

Parish:	Heacham	
Proposal:	Change of use of the land to horse field and proposed new access/crossover and gate	
Location:	Land Adj 50 Hunstanton Road Heacham King's Lynn	
Applicant:	Norfolk Equine Services	
Case No:	19/00571/F (Full Application)	
Case Officer:	Mr M Broughton	Date for Determination: 31 May 2019 Extension of Time Expiry Date: 5 July 2019

Reason for Referral to Planning Committee – Called in by Borough Councillor Parish as the application raised potential highway safety issues

Neighbourhood Plan: No

Case Summary

The land is situated on the south-west side of Hunstanton Road, Heacham, approximately 120m south-east of Hall Close junction in an area designated Countryside.

The application seeks to change the use of land on the south side of The Lodge, 50 Hunstanton Road, Heacham to a horse field with a new access / crossover.

The National Planning Policy Framework 2019, the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016 are relevant to this application

Key Issues

- Principle of development
- Highway Safety
- Ecology - birds nesting
- Other considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks to change the use of land on the south side of The Lodge, 50 Hunstanton Road, Heacham to a horse field with the provision of a new set-back and gated access to replace the existing access, currently via the parking area to The Lodge.

The plan identifies a crossover (verge and footpath) which would require the removal of a minimum 6m and maximum 12m section of hedge currently forming the extreme north-eastern boundary of the field.

The layout of the 10m x 6m wide tarmac surfaced access includes 1.2m post and rail timber fencing and a metal twin 5-bar gate set back into the site. The plan identifies the available visibility splay to the south-east and that the remaining hedge forming the length of the aforementioned north-west boundary is retained.

The site comprises a grass field and is utilised for the keeping of horses. There is an aged small shelter for horses on the land.

SUPPORTING CASE

- Ecological survey
- Evacuation plan for horses at times of flooding

PLANNING HISTORY

18/01123/F: Withdrawn 19/07/18: Proposed installation of crossover and gate to form access to field - Land Adj 50 Hunstanton Road Heacham

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

Highway Safety: Blackthorne Close comprising 9 new dwellings is opposite and has permission to construct a short path with a dropped kerb to form a pedestrian crossing point to the footpath on south-west side of the road.

The gated entrance (new access) proposed on the south-west side of the road will be very close to the pedestrian crossing point.

Within a very short distance of this proposed entrance are a number of properties already egressing Hunstanton Road which lie between 2 bends in Hunstanton Road from the south and the north.

This road is a very busy road which is also a bus route from Hunstanton into Heacham and beyond.

The Parish has a Speed Awareness Message point just north of this application, which has recorded traffic from Hunstanton at an average of 915 and 1410 vehicles per day and an average of 1435 and 1209 in the direction to Hunstanton on two separate occasions in either direction. This shows how busy this road is.

Vehicles would still have to either drive in and reverse out onto Hunstanton Road, or reverse in, temporarily blocking Hunstanton Road so they can drive out in forward gear. Either way a danger for traffic from the south travelling at 40mph or from the north at 30mph and accelerating to 40, as the change of speed limit is where this entrance is.

Subsequent Parish comments:

The land is part of TPO number 2/TPO/00002 - with this in mind the front hedge must not be removed.

The grass land is deemed to be poor pasture value.

The initial NCC Highways response is noted but the Parish Council are still concerned about the speed and volume of traffic along Hunstanton Road, contrary to the NCC Highway response.

We have attached the Volume Speed Graphs produced by the Westcote Sam software to show the speed volumes over 2 separate date for each direction, from and to the village. The graphs submitted show the volumes of traffic at speed over 14 days.

Local Highway Authority: NO OBJECTION

The creation of a new access would require acceptable visibility splays to be available, commensurate with the speeds likely passing the site.

In this instance, given the 40 mph speed limit in place, the guidance contained within DMRB (TD42/95) sets out the requirement for a 90m visibility splay in each direction, which would need to be taken from a 2.4m setback position.

Having assessed the available splays and concluded that there will be 77m available to the bend to the west, from the required 2.4m setback position, the access depth is suitable for towed and / or rigid horseboxes and adequate level ground is available to park, turn and re-enter the highway in a forward gear.

Subsequent comments:

Having looked at the location in question, in conjunction with the speed graphs submitted by the Parish Council, the Highway Officer noted that the 85%ile speeds are 34 mph or less, which would not cause NCC Highways to raise any highway safety concerns given the levels of visibility proposed from the new access.

This was simply to be a change of access position from the residential curtilage of The Lodge, 50, Hunstanton Road, to an appropriate position, close to the existing access whilst meeting the relevant guidance on visibility. It is considered no worse than the existing arrangement to access the land, but will benefit from an extended vehicle crossover, with a gate set back an adequate distance for the likely vehicle to access / egress the land.

NCC Highways acknowledge the LPA would restrict the use of the land to non-commercial uses, should they consider it necessary to prevent any unwarranted expansion of the site.

Arboricultural Officer: NO OBJECTION

* The hedge on the boundary is not subject to the TPO for trees within the site.

Natural England: NO COMMENTS

Forestry Commission: NO RESPONSE

REPRESENTATIONS

Five OBJECTIONS

One other – neither support or object

- Amenity nuisance - burning garden rubbish on the site
- Adequate existing access to the land from The Lodge
- Width of access proposed is excessive. This proposal would create a fifth access in this locality which would be dangerous as visibility from that proposed would be poor as there is a sharp bend coming up from the church.
- Loss of habitat

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

PLANNING CONSIDERATIONS

Key Issues

Principle of development
Highway Safety
Ecology - birds nesting
Other considerations

Principle of development:

The application seeks to change the use of land on the south-east side of The Lodge, 50 Hunstanton Road, Heacham to a horse field with the provision of a new tarmac surfaced, set-back and gated access with crossover to replace the existing gravelled access, currently served via ‘The Lodge’ frontage and parking area.

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The existing footpath following the south-west side of Hunstanton Road in an east/west lineage is retained.

The field would appear to have its origins at the north-eastern corner of the former Heacham Park, with protected trees thereon and a mixed 3/4m high hedge forming the north-eastern boundary with the highway footpath.

It is a ranch fenced, green field, apparently in use or recently so for the keeping of privately owned horses, with an aged small shelter for horses backing the hedge on the north-east boundary. There is no indication the field is to be used other than by the applicant and the keeping of his own horses.

This location is a semi-rural location between elements of the settlement boundary of Heacham. The field has already been used for the keeping of horses with no known objections. Horsi-culture is considered generally to be an acceptable use of agricultural land in the Countryside.

It is considered that the proposal does not result in loss of amenity to the neighbour or the locality.

Highway Safety:

The current access to the field is through the gravelled frontage and side parking area for The Lodge (adjacent north) and from there a gate into the field.

The new access would serve the field only and would provide a sufficient set-back (10m x 6m) tarmac surfaced area throughout, considered adequate by NCC Highways to cater for off-road movement (access and egress) of a vehicle / horsebox combination, without compromising pedestrian or vehicular road safety. Highways consider there is adequate space on-site for turning and horsebox movements, in order to depart the site in forward motion.

It is of note Hunstanton Road in this locality is subject to a 40mph restricted speed limit, with 'hazard lines' central to the road surface.

The proposal identifies visibility splays are achievable and the Highway Officer has commented splays would be acceptable. The Highway Officer has also commented on recent vehicular movements and speed figures collated by the Parish Council to the extent that speeds are generally in the 34mph range (85th percentile) and therefore below the 40mph speed limit.

Footpath crossing point:

Application 18/02199/RM relates to the development of 9 dwellings on the north-eastern side of Hunstanton Road (Blackthorne Close). That application included details of the access road to serve that development from Hunstanton Road (opposite The Lodge) and included a small section of new highway footpath leading off south-east. That section of footpath provides a dropped kerb arrangement to guide pedestrians to cross over the road to join the main Hunstanton Road footpath. This pedestrian crossover arrangement emerges to the north-west of the proposed field access and thus neither impede the other.

It is considered that the proposal does not result in factors which would impede road safety.

Ecology – Bird nesting season:)

The ecology report which accompanied this application detailed the mixed species of plants which form the north-eastern boundary hedge of the proposal site. The hedgerow was considered unlikely to be important under the Hedgerow Regulations 1997 due to the limited species diversity and lack of features. However, it was noted that it would provide suitable habitat for nesting birds. Furthermore, it was considered that removing the section of the hedge at its northern edge will create minimal adverse impact on its existing ecological value, which would be more likely an issue if the hedge were split, for instance into two areas.

The proposal does result in the removal of part of the hedgerow, with some hedge trimming required to maintain the visibility splay (south-east direction). Accordingly a condition is proposed retaining the hedge in its entirety, with the exception of a maximum 12m of the hedge to be removed at its northern most edge at the point of the proposed access, as detailed on the approved plan (drawing NES/10P/Sk(A)18 REV B).

The Arboricultural Officer confirms a 'block' Tree Protection Order exists on the land, but that Order relates solely to the trees thereon and not the hedge in question.

Other considerations:

- Crime and Disorder: There are no known issues affecting this locality.
- Amenity nuisance: The burning of garden rubbish on the land is a matter to be assessed on complaint via other legislation.

CONCLUSION:

The use of agricultural land for the keeping of horses is considered an acceptable countryside pursuit, which in this case would not compromise amenity values.

The gated and set-back surfaced access is of a scale and construction method which accords with highway regulations.

The proposal is considered to be in accordance with the requirements of The National Planning Policy Framework 2019 and other relevant Policies of the Development Plan.

In the light of National Guidance, development Plan Policies and other material considerations, it is recommended this application be approved.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan:

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* Block plan – drawing NES/10P/Sk(A)18 REV B - receipt dated 27/03/19

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first use of the development hereby permitted the vehicular access over the verge/footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 3) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway, in the interests of highway safety, in accordance with the principles of the NPPF 2019.
- 4 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10 metres from the near channel edge of the adjacent carriageway.
- 4 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened, in accordance with the principles of the NPPF 2019.
- 5 Condition: Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 5 Reason: In the interests of highway safety, in accordance with the principles of the NPPF 2019.
- 6 Condition: The use of the land hereby approved shall be to accommodate the applicants own horses and shall not be used for any commercial riding, breeding, training or livery purposes
- 6 Reason: In order that the Local Planning Authority may retain control over the use of the land where an alternative use otherwise permitted would be detrimental to the amenities of the locality, in accordance with the NPPF 2019.
- 7 Condition: The hedge forming the north-east boundary of the site shall be retained in its entirety with the exception of a maximum 12m of the hedge to be removed at its northern most edge at the point of the proposed access, as detailed on the approved plan (drawing NES/10P/Sk(A)18 REV B).

No hedge plants shall be removed or otherwise cut-back between 1st March and 31st August in any year.
- 7 Reason: In the interest of visual amenity and to avoid disruption to wildlife (bird nesting season), in accordance with the NPPF 2019