

AGENDA ITEM NO: 8/1(c)

Parish:	Little Massingham	
Proposal:	Proposed access to enclosed field	
Location:	Land N of Electrical Sub Station And NW of Red Roofs Station Road Little Massingham Norfolk	
Applicant:	Mr James Buckman	
Case No:	20/01083/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 18 September 2020 Extension of Time Expiry Date: 16 October 2020

Reason for Referral to Planning Committee – Called in by Councillor Moriarty.

Neighbourhood Plan: No

Case Summary

The site is an enclosed field north of the electrical sub-station on the west side of Station Road. The site is approximately 334m north of Church Lane and 520m to the south of Lower Lynn Road.

At present, the site is an enclosed field in the countryside, with trees and hedges on the north, east, south and west boundary. On the north east corner of the site, there is one TPO tree.

The application seeks retrospective planning permission, for a proposed access to the enclosed field, along the east of the site, 9.6m from the electrical substation.

Key Issues

Principle of Development;
Form and Character;
Highway Issues;
Impact on trees; and
Other Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is situated on the western side of Station Road, Little Massingham.

Planning Committee
5 October 2020

The site is currently an enclosed field with trees on the north and west boundary. The site was a woodland, known as Tabernacle Wood, and a restocking notice was given to the applicant on March 2020 by the Forestry Commission under the Forestry Act 1967. The trees will be restocked, as indicated by plan 1049.01 E.

The site is screened by hedges along the whole site boundary; trees on the north and west boundary; and a 1m fence and gate along the east boundary.

The application seeks retrospective planning permission for an access onto the enclosed field for pastoral use. The access to the land is required for the maintenance of the trees within the woodland as the current access on the west boundary of the site, will be restricted due to a rental agreement between the applicant and their tenant.

SUPPORTING CASE

To confirm this application is for the retrospective approval of the recently installed access to Norfolk County Council (NCC) specification.

To clarify the existing site consisting of designated woodland and an enclosed field will continue to be used by the client for pastoral use only. The adjoining fields will continue to be used for the keeping of livestock and will be rented separately. Due to this, our client is unable to continue using the existing adjacent field access to access this site, hence the reason for the access and this application.

To also clarify the woodland will be restored in accordance with the Forestry Commission's restocking charge notice ref: RN38/19-20. This will consist of 253 trees to be supplied and planted on the site (as indicatively denoted), from a mix of 25% Aspen, 18% European Larch, 15% Pedunculate Oak, 8% Silver Birch, 7% Norway Spruce, 2.5% Scots Pine, 2.5% Sycamore and 20% open space (which must be a single contiguous area).

PLANNING HISTORY

20/00640/X: FORESTRY ACT 1967 - SECTION 17A

19/02063/F: Application Withdrawn: 03/02/2020 - Proposed Welfare Facility and Builder's Storage Yard, retrospective replacement access to NCC Standards (Delegated).

18/00666/O: Application Refused: 11/09/18 - Outline Application: Proposed Replacement Dwelling (Delegated).

09/00118/F: Application Permitted: 19/03/09 - Construction of new entrance gates and wall (Delegated).

08/01565/CU: Application Permitted: 28/08/08 - Change of use from U2 to residential (Delegated).

2/03/1152/CU: Application Permitted: 04/09/03 - Change of use from residential to educational (Delegated).

RESPONSE TO CONSULTATION

Parish Council: OBJECT, with the following comment:

Planning Committee
5 October 2020

"The Parish Council strongly objections due to the following:

- This is a retrospective application as the hedges have been taken out and entrance installed unauthorised.
- The site was woodland, illegally clear felled and there is a restocking notice under the Forestry Act 1967 - reference 20/00640/X.
- The site has no access point and the current access had been put in place illegally.
- The visibility splays required under Norfolk County Council highways legislation cannot be achieved due to the proximity of the electrical substation to the south and a large oak tree to the north.
- This is a busy link road with a bus route and the introduction of an additional access point would significantly increase the risk to drivers and pedestrians.
- The site has had two previous applications. One refused, 18/00666/O and the second withdrawn on the basis of highway applications - 19/02063/F.
- The site is designated open countryside with a new entrance installed (planning 18/01654/F) to the north mitigating any requirement for an additional entrance. No livestock has at any time been present on the land parcels nor has any form of livestock movement occurred."

Highway: NO OBJECTION subject to conditions relating to the vehicular access construction over the verge, visibility splays and any access gates or other means of obstruction to be hung to open inwards and set back a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degree.

Natural England: NO OBJECTION, with the following comment:

"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes."

Arboricultural Officer: NO OBJECTION, with the following comment:

The TPO is to the north of the access and will not be impacted.

REPRESENTATIONS 8 comments **OBJECTING** summarised:

- Highway safety, given the location of the access and speed of the road;
- Form and character, in particular the removal of hedge and trees and materials stated on the application form;
- Loss of woodland; and
- Use of site due to the planning history.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

Planning Committee
5 October 2020

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development;
- Form and Character;
- Highway Impact;
- Impact on Trees; and
- Other Considerations.

Principle of Development

The application is for a retrospective access to an enclosed field, on the west side of Station Road. The access is required for access onto the land for pastoral use. The current access to the west will be blocked off due to a rental agreement between the applicant and their tenant.

This application just seeks approval for the access. Separately, the land will be restocked with 253 trees with 20% open space in one single contiguous area, as per schedule 1 and 2 of the restocking notice by the Forestry Commission.

The principle of the development is generally considered to be acceptable provided that it would not have any detrimental impact on the character or appearance of the countryside, result in any significant harm to highway safety or impact on the TPO tree to the north of the access.

Form and Character

Station Road is characterised by planting along the east and west side of the road. On the east side of Station Road, there are residential dwellings, set further east to the road. On the west side of Station Road, there are parcels of open land.

The screening along the east of the site has already been replanted and is 2.4m from the carriageway of Station Road, to offer suitable visibility splay to and from the site.

The retrospective access will not have an adverse impact on the rural character of the road as the site will continue to have planting along the boundary and within the site, secured by the restocking notice and planning condition.

The proposal is therefore acceptable in term of form and character and complies with Policy CS06 and Policy CS08 and Policy CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Highway Impact

The gate of the proposed access is approximately 6.4m from Station Road carriageway, and the hedges are 2.4m from the carriageway. Therefore, complying to the visibility splay guidance of Norfolk County Highways. Moreover, the local highway authority has indicated that there are no highway issues with the access, subject to conditions.

The proposal is therefore acceptable in highway safety terms and complies with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Impact on Trees

The access will not impact the TPO tree, being 31.87m north from the gate of the access. Furthermore, the Arboricultural Officer had said he has no objections to the retrospective access.

Additionally, although not part of the application proposals, the restocking notice by the Forestry Commission will be complied with and a total of 253 trees will be replanted on the site with 20% open space in one single contiguous area.

At the start of the application, the plans did not indicate that the trees would be restocked, and the woodland restored. However, upon speaking with the agent, it was made clear that the trees on the site were going to be replanted in accordance with the restocking notice delivered by the Forestry Commission and used for pastoral use. Therefore, the concerns from the neighbours and consultees about the use of the land and previous woodland is resolved.

The proposal is therefore acceptable in terms of the impact on trees and complies with Policy CS08 and Policy CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Other Considerations

There are no other material considerations relevant to this application.

CONCLUSION

It is considered that the proposed access will not have an adverse impact on the current flow of traffic of Station Road and will not adversely impact the form and character of the area in the countryside. Furthermore, the woodland will be restored.

Overall, the proposal is in accordance with the requirements of the National Planning Policy Framework 2019 and other relevant policies of the Development Plan. It is recommended that this application be approved subject to conditions as set out below.

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 plans:

*Dwg no. 1049-01 E. Received 18/09/2020.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The visibility splays shall be provided in full accordance with the details indicated on the approved plan within three months of the date of this decision. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 3 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 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 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 4 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 5 Condition: The vehicular access over the verge shall be constructed in accordance with the highways specification (TRAD 1) within three months of the date of this decision and shall thereafter be retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 5 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.
- 6 Condition: The relocated front boundary hedge shown on drawing no. 1049.01 rev E behind the visibility splay shall thereafter be retained at a minimum height of 1 metre.
- 6 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.