

ALTERATIONS TO AGRICULTURAL ACCESS AT LAND OPPOSITE VALE VIEW COTTAGES, WEST BAGBOROUGH (RESUBMISSION OF 45/07/0023) AS AMENDED BY DRG. NO. 200703 REV A RECEIVED 28 JULY 2009

316143.133347

Full Planning Permission

—

PROPOSAL

The application as originally submitted, is a retrospective application, and comprises the upgrading and widening of an existing and long-standing agricultural access, albeit one which was overgrown and disused. The alterations were carried out over 2 years ago, without planning permission, and a substantial length of mature hedgerow grubbed.

The application has since been amended twice however, because of the concern over road safety and inadequate visibility in one direction. Both amendments relocate the access from a position on the field edge to one in the centre of the field, in order to facilitate good visibility in both directions, with the first amendment comprising a new access with depth of 15 metres and a width of 33 metres. The size was clearly proposed in order to avoid any conflict with the requirements of the County Highway Authority, but these dimensions are clearly far too excessive for what is effectively a replacement agricultural access, and accordingly the second amendment was submitted which incorporates an access with a depth of 10 metres and a width of 15 metres.

The applicant has stipulated that he is to prepared to reinstate a hedgerow.

SITE DESCRIPTION AND HISTORY

Applications 45/2007/017 and 45/2007/023, both seeking to authorise the existing alterations, were both refused planning permission, in October 2007, and April 2008 respectively. They were both refused on the basis that: the loss of the hedgerow adversely affects visual amenity; the access constitutes visual intrusion which adversely impacts on the AONB; and the access is substandard and prejudicial to road safety.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - In respect of original submission- Given the issues of concern raised previously it is essential that a scaled plan is submitted, clearly and accurately setting out the requirements of the Highway Authority. It would not be sufficient just to state that the entrance will be altered as per our previous recommendations this needs to be demonstrated and shown as part of this planning application in context to this site/road.

The drawing should also set out/include the recommended visibility splays, to ensure that there shall be no obstruction to visibility greater than 900mm above adjoining road

level in advance of lines drawn 2.0m back from the carriageway edge 45m either side of the access.

Comments awaited in respect of the latest amended drawing.

WEST BAGBOROUGH PARISH COUNCIL - In respect of original submission- Object: 1. Permission for an access at this location has been refused twice before in the past 2 years. The reasons for previous refusal are still valid; 2. The hedge and opening were the subject of an enforcement notice issued on 4/3/2008. Parishioners directly affected by the removal of the hedge want the hedge reinstated and the enforcement notice implemented.

Comments awaited in respect of the latest amended drawing.

HERITAGE AND LANDSCAPE OFFICER - In respect of original submission- It is not clear from the access detail how it relates to the adjoining property boundary. It needs to be sufficiently far away from existing trees to avoid damaging any tree roots. The hedgerow and species mix are fine.

Comments awaited in respect of the latest amended drawing.

SENIOR ENFORCEMENT OFFICER - N/A.

Representations

4 LETTERS OF OBJECTION were received in respect of the original submission on the grounds that road safety has been prejudiced and that a hedgerow has been lost, and comments are awaited in respect of the latest amendment.

1 letter has been received in respect of the amended access advising that the land has been grazed by 3 horses for the past 6 months with tractors going in and out with fodder, so why alter the entrance.

PLANNING POLICIES

EN10 - TDBCLP - Areas of Outstanding Natural Beauty,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

Given that the proposal constitutes the replacement of a former disused agricultural access; that the latest amendment would result in satisfactory visibility in both directions such that road safety would not be prejudiced; that the revised siting would not result in any additional loss of trees/hedgerow; and that the applicant is prepared to reinstate the hedgerow, it would be considered unreasonable to resist the proposal as amended with a centrally positioned access. It is recommended however, that a number of conditions be imposed, to include the closing off of the existing access, and the reinstatement of the hedgerow.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval, subject to no new issues being raised by representations made before 13 August 2009, the Place Development Manager be authorised to determine the application in consultation with the Chairman.

The proposal is considered not to have a detrimental impact upon visual amenity, or road safety, and is therefore considered acceptable. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2(Design) and EN10.

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 existing access shall be closed off and the bank reinstated within 6 months of the date of this permission, to the satisfaction of the Local Planning Authority.

Reason: To safeguard visual amenity and road safety in accordance with Taunton Deane Local Plan policies S1, S2, and EN10.

3. (i) The planting of the proposed hedgerow shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the use of new vehicular access, in accordance with a scheme to include details of species, siting and numbers which shall first be submitted to and approved in writing with the Local Planning Authority..

(ii) For a period of five years after the completion of the landscaping scheme, the hedgerow shall be protected and maintained in a healthy weed free condition and any shrubs that cease to grow, shall be replaced by shrubs of similar size and species or other appropriate shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. Within the proposed visibility splay, there shall be no obstruction to visibility greater than 900mm above adjoining road level.

Reason: To safeguard road safety in accordance with Taunton Deane Local Plan policy S1

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr J Grant Tel: 01823 356465