

**Application Ref:** 20/0485/FUL

**Proposal:** Full: Formation of new field access

**At** Field 3226 At The Junction With Reedymoor Lane, Foulridge

**On behalf of:** Mr T Philpot

**Date Registered:** 18/7/2022

**Expiry Date:** 12/9/2022

**Case Officer:** NW

### **Site Description and Proposal**

The application site is situated on an unclassified single carriageway highway. The highway here is straight with hedges on the application site with a stone wall opposite. There is a new telecommunications pole in the highway verge. There is a large mature oak tree to the south west of the proposed access and a mature ash tree to the north east.

### **Relevant Planning History**

21/0844/FUL. Approved. 16/12/2021.

### **Consultee Response**

Highways: No objections. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 6.5m, 10m radius kerbs on both sides of the access and construction of surface water drainage system across the new access with internal site outfall. This requires an amendment to the submitted drawing which proposes a 5m width with 4m radii.

Reedymoor Lane outside the site is subject to a maximum speed limit of 60mph. For a road with a speed limit of 60mph a Stopping Sight Distance of 215m should be provided. Given the layout of Reedymoor Lane these visibility splays cannot be achieved without the loss of extensive lengths of hedgerow, and even then, they may not be achievable due to the carriageway layout.

However, an automated traffic count was submitted in 2019 for application 18/0594/FUL. This demonstrated 85<sup>th</sup> percentile speeds of 30.5mph (Northbound) and 30.3mph (Southbound). Based on these speeds visibility splays of 44m (Northbound) and 43m (Southbound) would be required.

Foulridge Parish Council: We agree with concerns of residents which object to the felling of mature trees, especially an oak tree which appears to be close to the proposed access.

We note the concerns of residents regarding the volume of traffic on the lane and the restricted width along its length impacting highway safety. We would also like to refer

to the report in November 2021 by Janet Simpson from LCC Highways where comments and concerns were made regarding highway safety on the lane and that conditions should be applied.

Canals and Rivers Trust: based on the information in the application we have no comments to make.

Environment Officer: The Oak Tree will remain as part of the development. It is suitable for a TPO to be placed on it as it has amenity value in the area. The large Ash Tree also has amenity value but is suffering from Ash die back. The life expectancy is limited. It would not therefore be appropriate to place a TPO on the tree as it will need to be removed at some point in the near future as the die back develops further.

### **Public Response**

Several letters have been received commenting as follows:

- We would like you to investigate placing a TPO on the trees.
- There is a lot of wildlife in the area.
- Planning permission was granted retrospectively for stables at the site.
- The Planning Application does not state a purpose for forming this 'new field access', but it seems reasonable to assume that it is connected to a recent proposal by the owner/applicant to operate a Touring Caravan Site in the field.
- The proposal, to The Caravan & Motorhome Club, in June 2022, was for a Certificated Location, authorised by them, which does not require Local Authority Planning Approval.
- One of the few conditions of these Certificated Locations is safe access & a safe approach road.
- The form should describe the use of the site
- The lane is unsuitable for any further traffic
- At present this condition doesn't appear to be met. However, if Planning Approval is granted for this additional wide entrance to the field, then the Caravan Site or other further development, with or without consent, will follow.
- The proposal is environmentally damaging as the trees and hedgerows are important features in the area.
- The field is used for equine and is a hobby.
- There is no reasonable purpose for the access.
- The lane is narrow and suffering from over use and use for caravans would be dangerous
- There is no reason given for the application
- The conditions for the last application need to be considered.
- The owners move commercial vehicles on and off the site
- Would like to know who in Pendle is encouraging the developers

## **Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

## **Officer Comments**

The application seeks permission to form an access into the field. The field is used for agricultural purposes. There is a group of stable buildings on the north east side of the site. Comments have been received which are concerned with what the access may be used for in future and what it may lead to being developed on the site. These are not germane to the land use merits of the application which revolve around whether an access to serve the site is or is not an acceptable development.

The provision of the access would involve puncturing a hole in the existing hedge and creating an opening with a gate across it. There is a 1m setback of the hedge from the edge of carriageway which lessens the need to remove the hedge to create a site line. The access can be created with the majority of the hedge being retained. Any part of the hedge lost can also be re-planting with native indigenous species which will, once grown to maturity, will preserve the existing visual conditions.

Accesses for agricultural purposes are commonly found in rural areas. The access itself would not look out of place in its setting and would be visually acceptable in its location.

The Oak tree will not be affected by the development and will remain. The Ash tree would be behind the visibility splay. However it will need to be removed at a point in the short term due to Ash die back. Requiring its retention cannot be justified due to this.

The lane leading to the access is single track and there are no passing places. Increasing the use of the lane with other non-agricultural traffic would not be

acceptable in highway safety terms. The fields need to be maintained and looked after as do any agricultural fields so it is not unreasonable to allow agricultural vehicles to use the access. However allowing for example caravans to use the lane to access the field would create a situation inimical to highway safety. A condition limiting the use of the access to agricultural use would be appropriate.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by 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 following approved plans:

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

3. The materials to be used externally on the development hereby permitted shall match in colour form and texture the external facing materials on the existing dwelling.

**Reason:** In order to ensure the development is of an acceptable design.

4. No part of the hedge shall be removed to provide for visibility splays unless and until a detailed plan showing precisely which parts of the hedge will be removed and which will be retained has been submitted to and been improved in writing by the Local Planning Authority. Thereafter only the hedge shown to be removed on the approved plan shall at any time be allowed to be removed. Further the sections of hedge removed up to the access shall be replaced with a hedge of similar species and composition as the hedge removed.

**Reason:** In order to preserve the rural character of the area and in order to preserve the visual amenity of the area.

- 5 The access hereby permitted shall only ever be used for agricultural vehicles and agricultural machinery and not by any other vehicles whatsoever.

**Reason:** The lane serving the site is not suitable for an increase in traffic that would be generated by the use of the access for non-agricultural activities.

- 6 The access and visibility splays shown on the approved plans shall be provided in their entirety prior to the first use of the access. This shall include surfacing the access for 10m into the site when measured from the running edge of carriageway. Nothing shall thereafter be allowed to grow in the visibility splays provided.

**Reason:** In order to ensure the access and visibility splays are provided to an acceptable standard in the interests of highway safety.