

<b>2.4 14/501315/FULL</b>		<b><u>Iwade</u></b>	
<b>APPLICATION PROPOSAL</b>			
Variation of condition 2 of planning permission SW/09/0755 to allow the permanent retention of part of the permitted haul road for agricultural hardstanding; variation of conditions 3, 9, 11, and 12 to alter the design of the access and restrict its use to agricultural vehicles only.			
<b>ADDRESS</b> Land Off Grovehurst Road Grovehurst Road Sittingbourne Kent			
<b>RECOMMENDATION</b> GRANT subject to the views of Natural England			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
The permanent retention of part of the approved access road would be necessary for agricultural activity and would cause no demonstrable harm to visual amenities or the character of the landscape.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Parish Council objection			
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> G H Dean & Co Ltd	
Iwade	Iwade Parish Council	<b>AGENT</b> Mr Paul Sharpe	
<b>DECISION DUE DATE</b>	<b>PUBLICITY EXPIRY DATE</b>	<b>OFFICER SITE VISIT DATE</b>	
08/10/14	08/10/14	16/09/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/09/0755	Provision of temporary haul road (3 years) whilst land to west of Woodpecker Drive/Helen Thompson Close is developed.	Approved	14/01/2010

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site lies to the south of Iwade Village, just outside of the built-up area boundary. The access is off of Grovhurst Road opposite Pond Farmhouse and close to the junction with the A249. The access leads to an arable field and extends from the highway to the north, close to, and parallel with the western boundary of the field. Trees and shrubs that run along the western field boundary obscure views of the access track to some extent.

- 1.02 The length of access track that is to be retained would be a minimum of 70 metres (approx.) from part of the built-up area. namely the houses on Wigeon Road. Pond Farm is on the western side of Grovehurst Road, facing the junction of the access track.

## **2.0 PROPOSAL**

- 2.01 The proposal is to retain an 80 metres stretch of hard-surfaced access and track approved temporarily under SW/09/0755 that leads from Grovehurst Road. The remaining track, which was used for a time by construction vehicles accessing the residential housing developments to the north (see reference SW/09/0756 for details), has already been removed and the land restored. The application applies to vary condition 2 of SW/09/0755 (copy of decision notice appended) to allow for the 80 metres of hard-surfaced track and access to be retained. Members should note that prior to the hard-surface being laid, there was already an un-made access and track to the arable field.
- 2.02 The proposal also seeks to vary conditions 3, 9, 11 and 12 to allow for the design of the access to be altered and to restrict its use to agricultural vehicles only. Condition 3 refers to the use of the access and would be altered to ensure that it is only used for agricultural vehicles. Condition 9 refers to the design of the access and would be altered to refer to the plans submitted under the current application. Condition 11 refers to the entrance gates which would be altered to allow the gates to be closer to the highway. Condition 12 refers to the visibility splays and would be altered to improve the visibility from the access. Members should note that this improved visibility would involve the removal of two/three poplar trees. Replacement trees are proposed outside of the visibility splays, and my proposed condition (4) would be used to control the details).
- 2.03 With regards to the remaining condition on SW/09/0755, these are now either irrelevant or have already been complied with.

## **3.0 PLANNING CONSTRAINTS**

Potential Archaeological Importance

SSSI Consultation Zone

## **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF) – paragraphs 14, 28, 56-66, 109, 117-118.

National Planning Practice Guidance (NPPG) - Use of Planning Conditions; Natural Environment and; Design.

Development Plan: Swale Borough Local Plan 2008 – policies E1, E6, E9 and E11.

Supplementary Planning Documents: Swale Landscape Character and Biodiversity Appraisal (2011).

## **5.0 LOCAL REPRESENTATIONS**

5.01 No representations have been received.

## **6.0 CONSULTATIONS**

6.01 Iwade Parish Council object on the grounds that they are disappointed that condition 2 has not been adhered to. The land has been left in an unacceptable state. If SBC are minded to grant permission, the Parish Council request that security gates are installed to stop unwanted use, that the hard standing is not used for any storage or overnight keeping of vehicles and, heavy plant screening is carried out to minimise the visual impact of the road.

6.02 Kent Highway Services have no objection subject to conditions to ensure that the access is completed in accordance with the submitted drawings, that the entrance gates should be hung to open away from the highway and that the visibility splays are provided as shown on the submitted plans.

6.03 The Environmental Health Manager raises no objections.

6.04 Natural England's comments are awaited and will be reported at the meeting.

## **7.0 BACKGROUND PAPERS AND PLANS**

Existing Temporary Access and Hard-standing, proposed Temporary Access and Hard-standing

## **8.0 APPRAISAL**

8.01 The proposal is to retain a section of access track which is made of tarmac, onto an arable field. On the face of it, such an urban feature within the countryside should be resisted in my view. However, I have given weight to the character of the surrounding area which is already heavily influenced by urban features such as the A249, Iwade housing developments and national grid pylons. I also give weight to the fact that there was already an access from this part of Grovehurst Road prior to the 'temporary' road being constructed. Much of the access track is screened from view by the trees and shrubs located between Grovehurst Road and the retained section of the track. This will go some way towards mitigating its visual impact in my view. The loss of the poplar trees within the visibility splays is regrettable but according to the applicant's agent, these trees are beyond their reasonable life expectancy and they would be replaced with an equivalent number of alders close by but outside of the visibility splays (see condition 4). In favour

of the proposal is the fact that the retention of the hard-surfaced access and track would help to ease traffic through the village, prevent mud on the road and improve the efficiency of the arable farming practice. The relocation of the gates closer to the highway would prevent fly-tipping and therefore improve the appearance of the site. On balance, although I consider that there would be some harm to visual amenities/character of the landscape, I am of the view that this harm would not be significant. I therefore consider that the proposal would be acceptable in principle, having no significant harm on the visual amenities of the area/landscape character.

- 8.02 Kent Highway Services have no objection to the proposal on the grounds of highway safety/amenity subject to the conditions requested. I have suggested appropriate conditions below.
- 8.03 I have considered the impact on ecology/biodiversity and have noted that the original planning permission identified the need to consider the impact on Great Crested Newts. Temporary mitigation measures were put in place during construction by way of appropriate exclusion fencing. This fencing remains at the site and the applicant has suggested that it remains in place until the alterations to the access have been carried out and that a suitably qualified ecologist supervises the works. I am content that this will adequately protect Great Crested Newts. The conclusion of the original application was that there would be no harm to the SSSI/SPA/Ramsar site. I see no reason why this proposal would have any harm to these designations. The views of Natural England are awaited though and I will update Members at the meeting.
- 8.04 The proposed track would be at least 70m from the closest residential property and as such, I do not consider that the access, and the activities thereon, would cause any harm to residential amenities.
- 8.05 Members may will note that I have recommended five conditions. All of these conditions cover the variations applied for.

## **9.0 CONCLUSION**

- 9.01 Having considered the comments from the Parish Council and consultees and the relevant planning policies, I am of the view that the proposal would have no demonstrable harm on the visual amenities of the countryside and the character of the landscape and that any harm would be outweighed by the benefits to the village, highways and rural economy. I have no highway safety/amenity concerns subject to the conditions below which are in line with the conditions recommended by Kent Highway Services. I also consider that there would be no harm to ecology/biodiversity and residential amenities as a consequence of this proposal.

- 10.0 RECOMMENDATION – GRANT** Subject the views of Natural England and to the following conditions:

1. The permanent access and road hereby approved shall not be used until such time as the alterations to its design as set out in drawing number 1308/3 rev. A have been completed.

Grounds: In the interests of highway safety and amenity.

2. The permanent access and road hereby approved shall only be used by agricultural vehicles for agricultural activities, and shall not be used for any other purpose whether permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or reacting that Order.

Grounds: To ensure that the access and road is used only in connection with agriculture.

3. There shall be no obstruction to visibility at or above a height of 1.05m above the nearside carriageway level within the visibility splays as shown on drawing no. 1308/3 rev. A.

Grounds: In the interests of highway safety and amenity.

4. A scheme of tree planting showing an equivalent number of trees to the trees to be removed within the visibility splays as shown on drawing no. 1308/3 rev A, shall be submitted to the Local Planning Authority prior to the access and road first being brought into use and shall be carried out within 12 months of the completion of the development. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Grounds: In the interests of the visual amenities of the area.

5. During construction the existing exclusion fencing at the site shall be retained and replaced where necessary and a suitably qualified ecologist should be appointed to supervise the works hereby approved, the details of whom should be submitted to the Local Planning Authority prior to the commencement of development hereby approved.

Grounds: In the interests of the protection of Great Crested Newts.

## INFORMATIVES

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limited of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those

approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

**NB** For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.