is in the ownership of the applicant. It is noted that the applicant states the properties of Rosehill, The Fields, Fields Farmhouse, White Lodge, and Fields Cottage, all benefit from rights of access over the existing track to access their respective properties. As such, the existing access is currently in use and the applicant does not have control or ability to close this access.
- 8.4 Justification has been submitted to demonstrate the essential need for the two way access. The applicant has provided the statistics for the yield capacity for the growing of maize. This is set out in the *Table 1 (para. 3.4)* and details the yield of maize on the site and how many tractor trailer loads this would equate to.
- 8.5 During the harvesting period the highest number of vehicle movements to take place that will offload the entire crop harvested on the 14.3 acres is 40 (20 egress, 20 ingress). Due to the low number of vehicle movements to and from the site, and the distance required to travel to off load, the probability of two vehicles passing each other to gain access or leave the site is very low. Therefore, it is considered that the proposed access is not essential to be located in the countryside in relation to the justification for two-way vehicle movements.
- 8.6 Accident records have been requested from the Highway Authority. The results from this search can be found in *Table 2* below. The search area was a 500 metre radius from the junction of Bakers Drove and Rownhams Lane. The period of time assessed is between the 1 September 2013 – 31 August 2018.

8.7 *Accident Statistics within 500m of the junction of Bakers Drove and Rownhams Lane*

No. of Accidents	Date of Accident	Location of Accident	Accident Severity (Slight, Serious, Fatal)	Casualty Severity (Slight, Serious, Fatal)
1	19.03.2014	Horns Drove/Balmoral Way mini roundabout	Slight	Slight
2	30.11.2014	Bakers Drove at junction with Rownhams Way	Slight	Slight
3	08.10.2015	Horns Drove at junction with Rownhams Way	Slight	Slight
4	27.04.2016	Horns Drive/Balmoral Way mini roundabout	Slight	Slight
5	16.08.2017	Rownhams junction with Bakers Drove	Slight	Slight

Table 2: Accident Statistics within 500m of the Junction of Bakers Drove and Rownhams Lane

- 8.8 The tabulated results above set out that two accidents have occurred in close proximity to the application site within the last 5 years. There are no vehicle accidents occurring at the site of the proposed access. The two traffic collisions which occurred at the junction of Bakers Drove with Rownhams Lane did not involve any agricultural vehicles. Due to the low numbers of vehicle collisions near the application site, it is considered that the proposed access would not have an adverse or positive impact on highway safety.
- 8.9 Within 500m of the site there is a low level of vehicle conflicts, and where these conflicts have occurred, they are categorised as 'slight'. Therefore, the justification provided by the applicants' statements on the basis of highway safety concerns for the access track is not substantiated, and indeed the evidence suggests to the contrary. No weight is afforded to this as a material consideration.
- 8.10 The existing single track access serving the application site, and the residential properties of Rosehill, Fields Farmhouse, White Lodge, and Fields Cottage is not proposed to be closed. Therefore, in line with the evidence presented regarding the amount of vehicle movements, and the amount of vehicle conflicts that occur at the site, it has not been demonstrated that the existing access is no longer suitable for continued use for agricultural purposes, and neither is there justification for the new access. The proposal is not in accordance with Policy COM2 (b) of the TVBRLP.
- 8.11 **Impact on the Character and Appearance of the Area**
The character and appearance of the area is a mix of residential to the north and west of the application site with a rural setting to the south and east. The western boundary of the site onto Rownhams Lane is in public view and features mature trees and saplings. It is understood the saplings replaced trees that were previously removed. The provision of an access in this location would not respect the verdant character of this side of Rownhams Lane. The current proposal would result in the loss of trees; it is acknowledged that these trees are young, however it is considered the retention of the young trees adds value, retains the verdant character and softens the appearance of the residential areas when travelling north along Rownhams Lane. In their current form the young trees have limited public amenity value. They are not the subject of a TPO and neither at this moment, are they considered worthy of such protection. That said, they are agreed replacements for trees felled which fall on public land and they hold the potential for the verdant , rural character of Rownhams Lane, to be retained for the future. As described above, an essential need for the new access has not been shown such that the removal of these trees is similarly not, in planning terms, necessary.
- 8.12 No form of landscaping is proposed to encompass the proposed hardstanding area; therefore on balance, the proposal would result in an appearance that would not integrate with the verdant character as this would result in the removal of trees and no addition of new landscaping is proposed. The addition of the proposed access, coupled with the pair of 4 metre wide field gates and the 64.8m² of hardstanding would not integrate or compliment the character of the area in terms of the location of the access and its appearance on the streetscene. The proposal is contrary to Policy E1 of the TVBRLP.

8.13 **Impact on Trees**

The tree preservation order (TPO.TVBC.1168) was served on the mature oak trees along the road boundary of the site. The newly planted trees are not covered under the tree preservation order. The mature oaks have significant weight afforded to them due to the high public amenity value they add to the area. The proposed access track would result in the removal of 7 trees subject of the tree preservation order to achieve the visibility splay required; furthermore, the introduction of the visibility splay would add pressure to cut back other trees subject of the tree preservation order to achieve the required visibility splays. As such, the proposal would affect trees of high public amenity value thereby leading to a significant, and detrimental effect on the character and appearance of the area, the submitted documents have not addressed this issue. Therefore, the proposal is contrary to Policy E2 as it cannot be ensured that this proposal would lead to the protection, conservation or enhancement of the landscape of the Borough.

8.14 **Impact on Biodiversity**

The application is supported by a Phase 2 Ecological Assessment. This assessment identified that the proposal has the potential to adversely impact two protected species; dormice and breeding birds. The survey work did not identify any dormice present around the wider site, as such concluded that dormice are likely to be absent. However, dormice were recorded close to the site to the south east. Therefore, an informative note for work to stop should dormice be discovered, and that works could only take place outside of the bird nesting season could be added to any permission.

8.15 **Impact on the Highway**

The proposal is considered to adversely impact highway safety. The vehicles that would use the proposed access would be 14.8 metres in length as drawn on the submitted proposed access plan. To ensure highway safety is not adversely impacted on Rownhams Lane, a pull in within the application site of 15 metres in length should be provided to ensure the tractor trailer is not waiting on the highway while the gates are opened to the field. The pair of field gates are detailed on the submitted drawings as being 8.4 metres back from the edge of the carriageway. This would result in 6.4 metres of the tractor trailer resting on the highway while the gates are opened. It is considered that this would result in an unnecessary adverse impact to highway safety and cause traffic disruption. The proposal is considered to be contrary to Policy T1 of the TVBRLP.

8.16 The visibility splay proposed is acceptable in highways terms. However, as set out in para. 8.19, to provide the visibility splay, trees subject of the TPO would need to be removed as per Section 154 of the Highways Act 1980. This is considered unacceptable by the LPA due to the high public amenity value the trees add to the area. Therefore, it is considered that the visibility splay required to make the access safe is not achievable due to the adverse impact this would cause to the character and appearance of the area.

9.0 CONCLUSION

- 9.1 Evidence has been submitted to demonstrate that it is essential for the proposal to be located in the countryside. This evidence sets out that due to the agricultural activity taking place onsite, this would result in the need for a two-way access due to the turnaround times of the vehicles servicing the land. The offloading site is located a considerable distance away from the application site, therefore it is considered reasonable that the probability of when two vehicles may need to pass each other when entering/exiting is extremely low. The evidence suggests that no accidents have occurred at the site, with minor collisions occurring within 500m of the site. Again, this does not provide substantial justification on highway safety grounds to warrant a two way access and the loss of TPO trees.
- 9.2 In light of the evidence presented and the adverse impact the proposal would have on trees subject of the TPO, it has not been demonstrated why the existing access track cannot continue to serve the agricultural field. Therefore, the proposal has not demonstrated compliance with the relevant policies contained within the Test Valley Borough Revised Local Plan (2016).

10.0 RECOMMENDATION

REFUSE for the reasons:

- 1. The site is situated in a countryside location as defined by the Test Valley Borough Revised Local Plan (2016). The proposal does not demonstrate that it is essential to be located in the countryside location. Therefore, the proposal is contrary to Policy COM2 (b) of the Test Valley Borough Revised Local Plan (2016).**
- 2. The proposal would result in the loss of trees which are considered to add value to the verdant character and appearance of the area. Furthermore, the addition of the access and provision of the hard surface area, visibility splays and the pair of 4 metre wide field gates would result in the erosion of the rural character to the detriment of the immediate area. The proposal is contrary to Policy E1 (a) of the Test Valley Borough Revised Local Plan (2016).**
- 3. The proposal would result in the loss of a number of trees subject of the Tree Preservation Order (TPO.TVBC.1168) and other trees planted as replacements due to the proximity of the development to the oak trees and to achieve the proposed visibility splay. The proposal is contrary to Policy E2 (a), (b), (c), and (f) of the Test Valley Borough Revised Local Plan (2016).**
- 4. The proposal would result in an adverse impact to highway safety as the vehicles intended to use the site would have to wait on the adjacent highway of Rownhams Lane before accessing the site as the set back distance of the gates from the back edge of the carriageway is not sufficient to accommodate the vehicle and trailer at the proposed access point. Therefore, this would cause traffic delays and disruption to vehicles travelling north and south on Rownhams Lane resulting in an adverse impact to highway safety. The proposal is contrary to Policy T1 of the Test Valley Borough Revised Local Plan (2016).**

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
-