

Planning Appn No 08/02864

Permanent retention of temporary field access - Coningsby Lane, Fifield



This application seeks to exploit the opportunity presented by a **TEMPORARY** opening in the hedge where the South East Water pipeline crosses the lane, turning it into a **PERMANENT** access to the field.

To achieve this the current temporary 7m+ gap in the hedge would not be re-instated as South East Water have undertaken to do, the open ditch would be filled with a 23 foot stretch of concrete over a new culvert pipe and double wooden gates installed set back from the lane.

The applicant claims the justifications for changing the access from the existing 3.7m gate in the driest part of the field (on a straight stretch of lane not usually prone to flooding) to an opening of twice the width onto the wettest part of the field on a curved section of lane at a point where the periodic flooding of the lane begins are :

- 1 - Improved safety.
- 2 - Better access for agricultural purposes.

During exchanges of correspondence connected with the first application the planning officer defined what he considered to be the planning "merits" :

- 1 - Lack of harm in a Green Belt area.
- 2 - Improved safety.

Local residents and users of the lane have serious concerns over :

- 1 - Planning consistency.**
- 2 - The Rural nature of the lane and area.**
- 3 - Safety.**
- 4 - Increased traffic.**
- 5 - Flooding.**
- 6 - The real motive and the future.**

The following pages attempt to deal with these issues as clearly and briefly as possible.

In Summary

Each of the points below is discussed in detail on the following pages.

1 - Planning consistency

There is confusion as to why an application to double the size of an existing gateway on a B road in Paley Street as access to a 26 acre site was refused while the creation of a new entrance only slightly less wide than Paley Street on a single track rural lane as access to 12 acres meets with approval. This suggests a lack of a consistent approach to the retention of the rural nature of the Green Belt which makes up a large area of the RBWM. This cannot but put in doubt the consistency of planning decisions in the Royal Borough in the minds of local voters.

2 - The Rural nature of the lane and area

How the removal of a mature hedge and the introduction of 23 feet of concrete in a grass verge can be construed as **not harmful to the rural aspect of the lane and contrary to policy GB2** is puzzling to say the least and the vulnerability of Oaks with Tree Preservation Orders seems to be ignored.

The existing access has very adequately served the agricultural requirements of this field for decades, and probably centuries. It is not easy to see why an entrance of double the width is now required when the current owners themselves managed last summer to harvest a hay crop without apparent difficulty.

3 - Safety

To our knowledge there has never been an incident at the existing entrance nor has the applicant provided any evidence that it is unsafe.

With very obviously reduced sight line distances and positioned on a curved rather than a straight stretch of lane it is impossible to see how the proposed new entrance could ever be considered to be any safer than the existing entrance. The proposal suggests that vehicles will reverse into or out of the new access which can surely hardly be safer. How long will the speed delimit sign survive ?

Unfortunately there is no record of the Highways Officer's admission on the telephone that he could not say that the proposed entrance would be any safer than the existing one.

4 - Increased traffic

The experience of residents is that in the preceding 25 years horse box traffic was virtually nil but that in the last year the amount of horse box traffic has significantly increased during the ownership of the applicant.

5 - Flooding

There are very real concerns as to the possibility of increasing the flood risk in an already vulnerable area even if these are not considered to be valid objections in planning terms. It seems self-evidently foolish to fill a ditch with a culvert and concrete at the very point that it already regularly overflows.

6 - The real motive and the future

It has now been shown that the stated reasons and justifications for moving the entrance and doubling its width do not stand up to scrutiny and are not in the least believable. So the unavoidable question must be "What is the REAL purpose or motive ?"

When listing application history the Planning Officer's report inexplicably mentions only the most recent application and not the one before that by the same agent in December 2006. The substance of that application makes it hard to avoid having some doubt as to what the real long term agenda might be.

This is an application for an access which is far in excess of any possible agricultural needs and cannot be justified by any safety improvement.

1 - Planning consistency

Coningsby Lane



Site of Paley Street refused application

Not very long ago Appn No 07/02996, alterations to agricultural access from the B3024, land between Sheepcote Lane, Ascot Road and Paley Street, Maidenhead, was refused.

This application was refused on the following grounds :

1 - The removal of trees and hedgerows bounding the site with the road to form the widened point of access, the increased size of the access, the set back gate and large entrance apron results in a significant change to the character of this part of the road and the loss of its vegetated rural informality contrary to Policies GB2(B) and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted July 1999, incorporating Alterations adopted June 2003).

2 - The access fails to comply with the highways design standard for alterations within and adjacent "B" classified roads and would be detrimental to highway safety on the classified highway network, contrary to Policy T5 of the Local Plan.

Local residents and users of Coningsby Lane are confused by why this very similar application for a new access in Paley Street was refused while the Coningsby Lane application has been recommended for approval.

Paley Street is a more open two-track road with fairly constant traffic while Coningsby Lane is a quiet single track rural lane used by horse riders, cyclists and walkers with children and dogs.

At the very least they expect planning guidelines to be applied in such a way that they are seen to be consistent.

2 - The Rural nature of the lane and area

Existing Entrance



Proposed Entrance



One of only two planning “merits” stated by the Planning Officer was “**Lack of Harm in a Green Belt Area**”.

The water utility company is required to and has undertaken to re-instate all hedges and ditches as the final stage of their project. This means that technically the application should read “**removal of 23 feet of existing hedgerow to form a new permanent access**”.

The applicant argues that once the new access is established the existing one will be closed and planted so there is no long term overall loss of hedgerow. The new entrance is to be twice as wide as the existing one, so actually there would be a long term loss of around 10 feet or so of hedgerow.

Added to this the ditch would be spanned with a 23 foot stretch of concrete. It is extremely difficult to understand how the loss of hedgerow and the introduction of 23 feet of concrete along the grass verge can be construed as “Lack of harm in a Green Belt Area”.

Application form item **14 - Biodiversity** contains 2 questions (a and b) pertaining to protected species and important habitats. The applicant has answered “NO” to both questions. The Water utility company and their contractors obviously believed otherwise as the site is currently surrounded by miles of costly fencing to protect Great Crested Newts which were found by the survey carried out before the start of the project.

Section **16 - Trees and Hedges** contains 2 questions relating to the presence of trees or hedges at the site or on adjacent land that might be important as part of the local landscape or character. The applicant has answered “NO” to both of these questions. Although the hedge has been temporarily removed it is to be re-instated. So technically there is a hedge relevant to the proposed site that will be destroyed. There are also 3 magnificent Oak trees with Tree Preservation Orders. Two of these can be seen in the background of the picture top right. The Tree Officer requires the location of the trees to be marked on the plans, the **gateway to be restricted to 4m**, that great care be taken to avoid damaging the root protection zone around the trees by the construction of fencing and that the fence line be planted with hedging. Otherwise her recommendation is refusal - policies N6, N7 and DG2. No comment on the gateway size restriction is included in the Planning Officer’s report.

The applicant claims that the proposed double width entrance will better serve the requirements of maintaining the field. The existing entrance has very adequately served this purpose during the lifetime of the field. Only last summer the current owners managed to take a hay crop without having to drive a tractor through the hedge to do it.

Coningsby Lane is one of the ‘best’ rural lanes in the Parish of Bray if not in the Royal Borough of Windsor and Maidenhead. It is used on a regular basis by horse riders, cyclists and walkers with children and dogs who all appreciate the rural nature of the lane. It is difficult to understand how the introduction of any new access on this scale would not harm the rural nature of this lane.

3 - Safety

Looking West



Existing



Looking East



Looking West

Proposed



Looking East

In the Design and Access Statement item **4.0 Justification** concentrates entirely on improved safety presumably due to claimed improved visibility. One of only two planning “merits” stated by the Planning Officer is “improved safety”.

No claim has ever been made or evidence presented that the existing entrance is unsafe.

When studying the two locations it is immediately plainly clear that the existing entrance joins a straight stretch on both sides while the proposed entrance joins a curved stretch of lane.

Visibility of the actual highway to the West or Left from the existing entrance is **105m** and to the right is **73m**. Para 6.13 of the planning report states that these distances are **50m** and **30m** respectively. **After careful measurement supported by photography we strongly dispute the accuracy of these official figures.**

From the proposed entrance highway visibility West or Left is **55 to 65m** and to the right is **60m**. Para 6.13 of the planning report states that these distances are **30m** and **70m** respectively. Once again we dispute these figures even though the figure to the left is understated

So it is obvious from the accurate measurements that visibility to the West or Left is at least **40m less** from the proposed entrance than from the existing one, and to the East or Right is **13m less**.

(Safety continues on next page)

Existing



Proposed

Existing entrance approaches - top 2 images

The existing entrance is easily visible on a straight stretch of lane from 105 m West (top left).

In the detail inset (an enlarged section of the same shot) it is slightly further away than the red sign and by the post on the opposite side of the lane.

From the East there is 73 m of straight lane (top right). In the detail inset the reverse side of the red sign can be seen on the opposite side of the lane.

Proposed entrance approaches - bottom 2 images

From 105 m West (bottom left) the proposed entrance is not visible due to the continuously curving lane.

In the detail inset it is slightly further away and on the opposite side of the lane to the yellow sign and masked by the hedge. It does not really become visible until somewhere between 50 and 60 m.

From 73 m East the proposed entrance is also masked due to the curving lane (bottom right).

In the detail inset the reverse of the yellow sign can be seen on the opposite side of the lane and a small section of newt fencing on the very edge of the lane - but not the speed delimit sign on the same side of the lane as the proposed entrance.

The residents and users of Coningsby Lane therefore dispute the assertion that the proposed entrance is safer. The Highways Officer in his comments has said no more than that the new entrance is acceptable. His public comments do not reflect his admission on the telephone that he was not able to say that the proposed entrance was any safer.

4 - Increased traffic

The stated use of the gateway is agricultural - grazing of animals and taking of annual hay crop.

This land and its existing access have been used in this way for decades.

The agent for the applicant states that there would be occasional visits by horseboxes.

How often is occasional ? No traffic movements were included in the application.

The experience of residents is that in the preceding 25 years horse box traffic was virtually nil but that in the last year the amount of horse box traffic has significantly increased during the ownership of the applicant.

Para 6.14 of the planning report states ***“There are horse box trips made ... on a regular, daily basis.”***

From ZERO per year to a suggested minimum of 365 is by any standards a large increase !

Para 6.14 of the planning report accepts that visiting horseboxes would have to reverse into the entrance. The narrowness of the lane does not make these manoeuvres any easier or safer at the proposed location than at the existing one.

It is unlikely therefore that recent damage to the verges at either location will ever have a chance to recover as the narrowness of the lane and the length of the vehicles being used means that it is inevitable that wheels will have to pass over either the nearside or far side verges - or both.

The length of vehicles in use means that while loading and unloading the front wheels are likely to be over the culvert and the cab obscuring the road sign. How long will the speed sign last during these manoeuvres in any case ?

Agricultural vehicles accessing the site would be doing this infrequently and be able to drive in, turn and drive out as their trips would be at a time when the site is able to cope with the weight. Similar in fact to the way the existing access has always been used.

Other than the occasional visits either side of the hay making season for the purposes of spreading fertiliser, rolling the field and hedge cutting, then intensive activity during hay making, how many other journeys are required that need the access to be moved from where it is at present ?

5 - Flooding



Where it starts



What it leads to

It's easy to understand why Fifield might not feature on a Nationwide Environment Agency Flood Plan that has to concern itself with much larger threats. But there is no escaping the smaller scale reality that residents have had to face regular flooding threats and actual water and sewage in their homes.

On the Application form in answer to **13 - Assessment of Flood Risk** the applicants have answered "NO" to both of the questions ... "Is the site within an area at risk of flooding?" and "Will the proposal increase the flood risk elsewhere?"

The applicants propose to move the entrance from a position in the lane that is NOT usually particularly prone to flooding to a location that IS exactly where the situation shown above begins. This is the very wettest part of the field where water literally pours off in rivulets through the hedge into the ditch which backs up and overflows at this point. The water in the foreground becomes a stream that flows down the lane causing the conditions shown above right.

Despite this the Environment Agency have granted consent to culvert a 23 foot length of this ditch and Highways have licensed the forming of a crossing consisting of a 23 foot stretch of concrete. Therefore any perceived potential increase in the incidence of flooding is apparently not a reason to turn down this application.

It is noted that measures are now proposed to try to reduce the possibility of water flowing directly from the field across the access. These measures are on the assumption of course that the entrance is properly constructed and maintained. Also assuming that the water level is not already at the height of the concrete access in any case and flowing over it and into the lane.

It is difficult to see how the insertion of any size of pipe in a ditch does not compromise its efficiency, particularly at a point where it is in any case prone to overflowing. It would need to be constantly maintained to avoid blockages. In more than a year of occupancy by the current owners no maintenance has yet been undertaken of either the hedge or the ditch.

As recently as 14 December Coningsby Lane suffered another bout of flooding with water flowing from the field into the ditch at the proposed access point. This is an area where substantial recent disturbance has taken place which has meant that at least some water has been trapped or soaked up by the ground.

What will happen when this ground is levelled off and harder surfaces introduced?

It seems self-evidently foolish to fill a ditch with a culvert and concrete at the very point that it already regularly overflows. We should be attempting to see how the situation can be improved rather than create a situation which can only exacerbate it.

6 - The real motive and the future



Now that it is clearly demonstrated that none of the stated reasons stand up to any scrutiny or is in the least believable the unavoidable question that has been repeatedly asked and has as yet received no answer is “what is the REAL purpose or motive for moving this access ?”

Para 4 of the Planning Officer’s report itemises planning history but has very carefully used the heading “most recent application only”. Inexplicably the report does not list the previous application at this site by the same agent in December 2006. Before the pipeline project began Application 06/02989 was submitted for a block of 4 looseboxes, a tack room, and a feed store to be located slightly East of the currently proposed new entrance.

Strong opposition pointed to the fact that this is the wettest part of the field, that any vehicle attempting to reach this block from the existing entrance would become hopelessly bogged down during the winter months, that there was no mention of the surfaced track and hard standing that would immediately become necessary, and no mention of how the muck heap generated by servicing the loose boxes would be managed or prevented from polluting the ditch. The necessary concrete base might also interfere with the roots of the nearby Oak with a Preservation Order. The application was withdrawn.

The applicant would no doubt claim that this history has no relevance to the current application and the Planning Department would remind us that they can only consider each application in the form in which it is presented.

However, if permission is granted for this new entrance one cannot help but wonder how long it would take for something similar to this earlier scheme to be resurrected along with the surfaced track and hard standing it would undoubtedly need to be at all viable. Those that are familiar with the owners’ current operation on Fifield Road may not be too keen to see it spread to Coningsby Lane. Would that then leave the Fifield Road site available for housing development ?

It is also of note that in the year or more that the field has been operated by the current owners there has been no attempt to maintain hedge or ditch. This already does not bode well for the future.

And talking of the future ... what becomes of the condition to close the existing access if ownership of that part of the field has changed while the new access is constructed ? Could this condition be subject to another planning application to relax any such condition or request retention of the access ? What if it is found that easements are in place which oblige access to land behind that owned by the applicant therefore rendering it impossible for the gateway to be closed. A Planning Inspector would surely have to find in favour of retaining the access if it was appealed in these circumstances.