

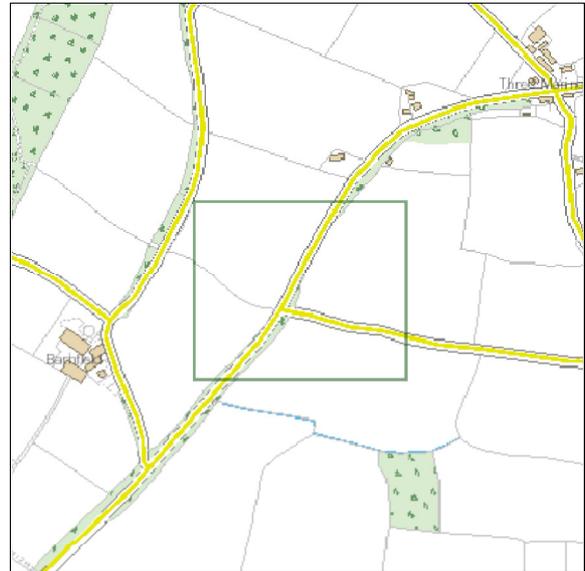
Ward Otterhead

Reference 18/2673/FUL

Applicant Mr Roy French

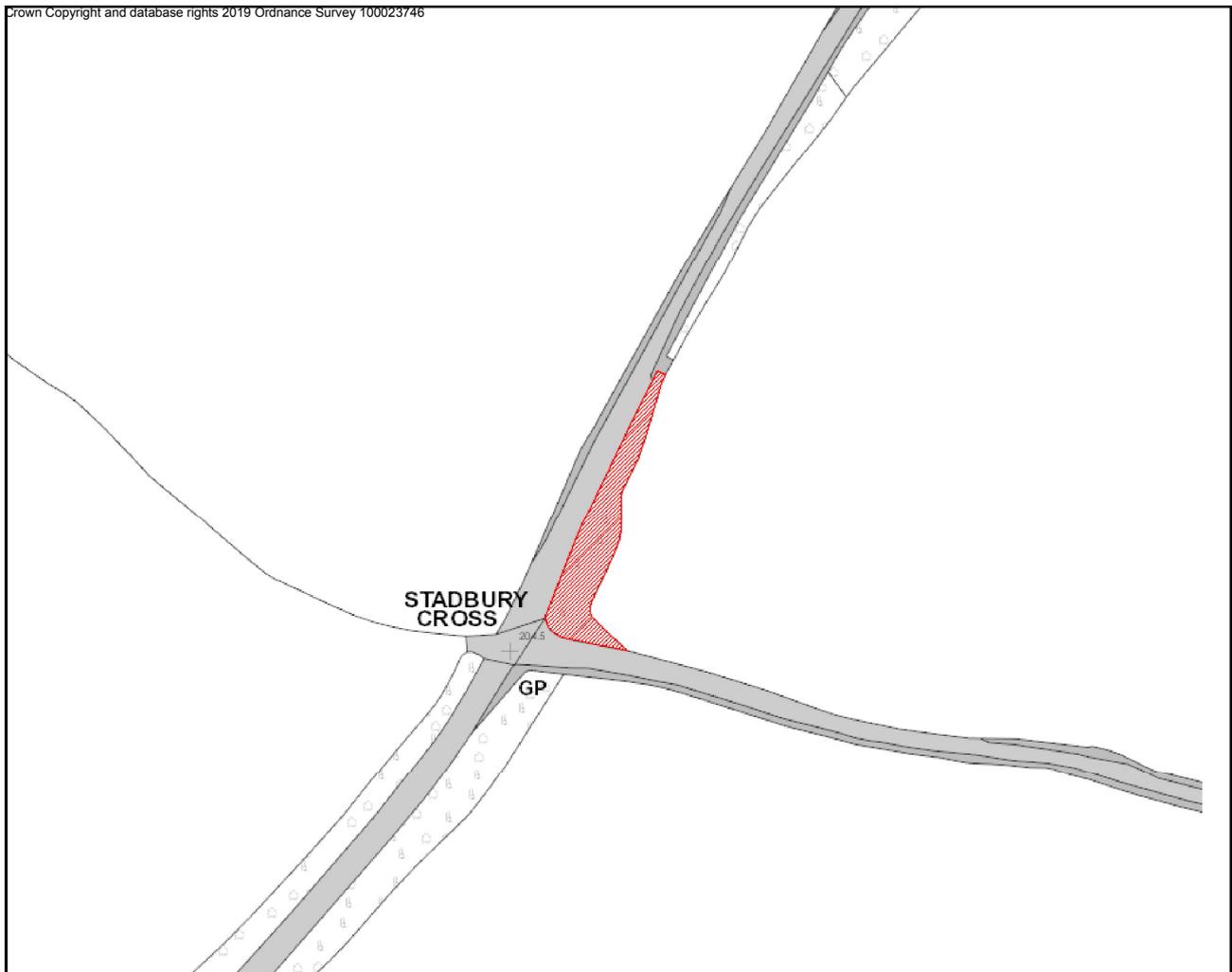
Location Land North Of Stadbury Cross Cotleigh

Proposal Creation of new access onto highway
(retrospective application)



RECOMMENDATION: Approval with conditions

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		Committee Date: 12th February 2019
Otterhead (COTLEIGH)	18/2673/FUL	Target Date: 21.01.2019
Applicant:	Mr Roy French	
Location:	Land North Of Stadbury Cross Cotleigh	
Proposal:	Creation of new access onto highway (retrospective application)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee because the officer recommendation differs to that of the ward member.

The application is retrospective in nature seeking the retention of an access from the site onto the local road that serves it. This access has been created through the removal of a section of roadside hedge bank, the provision of a gravelled hardstanding and the installation of a timber field gate. As a result there has been some loss of vegetation and views into the site have been opened up.

The application follows the refusal of an earlier application for the retention of the access but which also sought the erection of a timber shed on the site (18/0839/FUL). That application was refused on the grounds of the visual impact of the proposed shed and the potential impact the siting of this could have on trees on or around the development site. There was no objection raised to the access.

The current application is accompanied by little supporting information in terms of justification for the access but it is recognised that the site is otherwise enclosed with no alternative means of access and that the applicant owns no other land around, or in the vicinity of the site. As such, the provision of an access to the site is not considered to be unreasonable subject to other considerations relating to impact on the character and appearance of the area and highway safety.

In the first regard the impact of the access itself is very localised and is not considered to be out of character with the site context. Whilst there has been some vegetation removal on the wider site as well as that to form the access and this has opened up views into the site to an extent, the visual impact of the access is limited and could be further reduced through compensatory hedge/tree planting.

In relation to highway safety this is not a concern that has been raised by the Highway Authority.

Given the above considerations the proposal is considered to be acceptable and is recommended for approval subject to the conditions set out at the end of the report.

CONSULTATIONS

Local Consultations

Otterhead - Cllr D Key

I am not satisfied with the access onto a road of a piece of land refused by the Inspector for any development and so fully object. There have been trees cut down which have spoilt the area in the AONB.

Other Representations

None received.

Technical Consultations

EDDC Trees

I am a little concerned about this retrospective application for a new access, it does appear that a portion of hedge and hedge bank has been removed causing the loss of the wildlife corridor, without any compensatory landscaping, there has been hard standing added which could have caused damage to trees on the site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

D7 (Agricultural Buildings and Development)

D2 (Landscape Requirements)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

PLANNING HISTORY

Reference	Description	Decision	Date
18/0839/FUL	Creation of new access onto highway and erection of shed	Refusal due to visual impact from the building	26.07.2018

Site Location and Description

The application site relates to a thin strip of land to the northeast of the Stadbury Cross junction, approximately ½ mile to the northwest of Cotleigh. The site is accessed from a field gate in its southeast corner, this leads to a gravelled parking/hardstanding area, with the area beyond this to the north separated by timber fencing. The area to the north is grassed and is contained between hedgebanks to either side separating the site from the road to the west and field to the east. The roadside hedgebank includes a number of mature hedgerow trees.

The site lies in open countryside and within the designated Blackdown Hills Area of Outstanding Natural Beauty. There is a group Tree Preservation Order on the roadside trees to the south of the site but this does not cover the site itself. A public bridleway runs to the west through the field opposite the site.

Proposed Development

Permission is sought for the retention of the access that has been created to serve the site. The access measures approximately 5m in width.

Background

Permission was sought last year for the retention of the access and also for the shed that had been erected on the site. That application was refused with the reasons for refusal reading as follows:

The shed is small scale, constructed of timber and has an apex roof and a window in its west elevation, giving it a domestic appearance overall. Its proposed siting within a tree edged roadside glade in the countryside, which is part of the Blackdown Hills AONB, would be visible in glimpsed views through the newly created roadside access opening and over and through a new dead hedge to the south, particularly as the dead vegetation within that decays over time, such that it would alter the undeveloped, uninhabited character of the site, harming the character and appearance of the AONB, which has the highest standard of protection. It would also potentially harm high quality trees, given that mature trees closely bound the site and that an unknown amount of ground levelling and placement of concrete blocks or slabs to make a platform for the shed is proposed, with no evidence submitted to demonstrate how harm to trees would be avoided. In the absence of details of a

genuine agricultural need these harms are not considered to be outweighed by other considerations and the proposal is therefore contrary to Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs), D1 (Design and Local Distinctiveness), D7 (Agricultural Buildings and Development) and D3 (Trees and Development Sites).

The shed element has been removed from the current application with permission now sought only for the retention of the access.

ANALYSIS

The main issues to be considered in the determination of the application relate to the principle of the development; impact on the character and appearance of the area and highway safety relating to the use of the proposed access.

Principle of development

The site lies in open countryside where Strategy 7 of the Local Plan is restrictive of development unless explicitly supported by another policy of the Local or Neighbourhood Plan. In this case, policy D7 offers some potential support to development where an agricultural need for it has been demonstrated. However, in this case both the current and previously approved application are silent on the need for the access, other than it provides for access onto the applicant's land, which appears to otherwise be enclosed. Whilst the lack of specific need being demonstrated weighs against the proposal, it is not unreasonable for the applicant to seek a means of accessing his land where it appears that he owns no other adjoining land or means of doing so. This being the case, although there is no specific policy support for the development the lack of alternative access is a material consideration.

Impact on character and appearance of the area

The site access that has been created is visible from the immediate vicinity of the site but is not considered to be overly prominent nor out of character with its surroundings. In addition the access gate installed is of a type appropriate for this rural location and the hardstanding surfacing has a limited impact that will further soften in time. Some cut branches have been laid to fill the gap to the hedgebanks either side of the gate and again in time vegetation is likely to grow up to further reduce any views into the site.

The ward member's comments in relation to the AONB status of the site and removal of trees are noted, as are those of the arboricultural officer. It is clear that there has been some removal of roadside hedge bank to provide the access and it would also appear that some tree loss may have occurred. Whilst such removal is regrettable, unlike those to the south, the trees on site do not appear to be covered by the area Tree Preservation Order and therefore there is nothing to prevent their removal.

It is noted that the previous application for the erection of a shed on the site as well as the retention of the access focussed solely on the visual impact of the proposed shed rather than the impact of the access, which was considered to be minimal (and which would further reduce over time) and not to itself alter the character of the countryside.

Nevertheless, given that the development has resulted in some loss of hedgebank it would be reasonable to seek to secure some compensatory planting to help mitigate such loss, this could be controlled by means of a suitably worded condition.

Highway Safety

Policy TC7 of the Local Plan states that planning permission will not be granted if the proposed access, or traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. The access to/from the site is directly onto the local road (C59) and whilst this section of road is subject to national speed limits the nature of the road means that the maximum speeds are not likely to be met. The Highways Authority has not commented on the current application but did make the comments below on the previous application that sought the retention of the access:

The site is based on the C59, the access has fairly good visibility in both the north-easterly direction and south-westerly direction. Though the road is a national speed limit road, due to the topography and ruralness of the road I do not believe the road would be able to accommodate these higher speeds and therefore would not subject the visibility requirement to be met for a 60mph road. Therefore the County Highway Authority (CHA) would not like to object against this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

There was no objection or refusal of the previous application on highways grounds and as there are no changes to the access proposed there is no reason to object on the current application.

CONCLUSION

The application seeks to regularise consent for an access to the site that forms a small part of a wider field in separate ownership..

A previous application for the access and associated building was refused due to the visual impact from the building. There was no objection to the access even though it has resulted in the loss of a hedge-bank and some trees (for which consent was not required to fell).

The visual impact from the access is considered to be acceptable (subject to a condition to provide some replacement planting either side of the access) and whilst there is little information on the need for the access, there is no other access to the site and it is not unreasonable for the application to want access.

In light of this, and as the previous application did not raised an objection to the access, the proposal is recommended for approval subject to a landscaping condition to help soften its visual impact.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Within 3 months of the date of this decision a landscaping scheme shall be submitted for approval in writing by the Local Planning Authority; such a scheme shall include:

- details of native hedge/tree planting either side of the site access and to the southern boundary of the site

The landscaping scheme shall be carried out in the first planting season after the written approval of details has been given and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness, D2 - Landscape Requirements and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Adopted East Devon Local Plan 2013-2031.)

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

Location Plan	26.11.18
Existing Site Plan	26.11.18

List of Background Papers

Application file, consultations and policy documents referred to in the report.