

Minutes of Extraordinary Planning Meeting

at the Reading Room

Thursday 13th June 2019 at 7.30pm

The meeting commenced at 7.30pm.

Present: Trevor Gill, Mike Blakeman, Darrell Muffitt, Phil Baxter, Clerk (Helen Hide-Wright).

Apologies: John Feilding, Liz Hirst.

Members of the Public: 12.

Applicant: Ray Randerson.

The Chairman explained the format of the evening.

1) Declaration of Member Interests.

The Clerk confirmed that Trevor Gill, Mike Blakeman and Darrell Muffitt had contacted her prior to the meeting regarding their association with the Applicant through their mutual involvement in the Management Committee of the Avon Dasset Community Benefit Society Limited.

Phil Baxter declared an interest as a resident of Bitham Hall.

2) Dispensations.

The Clerk confirmed receipt of requests for dispensation from Trevor Gill, Mike Blakeman and Darrell Muffitt and that it had been granted in all cases.

The Chairman explained that dispensations were sought in order to allow the meeting to take place. Without dispensations being sought and granted, the meeting would not have been quorate and therefore the Parish Council would have been unable to make a formal response to the Application.

Phil Baxter confirmed that he had not sought a dispensation from the Clerk. The Chairman advised him that he was therefore unable to speak within the Parish Council section of the meeting but could speak as a member of the public in the open forum. Phil Baxter agreed to this.

3) Application(s) reference: 19/01235/FUL

Proposed: Creation of a vehicular access for agriculture/forestry maintenance of the land including the creation of a new private footpath/bridleway running along the vehicular access.

At : Land South West of Bitham Hall, Avon Dasset

4) Applicant

Ray Randerson submitted a written statement and had requested that the Chairman should read this

out. Trevor Gill read the statement to the meeting. (Appendix A).

5) Residents

Several residents spoke at the meeting raising the following issues:

Access to the site

Residents disputed the claim that there was no existing access to the site. An access, with a 5-bar gate at the end of a lane from the roadside, close to the Reading Room was identified as the existing vehicle route into the site.

Safety

Residents considered that the:

- location of the proposed access was dangerous due to its position on a steep hill
- proposed access is at a very narrow point in the road, where motorists are often subjected to difficulties passing by other oncoming vehicles, close to a blind bend
- proposed location would create a further hazard to pedestrians and motorists, especially when any agricultural vehicles are visiting the site and manoeuvring into and out of the proposed entrance
- existing footpath crosses the road nearby and pedestrians already have difficult crossing safely at this point in the road, due to the hill and blind bend so this proposal would increase the dangers they currently face

Environmental issues

Concern was expressed about:

- the proposed removal of the hedgerow as it would remove a natural habitat for wildlife and have an adverse effect on the appearance of the village
- the apparent lack of investigation of the potential impact upon wildlife, that the removal of the hedgerow and trees on the site would have
- the Applicant's written claim that environmental issues would be handled in a sensitive manner, when the previous work undertaken on the site did not appear to have been handled sensitively. In fact, the felling of trees and the removal of shrubs had been carried out during the nesting season despite complaints to Stratford DC and the involvement of Planning Enforcement
- the fact that one of the trees is located where the proposed access has been planned, so would have to be removed. As the tree is very old and, it was thought, should be subject to a protection order which should be investigated and hopefully confirmed

Footpath

A member of the public asked whether the proposed access and bridleway would be open to the public. Although the Applicant confirmed that the site would be open to members of the public, Mike Blakeman, highlighted that the Planning Application specifically contradicted this, by stating that the footpath was not being designated as a public right of way and use of the footpath would only be allowed with express permission of the owner.

Boundaries

A member of the public sought clarification on the boundaries and footpaths around the site. Mike Blakeman provided details.

Individual Comments by Residents

The Chairman confirmed that all residents can lodge their individual comments on the Planning Portal and that a link to this will be contained in the Minutes.

<https://apps.stratford.gov.uk/eplanning/AppDetail.aspx?appkey=PQX29LPMHMX00>

A member of the public commented that if residents wanted their comments to be anonymous, the Planning Officer can be contacted directly by telephone.

6) Parish Council

The Chairman explained that, under his responsibilities for Planning within the Parish Council, Mike Blakeman had reviewed the Application and produced a report. (Appendix B).

After a review of the report at the meeting, the findings were summarised as follows:

- there is no justification for another access as there is existing access which has served the site well for many years previously
- the proposed location of the access road is at a point where the main road is too narrow and the new access would be unsafe
- the proposed development would have a significant, negative impact upon the wildlife. No assessment of the existing wildlife has been undertaken.

Trevor Gill and Darrell Muffitt thanked MB for his thorough report.

The Parish Council concluded that the response to the Application should be “Object,” and Mike Blakeman’s report should be submitted as part of the Parish Council’s objection.

Proposed: Mike Blakeman, Seconded: Darrell Muffitt, Unanimous.

Mike Blakeman explained to the meeting that the Parish Council is only a consultee to all planning applications, with the final decision resting with Stratford DC as the planning authority. Residents can register their views on applications by utilising the online planning portal or corresponding with the Planning Officer directly.

The meeting closed at 8.00pm.

Parish Council public meeting regarding planning application 19/01235(4)

13th June 2019

Good evening Ladies and Gentlemen

Thank you for taking an interest in the Moat restoration project, I feel that it is a very special hidden treasure in the heart of Avon Dassett. I am honoured to have been able to purchase the Moat and I will restore this in my lifetime.

The application you are discussing tonight is a simple access for agricultural and forestry management. The footpath and bridleway will give access for walking and riding to enjoy this special place and do link up to 4 existing footpaths through the site.

We are ensuring that the access is created in a sensitive manner to protect the trees and hedgerow in the Conservation Area.

The access is needed to allow vehicles into the site for maintenance purpose.

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

PLANNING APPLICATION 19/01235/FUL

Land South West of Bitham Hall, Avon Dassett

APPLICANT: Mr Ray Randerson

Summary

- The Application is a full application for the creation of a vehicular access for agriculture/forestry maintenance of the land including the creation of a new private footpath and bridleway.
- The site lies within the Conservation Area.
- It is important that the Application is considered in isolation on its merits and not viewed in the context of any potential future applications that the Applicant has stated that he may or may not intend to submit for development of the land in the future.
- The decision on what the Parish Council's response will be to the Application is a matter for the entire Parish Council to decide.
- The application can be viewed at <https://apps.stratford.gov.uk/eplanning/AppDetail.aspx?appkey=PQX29LPMHM00>

Application

- Application Form – Following a request for clarification the Planning Officer has confirmed that the reference for the land is as above “*Land South West of Bitham Hall, Avon Dassett*” and not Moat Close which only exists on the original sales particulars. Similarly, it has been pointed out to the Planning Officer that the Applicant's address is incorrect, but the Planning Officer has stated that the “alleged” incorrect address is not relevant as the Application has been submitted through an Agent.
- The “Description” in the Application states that it is for the “*Creation of a new vehicular access for agricultural/forestry and a footpath bridleway running alongside the vehicular access*”
- Under Section 10 the Applicant has answered **yes** in response to the question “Are there any trees or hedges on the land adjacent to the proposed development site that could influence the development or might be an important part as part of the local landscape”
- In Section 12 the Applicant has confirmed that neither protected nor priority species, or important habitats, will be affected by the proposals.
- The covering letter from the Applicant's Agent categorically states that the site does not currently have vehicular or pedestrian access to it, however, the Blue Land which is clearly indicated on the location plan as being owned by the Applicant does have access.

- The drawings are based on small scale Ordnance Survey extracts and are not based on any current detailed survey showing, in detail, the existing roadway, electricity infrastructure, trees hedgerows, walls and levels.

Observations

1. The proposal is not for a public footpath and bridleway and the Planning Officer has stated that as the footpath and bridleway do not appear to involve any operational development, they are exempt from the requirement for planning permission. If planning permission is granted, it will be subject to a condition requiring the submission of details of any new hard surfaces, if applicable. The Planning Officer has stated that there is no need to alter the red line as it includes all the land to be developed as part of the new access.
2. The Applicant has stated that there is no existing vehicular or pedestrian access to the site. This is quite clearly incorrect as within the "Blue Land" confirmed as owned by the Applicant there is an existing vehicular access to the south of 4 Hill View with a 3.7 m wide field gate as shown on the attached sales particulars for the site (Appendix A). There is also a newly constructed pedestrian access just to the north of the listed Bitham Hall driveway. Originally there was also a further, now unused, access off the Bitham Hall driveway to the north of the site. The existing access points have been adequate to date and it is therefore not unreasonable to ask the question what has changed and now requires a new 5m wide vehicular access for agricultural and forestry maintenance.
3. Regarding the new access, the details provided are to such a small scale that they can only be considered diagrammatic. The relevant guidance is contained in Development Control Advice Note 15 for Vehicle Access Standards. I am not an expert in highways design and no doubt the relevant Highways authority will be commenting in due course, however, I have attempted to interpolate the guidance. The Applicant has indicated a vision splay of $X = 2m$ measured back from the edge of the road where traffic speeds are less than 37mph with a Y dimension of $Y = 35/36m$ whereas DCA Note 15 the Y dimension should be **66m** measured along the near edge of the main road from the centre of the access road with a forward vision of 33m for vehicles using the main road. The Applicant's land only extends to some 44 metres to the south therefore the 66m vision splay cannot be achieved. (Appendix B).

The vision splay proposed by the Applicant to the north is incorrectly drawn. From the attached extract from DCAN 15 (Appendix C) it clearly indicates that the vision splay to the north should be tangential to the curve of the road. However, the wall in the south east corner of the Bitham Hall land would reduce the Y dimension to some 30m. The indicated vision splays also do not take into account the proposed location of the access directly opposite an existing driveway, on a steep hill, close to a sharp bend and on a road, which is only 4.2 metres wide at that point (Not 4.5m as shown on the Applicant's drawings). Any farm maintenance vehicles exiting the site would inevitably be crossing the entire width of the road. The drawings provided are inaccurate as they seem to imply that the main carriageway widens at the entrance to the Old Rectory and outside the steps of St John's Church where there is in fact a grass bank (See attached photographs Appendix D).

4. As previously mentioned, the drawings are based on small scale OS maps with no detail of the existing hedgerow or the trees along the hedgerow. The advisory note on making a planning application suggests that drawings should be at a minimum scale of 1:200 at A3 not 1:500 as presented. If the correct depth of vision splay was adopted this would potentially mean that much of the existing hedgerow and at least one mature tree (see attached Appendix D) would have to be removed to facilitate the access and the vision splay to the north would be curtailed by the wall on the south east corner of Bitham Hall. Existing electricity poles would potentially have to be relocated.
5. The potential dangers associated with the proposed location of the access road are further exacerbated by the fact that there is no footpath on the western side of the main road north of the proposed access until the point where the Bitham Hall wall commences. The footpath on the east side of the road terminates outside the Old Rectory causing those walking up the hill to cross the road on a blind bend right by the proposed access road. The plan DAJ/71129 B(ii)gn shows a distinct lack of knowledge of the local footpath network whereby the northern footpath link from the proposed new access is shown on the right-hand side of the main road.
6. Vehicles are currently forced to mount the pavement immediately to the south of the proposed access in order to pass each other as the road width along the frontage to the Old Rectory. This problem will be further exacerbated with vehicles turning in and out of the proposed new access.
7. Due to the village's rural nature there are frequently large agricultural vehicles moving up and down Church Hill causing issues as they manoeuvre around the bend by St. John's Church.

8. Although not directly on a National Cycle Network route the road through Avon Dassett is popular with cyclists who, because of the gradient, tend to hurtle down the hill at speed.
9. The proposal to remove the hedgerow, which is an important feature within the village, in both directions is contrary to the Hedgerow Regulations 1997. No tree survey or Biodiversity Study has been submitted to demonstrate whether it has ecological value or not. The proposal is contrary to the Regulations.

Conclusions

1. There is already an existing vehicular access to the land which has been adequate to date and there would appear to be no justification for an additional access for agriculture and forestry maintenance.
2. Due to the inadequate vision splays the proposed access would potentially present a yet further dangers to motorists and cyclists traveling along the main road and for pedestrians trying to cross the road by St. John's Church which is already a dangerous operation.
3. The removal of a substantial section of the existing hedgerow and the mature tree would be detrimental to the local ecology and without an in depth study in accordance with the 1981 Wildlife and Conservation Act, the Applicant cannot be certain that the removal of the hedgerow would not have an adverse effect on the local ecology. The removal of a large section of ancient hedgerow would permanently change the character of this part of the village. The removal of the hedgerow is also potentially at variance with the principles of the The Hedgerow Regulations (1997).

Mike Blakeman

Vice Chairman
Avon Dassett Parish Council
13 June 2019

APPENDIX A

LAND AT AVON DASSETT, WARWICKSHIRE, CV47 2AL

- 4.85 Acres (1.96 Hectares)
- Pasture and Woodland
- Road Frontage

LOCATION

The village of Avon Dasset, is situated some 7 miles to the north of Banbury in the county of Warwickshire.

Lot 1 – 3.56 Acres (1.441 Hectares) known as "Moat Close" Pasture Paddock with belt of mature trees and pond. Located on the western side of the village and accessed via the right of way shown coloured brown on the attached plan.

Lot 2 – 1.29 Acres (0.523 Hectares) known as "Mill Plantation" Block of mature woodland on northern side of village. Located to the eastern side of the Fenny Compton road on the northern side of the village, see plan.

TENURE & POSSESSION

The property is offered freehold and Vacant possession will be given upon completion.

BASIC PAYMENT SCHEME

There are no Basic Payment Scheme Entitlements included in the sale of the property.

SPORTING RIGHTS, MINERALS AND TIMBER

These are included in the sale so far as they are owned, subject to statutory exclusions.

VALUE ADDED TAX

Should any sale of the land, as a whole or in lots, or any right attached to it become a chargeable supply for the purpose of VAT, such tax shall be payable by the Buyer in addition to the contract price.

WAYLEAVES, EASEMENTS AND RIGHTS OF WAY

The land is offered for sale subject to all existing rights, including rights of way, whether public or private, light, support, drainage, quasi easements and all wayleaves whether referred to or not in these particulars. In particular, Lot 1 is accessed via right of way which is shown coloured brown on the plan.

BOUNDARIES

The boundary marked A-B on Lot 1 is unfenced.

PLANS, AREAS AND SCHEDULES

These have been prepared as carefully as possible and are based on the Ordnance Survey National Grid 1:2,500 and 1:10,000 scale plans. The plans are published for illustrative purposes only and although they are believed to be correct, their accuracy is not guaranteed.

VIEWING

By appointment with the Vendor's Agents Brown & Co – 01295-273555. Contact: David Thorpe

GENERAL REMARKS & STIPULATIONS

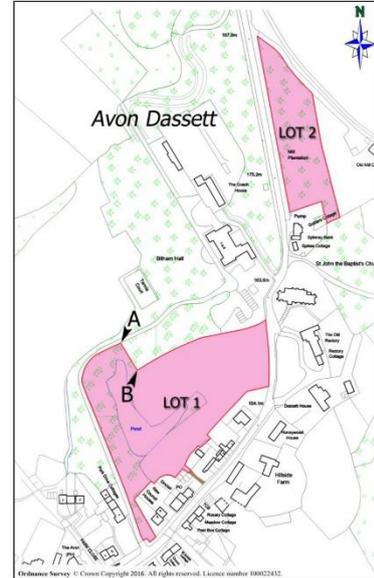
These particulars are subject to Contract.

CLAWBACK

The properties will be sold subject to a Clawback of 30% of any uplift in value as a result of the grant of planning consent for either residential or commercial use payable upon disposal or implementation. This provision will run for 30 years.

METHOD OF SALE

The property is offered for sale by private treaty in two separate lots as indicated. These particulars are subject to contract.

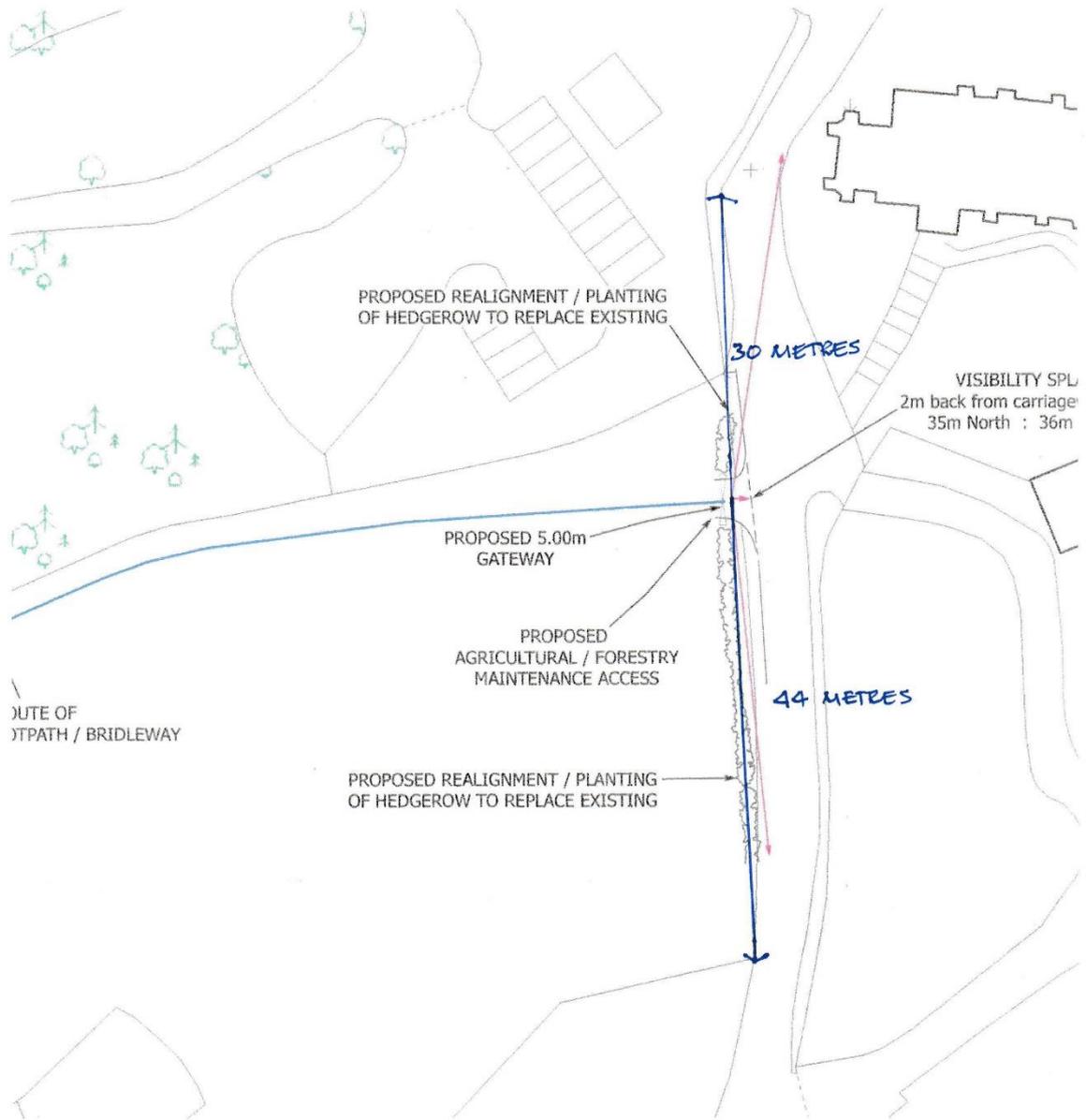


IMPORTANT NOTICES

Brown & Co for themselves and for the Vendor or lessors of this Property give notice that: 1. These particulars are intended to give a fair and accurate general outline only for the guidance of intending Purchasers or Lessees and they do not constitute an offer or contract or any part of an offer or contract. 2. All descriptions, dimensions, references to condition and other items in these Particulars are given as a guide only and no responsibility is assumed by Brown & Co for the accuracy of individual items. Intending Purchasers or Lessees should not rely on them as statements or representations of fact and should verify themselves as to the correctness of each item by inspection or by making independent enquiries. In particular, dimensions of land, rooms or buildings should be checked. 3. Intending Purchasers or Lessees should make their own independent enquiries as to the use and occupation of the property, necessary permissions for use and occupation, potential taxes and any other matters affecting the property prior to purchase. 4. Brown & Co, and any person in their employ, does not have the authority, when in these Particulars, during negotiations or otherwise, to make or give any representation or warranty in relation to this property. No responsibility is taken by Brown & Co for any error, omission or misstatement in these particulars. 5. No responsibility can be accepted for any costs or expenses incurred by intending Purchasers or Lessees in inspecting the property, making further enquiries or submitting offers for the property. 6. All prices are quoted subject to contract and exclusive of VAT, except where otherwise stated. 7. In the case of agricultural property, intending purchasers should make their own independent enquiries with the RPA as to Single Payment Scheme eligibility of any and being sold or leased. 8. Brown & Co is the trading name of Brown & Co - Property and Business Consultants LLP, Registered Office: Cornhill, Fenny Street, Oxonham, Leicestershire LE12 6JZ. Incorporated in England and Wales. Registration Number OC200292.

APPENDIX B

BLOCK PLAN
D NEW FOOTPATH / BRIDLEWAY AND PROPOSED NEW AGRICULTURAL / FORESTRY MAIN
LAND TO THE REAR OF THE OLD SCHOOL, AVON DASSETT, SOUTHAM. CV47 2AH



APPENDIX C

DCAN 15: Vehicular Access Standards

Visibility from the Minor Road

2.1 Good visibility is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along the priority road.

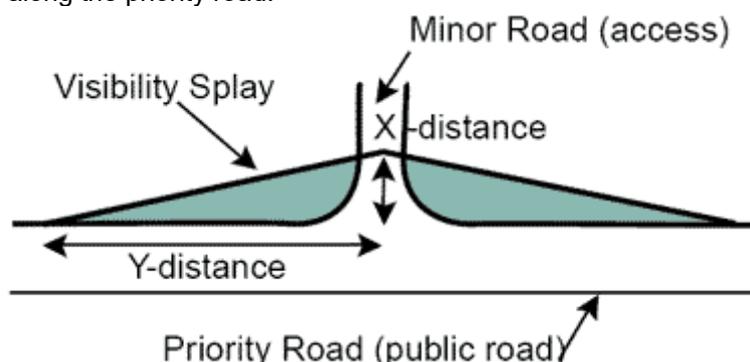


Fig 1: Visibility Splays

Visibility is required over the shaded area shown in Figure 1. The x distance is measured along the centre-line of the minor road from the edge of the running carriageway of the priority road. The y-distance is measured along the near edge of the running carriageway of the priority road from the centre-line of the minor road. Where the access is on the outside of a bend, an additional area will be necessary to provide splays which are tangential to the road edge as shown in Figure 2.

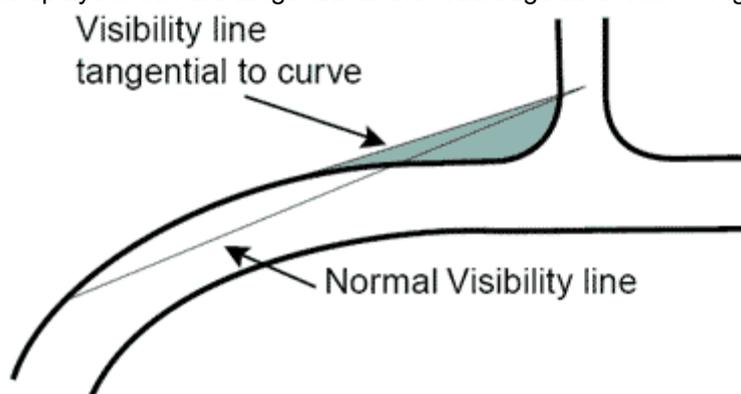


Fig 2: Visibility Splays for Access on Outside of Bend

2.2 The normal requirements for the minor road distance or x-distance are set out in [Table A](#), and the notes thereto. When the minor road is relatively busy and traffic on the priority road is fast, a greater x-distance is required to allow drivers on the priority road to see in good time vehicles approaching the give way or stop line of the minor road. In addition, when the minor road is busy, a greater x-distance is necessary to allow more than one emerging vehicle to accept the same gap in priority road traffic, thus reducing delay and frustration for emerging drivers. If there is a dispute about the predicted minor road traffic volume, it will be determined using a recognised database such as TRICS ³, or failing that by a direct survey of a similar existing development over an acceptable period.

2.3 The normal requirements for the priority road distance or y-distance are set out in [Table B](#) and the notes thereto. They depend on the speed of traffic on the priority road, the volume of traffic on both the priority road and the access, and the judgement which the Department makes in any given case about road safety matters.

2.4 In the case of a new access, x- and y- distances must be adjusted as necessary to allow for any planned road improvements. Visibility on the Priority Road

DCAN 15: Vehicular Access Standards

Table A: X-distance (m)

Type of Access	X-distance
Access with traffic flow up to 60 vpd	The minimum x-distance is normally 2.4m. Where traffic speeds on the priority road are below 60 kph (37mph), the minimum x- distance is 2.0m. On other roads the x-distance may be reduced to 2.0m only where danger is unlikely to be caused
Access with traffic flow 60 & 1000 vpd	The minimum x-distance is normally 4.5m. It may be reduced to 2.4m, but only if traffic speeds on the priority road are below 60 kph (37mph) and danger is unlikely to be caused.
Access with traffic flow over 1000 vpd	The desirable minimum x-distance is 6.0m. It may be reduced to 4.5m, but only where danger is unlikely to be caused. In this case developers may be required to demonstrate the adequacy of the access capacity using junction analysis Techniques

Notes:

1. Reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control.
2. Traffic volumes are in vehicles per day (vpd) and refer to the total combined flow in both directions. Volumes on the priority road include traffic generated by the development.
3. If there is a dispute about the predicted minor road (access) traffic flow, it shall be determined by reference to a recognised database such as TRICS 3, or failing that by a direct survey of a similar existing development over an acceptable period.
4. Where the minor road (access) flow is subject to peaks, an enhanced x-distance may be required.
5. The traffic speed to be used is a reasonable estimate of the 85%ile speed on the priority road; for example, by the use of following vehicle surveys or, in the case of a dispute, the measured 85%ile speed.

DCAN 15: Vehicular Access Standards

Table B: Y-distance (m) and Forward Sight Distance (m)

Type of Access	Traffic Speed on the Priority Road kph (mph)							
	120 (75)	100 (62)	85 (53)	70 (44)	60 (37)	50 (31)	40 (25)	30 (19)
Access other than those listed below	295 [215]	215 [160]	160 [120]	120 [90]	90 [70]	70 [45]	45 [33]	33
Access flow up to 60 vpd onto priority road >3000 vpd	215	160	120	90	70	60	45	33
Access flow up to 60 vpd onto priority road <3000 vpd	215 [160]	160 [120]	120 [90]	90 [70]	70 [45]	60 [33]	45 [33]	33

Notes

1. In exceptional circumstances a reduction in the visibility standards may be permitted where, in the judgement of the Department, danger to road users is not likely to be caused. Where exceptional circumstance are considered to exist, it is highly unlikely that the Department will permit visibility standards which fall below the figures in the square brackets.
2. In the case of single or paired dwelling accesses a reduction in the visibility standards may be acceptable where, in the judgement of the Department, there is a slightly lower risk of conflict, particularly when traffic on the priority road is light.

3. Reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control.
4. Traffic volumes are in vehicles per day (vpd) and refer to the total combined flow in both directions. Volumes on the priority road include traffic generated by the development.
5. If there is a dispute about the predicted minor road (access) traffic flow, it shall be determined by reference to a recognised database such as TRICS3, or failing that by a direct survey of a similar existing development over an acceptable period.
6. The traffic speed to be used is a reasonable estimate of the 85thile speed on the priority road; for example, by use of following vehicle surveys or, in the case of a dispute, the measured 85thile speed.
7. Where actual speed falls between the given values the y-distance may be interpolated.

8. Visibility on the Priority Road

3.1 Forward visibility as shown in Figure 3 is also required to provide intervisibility between vehicles using the minor road and those proceeding along the priority road. In particular, a vehicle waiting on the priority road to turn right into the access must be able to see oncoming traffic and be seen by following traffic. Forward visibility depends on the same factors as y-distance and the normal requirements are set out in [Table B](#) and the notes thereto.

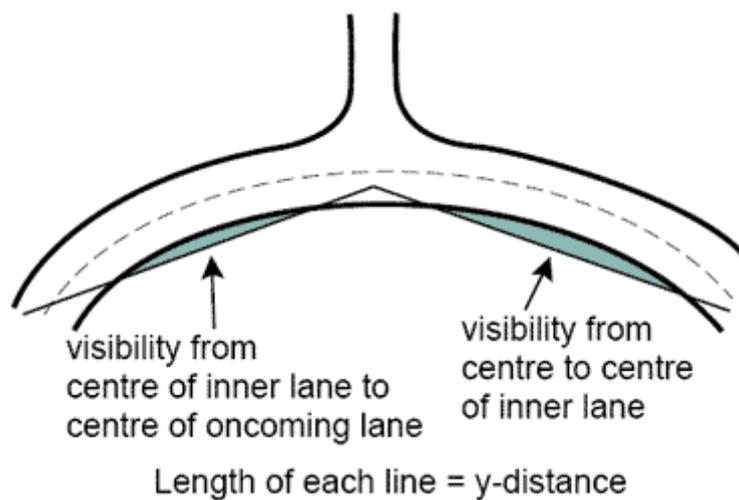


Fig 3: Forward Visibility Requirements

APPENDIX D



View Southwards from the proposed site entrance



View Northwards from the proposed site entrance



View up Church Hill where road narrows



Mature tree at the proposed site entrance