

23/15/0031

MITCHELL PARTNERS

Reinstatement and widening of an agricultural access with closure of the existing principal access on land to the North of the B3187 at Milverton (E311748 N126370) (retention of works already undertaken)

Location: LAND TO THE NORTH OF THE B3187 AT MILVERTON

Grid Reference: 311748.12637

Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Location Plan
(A3) Site Plan

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

3.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of safety of users of the highways access and track hereby approved.

5. There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 188 metres either side of the access.

Such visibility shall be fully provided before the new access is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

6. The access hereby permitted shall be used for agricultural purposes only.

Reason: In the interests of highway safety

7. The previous existing access (as shown on the submitted location plan, scale 1:2500, and marked as 'existing access to be closed off') shall be closed to all traffic and its use permanently abandoned within 1 month of the new access hereby permitted being first brought into use

Reason: In the interests of highway safety

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County

Hall, Taunton, TA1 4DY, or by telephoning 01823 355645.
Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

Proposal

Permission is sought (partially retrospective) for works to reinstate highways access and widen the access with removal of existing trees and foliage and replacement with hedgerow and closure of existing access

Site Description

Field and highway boundary located just outside of Milverton on B3187.
Development site is on the B3187 leaving Milverton westbound, just past a sharp bend leading out of the town and is within designated national speed limit zone (60mph). There is a house opposite the proposed access site. The field is set down lower than road level and the site has been bordered by trees and shrubs, although these have been removed

Relevant Planning History

None

Consultation Responses

MILVERTON PARISH COUNCIL - Expressed concerns about safety due to access being sited within 60mph speed limit, thought that risks could be mitigated by laying hedge to improve visibility

SCC - TRANSPORT DEVELOPMENT GROUP - Notes that for vehicles leaving Milverton access is shortly after bend and just passed 30mph zone so relatively low speeds however with vehicles moving towards Milverton traffic is travelling a lot faster. Visibility splays should be 2.4x215m but plans show 2.4x188m so does not meet criteria. However proposed access is an improvement than the current access which is further into 60mph zone and does not provide same level of visibility. If permission granted suggested conditions:

1. gradient no more than 1 in 10
2. access to be used for agricultural purposes only
3. no obstruction to visibility greater than 900mm above adjoining road level to lines drawn 2.4m back to centre line of access and extending 188m either side
4. provision made for disposal of surface water and details approved by LPA prior site brought into use

5. previous access closed to traffic within 1 month of new access being brought into use

LANDSCAPE - works to cutback existing trees and hedges severe, new planting would help soften landscape impact

Representations Received

Four letters of objection have been received, including one from the ward councillor Wren.

Councillor Wren objects for the following reasons:

1. road safety, due to it being sited on a bend, set lower than the main road, potential for mud to go on the road, the bend has had minor accidents before, applicant has claimed that new access is safer than previous access but this was on a straight section of road so would be safer
2. incorrect information, applicant claims that it is a re-establishment of a pre-existing access but the councillor notes having lived in the area since 1986 there was no access except for wooden hurdle in hedge and significant drop in levels between road and field behind it
3. misleading statement, applicant has stated that existing access has no hardstanding but until the new works there was no hardstanding at the new entrance either and with a 1.5m drop a significant ramp has to be created
4. environmental damage, the field accessed by the new entrance is north facing and steep and the applicant has switched from pasture to arable leading to surface run-off increasing flood risk, with the new track acting as a conduit for water, there was no EIA for the conversion from pasture to arable and hedges have been cutback which are ancient maybe legally protected.

Three further letters have been received objecting for the following reasons:

- Historically this has been an access point with hurdle, not a highways access
- Historically the access lead to a Drovers Pathor Lane, not a vehicular track. The destruction of Drovers path which should have involved County Archeologist before proceeding with works.
- There is a 5 foot drop between road level and land behind the road
- Road safety would be adversely affected by the proposal as the road is used as a 'rat-run'
- Drainage issues

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM2 - TD CORE STRATEGY - DEV,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

Local finance considerations

No local financial considerations

Determining issues and considerations

This application relates to works to create an entrance to field which was formerly pasture and now arable to access the field from the B3187 to the north-west of Milverton. The application is retrospective as works have already taken place and the works have removed a section of hedge and created an entrance with regrading of the land to make a ramp as there is a drop between road level and the field behind. The application would also include the removal of an existing access point to the B3187 which is located approximately 200m north-west of the development site.

The central issues related to this development are the principle of development, impacts on the highway in terms of safety, and landscape impacts from the works that have been carried out and from any proposed landscaping such as the planting of new hedgerow.

Principle of development

The principle of development is affected by policies in terms of general development management, those specific to transport, and to the landscape and setting of the development in question. In terms of the adopted Core Strategy policy CP1 g. states that development must be assimilated into the landscape and have no overriding adverse impacts on amenity and traffic generation. Policy DM1 b. states that development must not lead to road safety problems or environmental degradation, and DM1 d. that the appearance and character of the affected landscape and street scene must not be unacceptably harmed by the proposed development. Policy DM2 states that agriculture related development will be acceptable provided that there are no adverse impacts on road safety and the landscape and ecology. The proposed development is acceptable in principle and in compliance with policies CP1, DM1 and DM2 of the adopted Core Strategy.

Highways and safety issues

By far the most important issue in relation to this application is that of road safety and traffic impacts. The proposal is for the retention of works to create a new highways access on to the B3187, located west of Milverton, appropriate landscaping works and the closure of the existing access located further to the west on the B3187 road. The proposed access is to the north side of the road on the eastbound route and immediately before a bend in the road as it approaches the settlement limits of Milverton. Although within a section designated to be a national speed limit zone, in this case 60mph, due to its proximity to the bend in the road cars approaching Milverton from the west travelling east would be likely to be slowing down and/or braking at this point. Travelling out of Milverton to the west, on the other side road from the access point, vehicles would have passed through a 30mph and on to a bend before entering the 60mph zone and would be unlikely to have gained much speed at this point. It is of note that the application claims to have adhered to 2.4x188m visibility splays (in accordance with recommendations for unclassified roads) not the stipulated 2.4x215m for classified roads. However the consultation response from Somerset County Council highways has noted that whilst the decreased distance indicated on the plans (188m instead of 215m) is 'sub-standard' it is still a 'betterment' when compared to the existing access which does not 'provide the same level of visibility' as the proposed access. Therefore given the advice from Somerset County Council the proposed access is acceptable subject to the recommended conditions suggested in the consultation response. The suggested conditions include one to limit use of the proposed access to agricultural purposes only. This condition would limit impacts on the highway and traffic and it would not therefore be likely to have any significant impacts on traffic and trip generation resulting from approval being granted. The Highways response has requested conditions for drainage away from the highway however as the land falls away from the highway this would not be required. The proposed works (which have already occurred) include the removal of trees, hedges and plant materials around the access which has significantly improved visibility. The proposal includes a widening of the access and the provision of new hedgerows to be planted next to the access point but setback. These would, provided they were well maintained and regularly cut, ensure that visibility splays are kept in place and prevent unwanted weeds and trees from growing and blocking site lines to the access point.

Landscape impacts

The application is for the retention of works which have largely already taken place including the removal of substantial sections of hedgerows and trees located adjacent to the B3187. This has left the site looking barren and out of character with the surrounding landscape and street scene. However the applicant has proposed new planting of hedgerows along the road frontage and around the access point which would partially ameliorate the impact of this cutting back of the previously existing hedges and trees. Subject to a condition for new landscaping works the proposals are acceptable.

Conclusion

This application for the proposed retention of works undertaken to create a new access for agricultural purposes with landscaping works is acceptable subject to the conditions outlined above. Whilst there have been questions raised about highway safety the advice from Somerset County Council highways stated that the proposed new access would be a 'betterment' over the current access arrangements and therefore it is acceptable and recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

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