

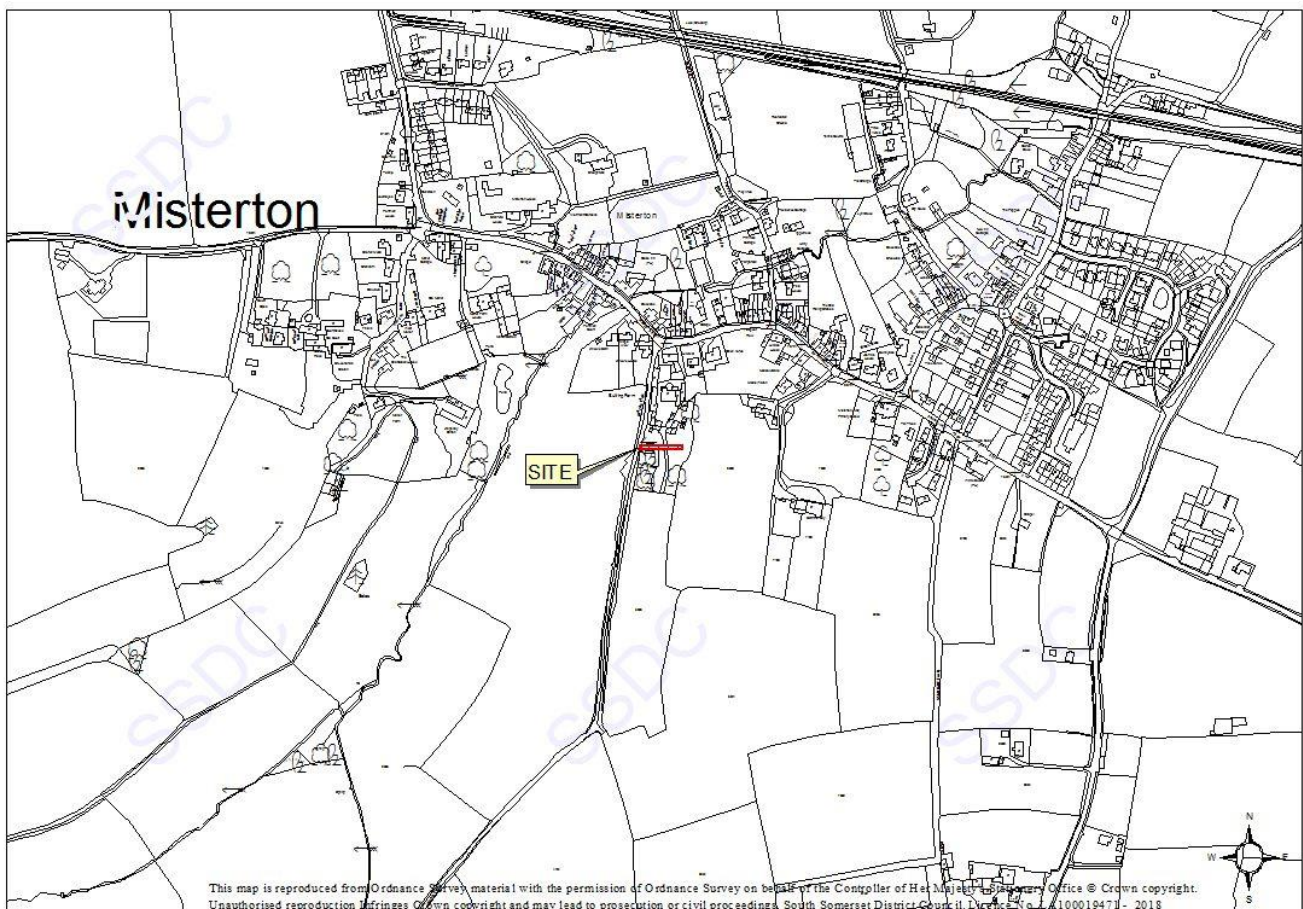
Officer Report On Planning Application: 17/02693/FUL

Proposal :	Alterations to widen access with associated landscaping
Site Address:	Land At Bullring Farm Knowle Lane Misterton
Parish:	Misterton
CREWKERNE TOWN Ward (SSDC Member)	Cllr M Barrett Cllr M Best Cllr A M Singleton
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	18th August 2017
Applicant :	Ms L Mason
Agent: (no agent if blank)	Greenslade Taylor Hunt Winchester House Deane Gate Avenue Taunton TA1 2UH
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application site relates to a piece of land 70m to the south of Bullring Farm, accessed from Knowle Lane in Misterton (but not within the ownership of Bullring Farm).

The application relates to works that have taken place to widen and excavate the existing access on to Knowle Lane. The work took place during the autumn/winter of 2014 and this application proposes the permanent retention of the works with improvements to the visibility, surfacing and landscaping. Permission was granted in 2015 (15/03379/FUL) for a period of 9 months to allow for clearing of scrap metal from the land subject to conditions requiring restoration of the site and improvements to the access within 2 months of the date of the permission (this has not taken place). An additional plan was received with updated visibility splays.

The application is accompanied by:

- Landscape Proposals
- Access Statement

HISTORY

15/03379/FUL - Alterations to widen existing access, works to reduce gradient of the access, provision of compacted gravel/stone surface for a temporary period. (Part Retrospective). Permission granted for temporary 9 month permission 22 September 2015.

15/01800/FUL - Alterations to widen existing access, works to reduce gradient of the access, provision of hard surfacing and provision of surface water drainage (Part Retrospective). Withdrawn 6 July 2015.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents
South Somerset Local Plan 2006-2028:

Policies:

SD1 - Sustainable Development
SS1 - Settlement Strategy
EQ2 - General Development
TA5 - Transport Impact of New Development

National Guidance

National Planning Policy Framework - March 2012:

7 - Requiring good design
11 - Conserving and enhancing the natural environment

National Planning Practice Guidance:

- Design
- Ensuring effective enforcement
- Natural Environment

Somerset County Council Highways Development Control - Standing Advice (June 2013)

CONSULTATIONS

Misterton Parish Council:

'...This application follows one made in 2015 (15/03379/FUL). This was submitted retrospectively and rejected albeit with leeway to remove scrap metal from the site within a nine month period. These conditions were not complied with and the land has yet to be restored. As this was a retrospective application and the conditions have not been met we object to the current application on the grounds of the site's planning history.'

The application is for vehicular access to the site but does not indicate for what purpose. There is an access point to the south which is used by large goods vehicles as evidenced by the existence of a large commercial skip currently on site. This proves that the site is accessible without the need for an extra entrance. It is noted that the plans submitted do not show the existing entrance. This would suggest accessibility to the site is adequate.

The application quotes, 'that there would be minimal vehicular use' of the proposed entrance. There is no clarification of what type or number of vehicles.

With an entrance, already in existence it leaves the question why there is a need for another.

The entrance is in a 60mph zone. It is appreciated that vehicles travelling south would not be travelling at great speed. As the lane is reasonably straight for some distance there is a possibility that vehicles going north could be travelling at greater speeds than would be safe for vehicles exiting the site by the proposed new entrance. We object on the grounds that this is undefined use and the lack of clarity makes it impossible to assess the traffic impact on the lane and the village as a whole.

It was felt that the applicant has answered question 3 and 17 incorrectly. Work had been started prior to a retrospective application as mentioned earlier in this report. There has been recent flooding at the

junction of Knowle Lane and Middle Street. This was caused by run-off from the land along Knowle Lane overpowering the drainage system. It is proposed that the entrance would be using brushed concrete for part of its construction. The current drains and silt traps often become full of detritus and struggle with the current level of water. With increase in the width of the entrance and the use of non porous materials the prospect of increased run-off must be greater therefore increasing the flood risk. The impact on the current infrastructure has not been fully assessed, so we would object on the grounds of increased risk of flooding and again, the planning history of the site.

The tree schedule has recommended that four trees be felled because of root damage; one has to ask how the roots became damaged. Was by this previous action of widening the entrance? Our observations would be that any felling of the trees should be refused until a report by a tree officer or other qualified professional is obtained to ascertain the full extent of the damage and if the trees could be saved.

It is the reporting councillors recommendation that this application be refused.'

In response to the additional plan with updated visibility splays the Parish Council has advised that the alterations do not change their original objections to this application.

County Highway Authority:

Advise that Standing Advice is applicable. In response to the request for additional comments the County Highway Authority have advised:

'I am satisfied from my onsite observations that vehicles speeds will be lower than 60mph and from my onsite observations the speeds were approximately 30mph due to the nature of the road.'

Landscape Officer:

'..from the works undertaken to date, it is evident that the clearance has brought about a change in the character of Knowle Lane, with a wider, enlarged opening being created, along with some removal of the roadside vegetation to erode the enclosed character of the lane along this local stretch. I also note from the proposals plan, that the two trees to either side of the point of access will be lost to enable improved visibility. This I view as a negative landscape impact. Conversely I acknowledge that a case has been made for the 'improved' access, and its design has been configured to retain a steep-sided character, along with additional planting to regenerate a sense of enclosure. Whilst this does not fully mitigate the impact arising from the works and the revised profile of the entrance, I consider that with mitigation, the impact is no more than minor, and localised, and if the case for the access is accepted, then I do not consider the landscape impact to be sufficiently substantive to provide grounds for objection. '

REPRESENTATIONS

There was an issue with regard to neighbour notification when the application was first received; this was rectified as soon as the problem was made known.

There have been two letters/emails of objection to the application along with an email trail between a local resident, SSDC and the County Highway Authority that included a further set of objections/observations. The following concerns have been raised:

- Application should be totally rejected as it contravenes planning regulations and breaches highways guidance. It contained many factual errors.
- Land is agricultural and sits outside of the building line of the village with a suitable access at the southern end (with ideal visibility and turning).
- Not aware of any permission for an access (even pedestrian) at the position shown on the application. Access was created without any permission and never sought thereafter.
- Land used to belong to Bullring Farm but was separated some years ago (1980's).

- Do not believe any formal permission has been given for the access and whilst enforcement action has not been taken there is no implied agreement that the access should be permanent.
- The nature of the sought access and splay indicates it would never be possible to meet safety requirements at that point.
- An application for an access on land opposite the site required extensive splays in the 30mph limit. Do not believe that a 60 mph splay would be achievable at the application site and this would be inconsistent and require investigation.
- This part of the village suffers from flooding, since the unauthorised access the problem has become considerably worse.
- Query how the applicant's financial state can be used to justify proceeding with the application.
- The Lane carries approximately 20 movements per hour and is within the national speed limit part of the road. It is a single carriageway rural lane with a 20 degree incline. It is a back route to Bridport and is used by residents, farm and equestrian vehicles who are mostly familiar with the road and so travel quickly. There are quite frequent accidents which would increase if this application is permitted.
- The Doppler camera (used on Speed Watch) was used informally used within the 30 mph limit and this showed speeds of 20 - 29mph. A short experiment showed quite clearly that speeds would be between 35 and 50 mph past the access which is consistent with that experienced by adjacent residents.
- Due to the high banks from the access visibility would be restricted up the lane from where the faster traffic is approaching and minimal down the lane.
- Believe that other residents should be notified as they have also been adversely impacted by the flooding that has occurred in the area.
- Question the integrity of the Council's Highways Consultant who has supported the application which depends on facts that run totally opposite to the information uncovered by the local resident.

CONSIDERATIONS

Principle

It is important to recognise that there was an access in this location prior to the works that took place in 2014. Whilst there was no planning permission granted for the access, it has clearly been in existence for well in excess of the four years required to make it lawful. As such, the principle of an access has already been established and the matters for consideration are; the landscape impact of the alterations; and the highways impact from increased use of the access.

Landscape Impact

The proposals are supported by a landscape report that includes a landscape schedule and specification. The Landscape Officer recognises that the works that have taken place have changed the character of the lane at the site and the improvements for visibility will also require the removal of two trees to further impact upon the site. However, the Landscape Officer considers that the impact is no more than minor and localised and therefore does not consider that the landscape impact is sufficiently substantive to provide grounds for objection.

In the circumstances, it is considered that with an appropriate condition to require the landscape improvements that the proposals do not result in such demonstrable harm to the landscape and visual amenity as to justify refusal of the application and they therefore accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

Highway Safety

The application is accompanied by an Access Statement that sets out the applicant's case in relation to highway safety. The County Highway Authority confirmed that the proposal would be subject to their Standing Advice but in response to a request for their views on the proposal have advised that the site has been visited by a highways officer who has confirmed that from his on site observations vehicle speeds were approximately 30 mph due to the nature of the road. In response to this observation, the applicant's agent submitted a further plan indicating how splays of 43m (as required in a 30 mph zone) could be achieved from the access.

As noted above, the proposal relates to improvements to an existing access that has been used albeit infrequently to access the site over a number of years. Whilst the current use of the access maybe low, this is a lawful access the use of which could have increased at any time without the need for planning permission. As such, it is necessary to consider if the proposal would result in such a significant change in circumstance as to justify refusal of this planning application. The NNPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

In this case, as the proposal would make use of an existing access, the plans have been amended to show that visibility splays of 43m can be achieved in either direction and this would comply with that required in a 30mph zone. Whilst the site is outside of the 30mph part of the lane, both the applicant's access statement and the onsite observations of the highways officer indicate that vehicle speeds were approximately 30 mph. As such, it is considered that the development would not result in such an adverse impact upon highway safety as to justify refusal on highways grounds. As such, it is considered that to refuse this application on highways grounds would be unreasonable and would not accord with the advice given in the South Somerset Local Plan 2006-2028 and the NNPF.

Comments of Local Residents and Parish Council

- Land ownership - it is entirely accepted that this site is completely separate from Bullring Farm and has been determined on that basis.
- Flooding - The plans include proposals for a roadside drain to be connected to an onsite soakaway. The proposed surfacing and planting will assist with surface water from the site.
- Lack of compliance with previous permission - It is extremely unfortunate that works did not take place in accordance with the previous permission; this application has to be determined on its own individual merits.
- Existence of other access - There is another access to the site but this is over 300m from the site and comes with its own difficulties in relation to surfacing, drainage and provision of turning.

Summary

The proposed plans have addressed the issues of landscape impact and highway safety. The Landscape Officer does not object to the application and it is felt that the proposed planting will ensure that the development has a limited impact upon visual amenity. With regard to highway safety, the plans have been amended to show that visibility can be provided that accords with that required in a 30mph zone and whilst the access is located within the national speed limit zone the road conditions and levels of traffic mean that this is acceptable in this instance. In light of these circumstances, it is not considered that the cumulative impacts of development will result in a severe impact upon highway safety and as such it would not be reasonable to refuse the application on highway safety grounds.

RECOMMENDATION

Approve

01. Notwithstanding the objections from local residents and the Parish Council, the proposals for this site are considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to highway safety, in accordance with policies TA5 and EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2244-PL-201, 2244-PL-03, 2244-PL-204 and 2244-PL-202 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Landscape Proposals by Clark Landscape Design June 2017 and Drawing No.'s 2244-PL-203 and 2244-PL-202 Rev B) shall be carried out in the first planting and seeding season following the date of this decision; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The surface water drainage system hereby approved shall be fully implemented within three months of the local planning authority's approval, the use of the amended access shall cease until such time as the scheme is implemented. The approved scheme following its installation shall thereafter be permanently retained and maintained.

Reason: In order to manage surface water run-off from the development, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and Chapter 10 of the National Planning Policy Framework (2012).

05. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan (Drawing No2244-PL-202 Rev B). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

Informatives:

01. The applicant is advised that the Local Planning Authority will expect to see immediate progress at the site; failure to comply with the above conditions and commence work in a timely manner is highly likely to result in enforcement action.
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