

27/14/0002

MR T HOLLEY

**FORMATION OF VEHICULAR ACCESS TO SERVE DWELLING AND BOARDING  
CATTERY AND BLOCKING UP OF ORIGINAL ACCESS AT HIGHER KNAPP  
FARM, HILLFARRANCE**

Location: HIGHER KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE,  
TAUNTON, TA4 1AN

Grid Reference: 317429.124659

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

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  
(A4) Block Plan  
(A4) Visibility Splay  
(A3) Proposed New Access (Elevations)  
(A3) Proposed New Access (Plan)

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

3. (i) Prior to the implementation of a landscaping scheme, the scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the species, siting and numbers to be planted.  
(ii) The scheme shall be completely carried out within the first available planting season from the date of closure of the access in accordance with Condition 5, 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. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

5. The existing access shall be stopped up and its use permanently abandoned within one month of the new access hereby permitted being first brought into use.

Reason: In the interests of highway safety.

6. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5.0 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

7. Prior to the access hereby permitted being first brought into use, the proposed access over the first 10.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced in accordance with the details shown on the 'Proposed New Access Plan' Scale 1:200. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

8. Prior to the access hereby permitted being first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9. The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and great crested newts has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be written by an ecological consultant and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority

Reason: To protect nesting birds and great crested newts and their habitats from damage.

#### 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. Note at the request of County Highways Authority:
  - Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
3. Notes at the request of the Nature Conservation Officer:
  - The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how nesting birds and great crested newts will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the species that are affected by this development proposal.
  - It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## PROPOSAL

Higher Knapp Farm is located in a rural location, approximately 0.75 km to the east of Hillfarrance and approximately the same distance from Allerford. The site is

largely surrounding by agricultural fields, with a residential property opposite and a scattering of further dwellings to the north-east. The site comprises agricultural buildings, along with a traditional barn, which has been converted to a dwelling. Planning permission was granted in 2011 for the change of use of an element of land to a boarding cattery with the erection of further linear buildings to provide the cattery pens and associated facilities to the south-west of the main buildings. This planning permission has since been implemented and the cattery is in operation from the site.

A planning application was submitted in 2012 for the change of use of agricultural land and erection of buildings to form a boarding kennels and isolation unit, along with the temporary permission for a mobile home to provide manager's accommodation for the boarding cattery, which was withdrawn following the request for a noise assessment. A similar application was subsequently submitted early last year with the mobile home removed from the scheme, but without a noise assessment and this was again withdrawn. A further application for boarding kennels, which also included a proposal to block off the existing access and form a new access to the south-west of the buildings was refused by planning committee in December 2013 as it had not been adequately demonstrate that the proposed development would not give rise to noise disturbance to nearby residential properties to the detriment of their amenity. There was no other reason for refusal and therefore no reason associated with the new access.

This application now seeks planning permission for the formation of a new access to the south-west of the buildings, which would involve the removal of a small section of hedgerow. This would involve a new access track running alongside the roadside hedge and additional planting on the field side of the access. The existing access would be blocked off with a wooden fence and planting to the front.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OAKE PARISH COUNCIL* - Object on the following grounds:

- Continuing concerns regarding flooding issues with water running off the concrete driveway onto the road which already floods. Drainage ditch is inadequate to support flooding that occurs at present.
- Concerns were raised regarding the loss of more hedging along this stretch , which takes time to establish and should be monitored.
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Existing entrance is adequate for current needs of the property and the Councillors wonder why the owners wish to move it, producing more hardstanding.

*SCC - TRANSPORT DEVELOPMENT GROUP* -

Refer to standing advice.

Subsequent comments – I note that that Local Highway Authority issued standing advice to planning application 27/14/0002. I also note Mr Herrington's comments within the email dated 17th March 2014.

I would refer you to my comments dated 28th November 2013 in connection with the previous planning application 27/13/0017 relating to the proposed access, which included the appropriate design elements for the formation of an access and the relevant condition to prevent any surface water discharge onto the publicly maintained highway.

Comments received on previous application - I refer to the above-mentioned planning application received on 20th November 2013 and, after carrying out a site visit on 25th November 2013 have the following observations on the highway and transportation aspects of this proposal:-

**Site Location** - The development site is located along Hillfarrance Road a designated classified unnumbered highway to which the National Speed Limit applies past the site frontage. Hillfarrance Road is predominantly single width, to which either side of the carriageway there are grassed highway verges and no street lighting in proximity to the site.

**Access Arrangements** – The proposal seeks the formation of a new vehicular access onto Hillfarrance Road a designated classified unnumbered highway to which the National Speed Limit applies.

Access to the adopted highway is currently obtained via the existing access onto Hillfarrance Road. The access is considered acceptable in terms of width and geometry. However, vehicular visibility in a south easterly direction is considered substandard as high hedge row impedes visibility.

This is a location where in principle Design Manual for Road and Bridges (DMRB) applies given the rural location of the development and therefore the creation of a new access would warrant the maximum levels of visibility ('Y' coordinates) of 215m in either direction, given that 60mph speed limit which applies along Hillfarrance Road (past the site frontage).

The proposal seeks the formation of a new access and the stopping up of the existing. From onsite observation it is considered that vehicle speeds in this location are likely to be lower than the National Speed Limit.

It is the view of the Highway Authority that vehicle speeds are estimated to be approximately 30mph. It is evident that the proposed new access will result in an improvement in vehicular visibility compared to the existing access and therefore unreasonable for the Highway Authority to object on the basis that the proposed access is unlikely to obtain the required splays for the creation of a new access.

However, the proposed access should incorporate visibility splays of 2.4metres x 43metres, which is achievable from the proposed access. The reason for applying visibility splays based on guidance from Manual for Streets (MfS) as opposed to Design Manual for Roads and Bridges (DMRB) is that vehicle speeds are likely to be considerably less than the allocated limit given the constraints of Hillfarrance Road.

A suitably worded condition can be attached in connection to the access to

incorporate the provision of appropriate visibility splays in perpetuity.

With regards to the formation of the access Drawing No. '*PROPOSED NEW DOMESTIC, AGRICULTURAL & BOARDING ENTRANCE*', it detailed that the access is to be provided with a 10metre concrete apron, which is considered acceptable.

If any access gates are to be erected as part of the proposal, they would need to be erected a minimum of 5.0metres back from the carriageway edge to enable a vehicle to pull clear from the existing highway when in operation without becoming an obstruction to vehicles using Hillfarrance Road. Also provision should be provided at the point of access to prevent and discharge of surface water on top the publicly adopted highway.

Finally, under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel Number 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence, subject to planning approval.

*LANDSCAPE* - Subject to detailed landscape proposals, scheme acceptable.

*BIODIVERSITY* - There is always a possibility that birds may be nesting in hedgerows during the summer months. In addition, this hedgerow is located in an area of Somerset where Great Crested Newts may potentially be present using the hedgerows to access the ponds to the north. Suggest condition and note.

*DRAINAGE ENGINEER* - The Highway Authority should ask for their standard condition to be applied stating surface water from this proposal should not flow out onto the public highway. Highways Authority should be consulted with special reference to surface water run-off being disposed of before it flows onto the highway.

## **Representations**

Four letters of OBJECTION/CONCERN received on the following grounds:

- Already a perfectly adequate, purpose built concrete entrance/driveway to the property. Query need for new access as limited agricultural machinery movements.
- Natural hedge being taken down and more concrete being poured into countryside. Hard to believe landscape officer has no objection to tearing out native hedgerow. Concern that conifers used in past.
- Road already suffers from flooding and standing surface water.
- Query former landscape conditions and building regulations have not been met.
- Other comments made regarding previous application and potential future use of the site.
- The road floods – video and photos provided to this effect.

- Query whether normal not to have details of biodiversity report, concerns regarding conditions being chased.
- Previous concerns regarding current driveway causing obstruction when customers drop cats off overcome a gate is now left open during opening times

Letter received from the applicant:

- Query PC's knowledge on practicalities of sharing domestic driveway with other uses. Clarification was provided to PC regarding need of driveway.
- Does not follow that removing one access and providing another would increase potential run off. New access gives greater opportunity to intercept and manage run off.
- Previous comments from Transport Group support new entrance as an improvement.
- Large area of concrete has in past been removed when converting site from dilapidated dairy farm.
- Conifers were agreed after several failed attempts to grow native hedging, possibly due to agricultural contamination.
- Hedgerows managed to provide for wildlife. Other areas of hedgerow removed in the area.
- Under original kennel application nearest neighbour raised objection that customers/visitors park in lane obstructing their access, now state existing entrance perfectly suitable, despite being aware that kennel application is being resubmitted.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 CP8 - CP 8 ENVIRONMENT,  
 NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Impact on the character and appearance of the area

The proposal seeks to provide a replacement access. The lane appears generally rural in nature with a well established hedge bounding the road on both sides. There is a general presumption against alterations that would harm this rural character, such as the removal of areas of hedgerow. However, in this instance, the area of hedgerow to be removed, being only approximately 7.5 metres, is reasonably small, with the visibility splays being provided through trimming back the hedge, rather than further hedge removal. It is acknowledged that this would result in additional hardstanding to create the driveway. This would however run alongside the hedge, rather than directly across a field scarring the landscape and does involve further tree planting along it's northern side to help integrate this into the surrounding landscape. Furthermore, the driveway would be within the applicant's field, screened from public viewpoint by the well established roadside hedge and is not therefore deemed to result in significant harm to the rural character of the area.

The existing access is to be blocked up with a section of timber fence. Whilst the

timber fence is not an ideal solution, it is proposed to plant a further hedge to the front of this. It is acknowledged that there would be some landscape impact in the interim, whilst this hedge establishes but once established, the proposal would not result in harm to the rural character of the lane. The landscape officer is therefore satisfied with the proposals subject to full details of landscape planting.

#### Impact upon highway safety

It is proposed to install a new access to the south-west of the existing access. It is important to note that this is a replacement access with the existing access being closed off, rather than an additional access and this has been conditioned accordingly. The existing access lacks visibility to the south-east and is therefore considered substandard.

The proposed access would be positioned on a classified road, which is subject to the national speed limit. However, by virtue of the constraints of the road and on site observations, the County Highway Authority are of the opinion that vehicle speeds are likely to be significantly less than the allocated speed limit and therefore consider guidance from Manual for Streets more appropriate than the Design Manual for Roads and Bridges. A condition is attached to ensure that appropriate visibility splays are achieved. It is therefore considered that the proposal leads to a significant improvement over the visibility available from the current access and it would therefore be unreasonable for the County Highways Authority to object. Furthermore, it would be positioned away from the access to Knapp Farm opposite, reducing traffic conflict between the two accesses. On this basis, in highway safety terms, it is considered that there would be an overall improvement and therefore betterment to the existing situation.

#### Impact upon the residential amenities of nearby properties

The new access is set some distance away from neighbouring properties and is not deemed to result in any increased impact on the residential amenities of the occupiers of those dwellings or any conflict with other accesses.

#### Other matters

This proposal formed part of the previous scheme, which was determined by planning committee last December. Whilst the application was refused, it is important to note that the refusal did not refer in any way to the proposed access.

The element of hedge to be removed is nominal in length, however it is acknowledged that birds may be nesting in the hedgerow. In addition, the site lies in an area where Great Crested Newts may be present. As such, a condition is suggested requiring a strategy to protect wildlife, as requested by the Council's Nature Conservation Officer.

In terms of drainage, concern has been raised that the road already suffers from flooding and photos/video have been submitted to this effect. It is noted that the proposal seeks to provide an increased area of hardstanding, however a condition is attached to prevent surface water discharge onto the highway, details of which are required to be submitted to, agreed in writing with the local planning authority and installed, prior to the access being brought into use. As such, subject to this



condition, it is not considered that the proposed new access would result in a significantly increased impact on water flows or flooding along this lane.

A concern has been raised that there was no biodiversity report submitted prior to a decision being made. The biodiversity officer has assessed the application and considers that this can be dealt with by means of a condition. It is important to note that planning applications cannot be refused if conditions could overcome concerns, as is considered to be the case in this instance.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**