

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1 June 2011

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)

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### **S/0545/11 – IMPINGTON**

#### **Vehicular Access to Agricultural Land at Land Between 51 and 67 Impington Lane for Unwins Horticultural Holdings Ltd.**

**Recommendation: Approval**

**Date for Determination: 12 May 2011**

#### **Notes:**

**This application has been reported to the Planning Committee for determination as the recommendation of officers conflicts with the recommendation of the Parish Council**

#### **Site and Proposal**

1. The site is located within the Impington village framework. It measures 0.013 hectares in area and currently comprises an open hard surfaced piece of land to the north of Impington Lane that lies between residential dwellings. The site previously formed part of the car park to the Unwins factory site that has now been redeveloped for residential purposes (Merrington Place). A one metre high hedge aligns the boundary with the footpath.
2. No. 67 is a residential dwelling that is situated to the east. It has a conservatory attached to its front elevation, ground floor dining area/hall and utility room windows and first floor stairs, bathroom and secondary bedroom windows in its side elevation. A 1.8 metre high close boarded fence aligns the boundary. No. 51 Impington Lane has a ground floor secondary living room window in its side elevation. The front section of the boundary has low estate railings and the rear boundary adjacent the garden has a 1.8 metre high close boarded fence.
3. This full planning application, received 17<sup>th</sup> March 2011, proposes the creation of a new vehicular access for agricultural purposes to serve the adjacent field. The access would be constructed from tarmac and measure 5 metres in width. It would have 3 to 3.5 metre wide grass verges either side. A 1.3 metre high field gate would be set back 21 metres from the footpath with section of 1.8 metre high close boarded fences to either side. The access would be used for maintenance and hedge trimming to the field approximately twice a month, and other than in exceptional circumstances, during the week at normal working hours.

#### **Planning History**

4. None relevant.

## **Planning Policy**

### **5. Local Development Plan Policies**

#### **South Cambridgeshire LDF Development Control Policies DPD, 2007:**

**DP/1** Sustainable Development

**DP/2** Design of New Development

**DP/3** Development Criteria

**DP/7** Development Frameworks

**NE/1** Energy Efficiency

**NE/6** Biodiversity

#### **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Trees & Development Sites SPD - Adopted January 2009

Landscape in New Developments SPD - Adopted March 2010

District Design Guide SPD - Adopted March 2010

### **6. National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)

### **7. Circulars**

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

#### **Consultation**

### **8. Impington Parish Council - Recommends refusal and makes the following comments: -**

"The Parish Council feel some of the comments made in the Design and Access Statement are not accurate. Examples of this being in Items:

2.3 "Flanked on both sides by residential dwellings the application site is partially covered by an existing hard surface that once formed part of the Unwins factory car park and has direct access to the public highway namely Impington Lane" The Council feel the proposal is creating a new access to the site. The land for a considerable number of years was accessed through the land that is now the Merrington Place development. There was a strong view at the Full council meeting, that discussed this application, that this access, should it have been required, should have been included in the arrangements for that piece of land, rather than assuming an alternative access could be arranged. We would have wished not to create another vehicular access onto a narrow road (at the minimum size for a B Road) with narrow pavements and used by pupils going to the infants and junior schools (westwards in the morning) and IVC (going eastwards at the same time) and so at the time that the plans for Merrington Place were being discussed we would have expected the access through that land to be maintained if it were to be required in the future. That this was not done is not seen as sufficient reason to add another access onto the road.

3.1 " The use of hard core surfacing to this access will minimise debris being deposited along the public highway during use" The Council does not fully accept this comment. Diminish certainly, but reduce to a minimum is likely

3.2 "The proposed development layout would create an unobtrusive access that provides the required 70m visibility splays along Impington Lane". The Council feel this will not be unobtrusive as noise from vehicles waiting for the gates to open will be heard by neighbouring dwellings. There is no guarantee that the field will remain fallow in perpetuity. The consideration must be on the basis of any possible legitimate agricultural use. Elsewhere in the village we have seen the establishment of a soft fruit pack house serving many other farms and requiring considerable heavy goods traffic. As this was agricultural activity on agricultural land it required no planning permission. Hence our view that the access should be considered in light of potential future use.

Noting the Iron Age archaeological find in the neighbouring development, the Parish Council would request an archaeological report to be considered. The adjacent land had an archaeological survey before construction commenced and found, unexpectedly, evidence of iron age dwellings. They were expected to have been further up the hill (or slight incline if you were not close to the fens) and so it is a fair assumption that the dwellings would have continued up the slope through the land subject to the planning application. The Parish Council believes that at least a geo-physical survey should take place before the ground is disturbed.

Concerns were also raised about the excessive removal proposed for the existing hedge. The Parish Council were very exercised that the tree had been removed some time ago (well before the application) and despite many attempts no action had been taken by SCDC. The development of Merrington Place has lost for us many trees that bounded the road and this was one that had been saved: this was a crucial component of the attempt to maintain the street scene. We note that the developer has, with an obvious self interest, strongly cooperated in this matter.

The Council would ask for a condition to ensure the gate will be locked when not in use. Nearby residents fearful of unauthorised use have requested this condition. We feel that it would also be in the landowners' interest so would expect that even if the SCDC were mindful to grant consent that this condition should be added. Again we have experience of a farm access track in the village which is too often left unlocked at night, and the access used for a variety of nefarious purposes. We agree that locking would be expected to be in the interests of the landowner, but landowners come and go and we would consider having this as a condition on the permission would provide future protection.

District Council is aware of the Parish Council's concerns regarding a tree which was removed from this site without permission, and feel the total removal of the hedge is not required for the proposed access. Given that the proposed use is by agricultural vehicles with their high driving position the Council believes there is no need to remove any more hedge for sight line purposes. The hedge has already been punctured along Impington lane and its partial retention was part of the agreed landscaping of the site: any further unnecessary destruction is strongly opposed. The opening, should it be made, should be limited to the width of the vehicles requiring access."

9. **Local Highways Authority** - Requires conditions in relation to the provision of pedestrian visibility splays measuring 2.0 metres x 2.0 metres on either side of the access that are kept clear from obstruction over a height of 600mm and surface water drainage measures for the access. Also requests an informative in relation to works to the public highway.
10. **Trees and Landscape Officer** - Comments that a tree situated behind the hedge has already been removed clearly to make way for the removal of the hedge to gain access to this piece of land so unable to object.
11. **Landscape Design Officer** - No reply (out of time).
12. **Acting Environmental Health Manager** - Considers that the proposal would not have any significant noise or environmental pollution impacts.
13. **County Archaeology** - Requires a condition in relation to an archaeological investigation, due to the known presence of Iron Age and Romano-British remains on adjacent sites.

### **Representations**

14. The occupier of No. 50 Impington Lane objects to the application on the grounds that there has been no historic access at this site; the appropriate access to the land should be via Merrington Place; the access is not necessary as the original plans for Merrington Place had a dwelling in the position of the new access; the field gate is set back from the road that would create an invitation for opportunistic abuse of the access for parking, fly tipping, and mobile residential vehicles; and that the access may set a precedent for future residential development at the site.

### **Planning Comments – Key Issues**

15. The main issues to consider in the determination of this application relate to the impacts of the development upon the character and appearance of the area, trees and landscaping, highway safety, and neighbour amenity.

### ***Character and Appearance of the Area***

16. Whilst it is acknowledged that the creation of the new access and subsequent loss of the hedge along the road frontage would affect the character and appearance of the area, it is not considered to be harmful. The opening up of a 12 metre wide gap would not be out of keeping with the street scene along Impington Lane that consists of accesses to residential developments and individual dwellings, and a variety of boundary treatments along the road frontage that range from open gardens and low walls and fences to significant landscaping. The landscaping to the front boundaries of the dwellings either side of the access would be retained.

### ***Trees and Landscaping***

17. The proposal would not result in the loss of any important trees and landscaping that contribute significantly to the visual amenity of the area.

### ***Highway Safety***

18. The access to the site would measure 5 metres in width. Pedestrian visibility splays measuring 2.0 metres x 2.0 metres would be provided on both sides of the access. The access and pedestrian splays would meet Local Highway Authority standards and their provision and retention would be a condition of any consent. The non-permeable materials of the access would require surface water drainage measures to ensure that water would not drain on to the public highway. This would be a condition of any consent. The Local Highway Authority only requires the first 6 metres from the highway to be hardsurfaced to ensure that loose material is not displaced on to the public highway. This access would comprise 22 metres of hardsurfacing from the highway that is clearly above the standards.

### ***Neighbour Amenity***

19. Although the comments of the Parish Council in relation to noise and disturbance from agricultural vehicles waiting at the gates are noted, the frequency and nature of the use of the access and the period of time that the vehicles may be waiting to enter the site are not substantial. In addition, even if the use of the access were to increase in the future, it would be unlikely to seriously harm the amenities of neighbours, as the windows on the side elevations of the dwellings do not serve main habitable rooms, the conservatory to No. 67 is affected by existing traffic flows along Impington Lane, and the main garden areas are screened by high fencing.

### ***Other Matters***

20. A condition would be attached to any consent to ensure that an archaeological investigation is carried out on the site prior to the commencement of the development.
21. Whilst the new access may not be necessary or the most appropriate, this is the applicant's preference and the application has to be determined as submitted.
22. A gate that is closer to the road may result in a highway safety issue of vehicles waiting on the public highway to enter the site. It is not reasonable to condition the gate to be locked for security purposes as this is the applicant's choice.
23. The access would not set a precedent for future development as each application is determined upon its own merits and the impact of such a proposal would need to be carefully considered at the time of such an application.
24. Trespassing on private land for parking and flytipping are not planning considerations and would be covered by the police and environmental health legislation. The parking of mobile residential vehicles would similarly be a separate planning matter.

## **Conclusion**

25. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

## **Recommendation**

26. Approval subject to conditions
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number CBC303-100.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0 metres x 2.0 metres measured from and along respectively the back of the footway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
  4. No development shall commence until details of surface water drainage measures for the access have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
  5. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Trees and Development Sites, Landscape in New Developments, and District Design Guide
- Planning Policy Statement 1
- Planning File Reference: S/0545/11

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