

6 DCNC2006/3522/F - WIDENING OF FIELD ENTRANCE AND PROVISION OF TEMPORARY HARDSTANDING AT LAND AT WICTON FARM, STOKE PRIOR, LEOMINSTER HEREFORDSHIRE.

For: S & A Davies per Mr P Dunham, Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD

Date Received:
7th November 2006

Ward: Hampton Court **Grid Ref:**
52503, 55034

Expiry Date:
2nd January 2007

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 The application site lies on an unclassified road between Stoke Prior and the hamlet of Wickton. It is a narrow hedge-lined road with agricultural land to either side.
- 1.2 The application is retrospective and is described as being for the widening of a field entrance and the provision of a temporary hardstanding. It is accompanied by a Design and Access Statement that advises that the widened access is intended to serve the applicant's strawberry growing on the western side of the lane.
- 1.3 Harvests are transported by refrigerated lorries lorries and the hardstanding will provide an area for the storing and loading of strawberries, allow a turning area for lorries and also provides a drop off area for workers. It covers an area of approximately 1000m² which is laid with compacted stone chippings.
- 2.4 Similarly, the widened access allows HGV'S to enter and leave the site. The plans indicate that the opening has a width of 10 metres, although it is not clear from the submitted plans what the original opening amounted to.

2. Policies

2.1. Herefordshire Unitary Development Plan (Revised Deposit Draft)

S7 - Natural and historic heritage
DR3 - Movement
T8 - Road hierarchy
LA5 - Protection of trees, woodlands and hedgerows.
NC6 - Biodiversity Action Plan priority habitats and species.

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Consultations

- 4.2 Transportation Manager – In light of the fact that there has been a collision at this site and the more intensive use of this access over a more traditional agricultural field access, it is recommended that a minimum visibility splay of 2.4 metres by 90 metres be required. This may require the removal of further hedgerow; perhaps a further 10 metres.
- 4.3 Conservation Manager - Although a full survey has not been conducted at this stage (see below), the hedgerow fronting the road appears to be ancient and species-rich. Such hedgerows are identified as a priority habitat and listed in the Herefordshire Biodiversity Action Plan. UDP Policy NC6 seeks to protect, manage and enhance such habitats and proposals resulting in a threat to them should not be permitted unless the reasons for the development clearly outweigh the need to safeguard them. The BAP itself has an objective to maintain the extent and distribution of this habitat, and to incorporate habitat mitigation in any planning permission.
- 4.4 I visited the site on 5/12/2006, and from that and viewing Herefordshire Council's aerial photographs (dated 2003), my impression is that there was no access through the hedgerow in the location of this planning application. The field accesses would appear to be in the southern and north-western corners. My site inspection suggested to me that a stretch of hedgerow may have been recently removed to create this access. If this is the case, we have no record of any Hedgerow Removal Notice being served upon the Council, and the relevant regulation may have been contravened. This issue is still under investigation.
- 4.5 I would advise that you will need to consider whether the development justifies the removal of the hedgerow in accordance with UDP policy NC6. Should you consider this to be the case then mitigation and/or compensation in accordance with UDP policy NC7 should be sought. I am also aware that there may be visibility concerns, and that further hedgerow may need to be removed. A further site survey to assess the whole hedgerow will be required in such an instance and can be undertaken when the Hedgerow Removal issues have been resolved.”

5. Representations

- 5.1. Ford and Stoke Prior Parish Council - Raise a number of queries about the application:
- (i) Whether there was originally a field access. Local residents have evidence to suggest there was no access. If so, the application is inaccurate.
 - (ii) Is the Certificate of Ownership correct?
 - (iii) Note that the hardstanding will be removed once the land ceases to be used for strawberry growing. What is the time scale for this?

- (iv) The Parish Council generally has concerns about the intensive use of the land and the unsuitability of access to it, particularly given the poor state of the road.

5.2 Ten letters of objection have been received in relation to this application. In summary, the points raised are as follow:-

- The creation of an opening is detrimental to highway safety.
- The single track road is not wide enough for the volume and size of vehicles coming to and from the site.
- A length of ancient hedgerow has been removed illegally.
- There was no break in the hedgerow before this access was created.
- Having lived in the area since 1971, one objector advises that there has never been an entrance in this position.
- Two other areas of hardstanding exist on the opposite side of the road. A third one is unnecessary.
- Noise nuisance caused by vehicles arriving at anti-social hours. Conditions should be imposed to limit hours of use.

The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1. There would appear to be three main issues to be considered as far as this application is concerned and these are:

- (i) Whether a field access previously existed or not.
- (ii) Whether the removal of hedgerow (notwithstanding point 1 above) is so harmful to warrant refusal of the application.
- (iii) Whether the new access unacceptably compromises highway safety.

6.2 All of the evidence available to your officers at the time of writing this report would appear to indicate that there was not an access prior to this one being opened. The circumstantial evidence from local residents, combined with aerial photographs from 2003 would indicate that an access did not exist. For the purposes of this application and, notwithstanding the description given by the applicant's agent, your officers have considered this application on the basis that an entirely new access has been created.

6.3. The Council's Ecologist has responded to the application and the comments are reproduced in full at paragraph 4.2. It is noted that the hedgerow is likely to be ancient, species rich and a priority habitat as per Policy NC6 of the UDP. The comments acknowledge that an additional length of hedgerow may well need to be removed but do not advise of an outright objection to this. Conditions of mitigation are recommended, if

the application is approved and if the development justifies the removal of the hedgerow.

- 6.4 In the absence of an outright objection, it is concluded that the removal of part of this hedgerow does not do sufficient damage to a priority habitat to warrant the refusal of this application. Therefore, the scheme is considered to accord with Policy NC6 of the UDP.
- 6.5 Similarly, the Council's Transportation Manager does not raise an objection to the scheme and considers that issues of highway safety can be addressed through the imposition of a condition relating to the provision of visibility splays. It is, therefore concluded that the scheme is also acceptable on highway grounds.
- 6.6 The objection relating to hours of operation may well be relevant, but would be almost impossible to police if covered by a planning condition. It could only be applied to this application if deemed to be enforceable, reasonable and necessary, but could not seek to place restrictions over a wider area. The value of such a condition is therefore limited and it is not recommended to impose such a condition if members are minded to approve this application.
- 6.7 The matter of the service of the appropriate Certificate of Ownership is a procedural one and does not ultimately affect any decision that the Council may make. The applicant's agent has confirmed that the correct notice has now been served on the land owner.
- 6.8 It is, therefore, concluded that the proposal is in accordance with the policies identified above and the application is accordingly recommended for approval.

RECOMMENDATION

That planning permission be

1 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

2 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

3 - H03 (Visibility splays)

Reason: In the interests of highway safety.

4 - E20 (Temporary permission) (3rd Jan)

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

INFORMATIVES:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

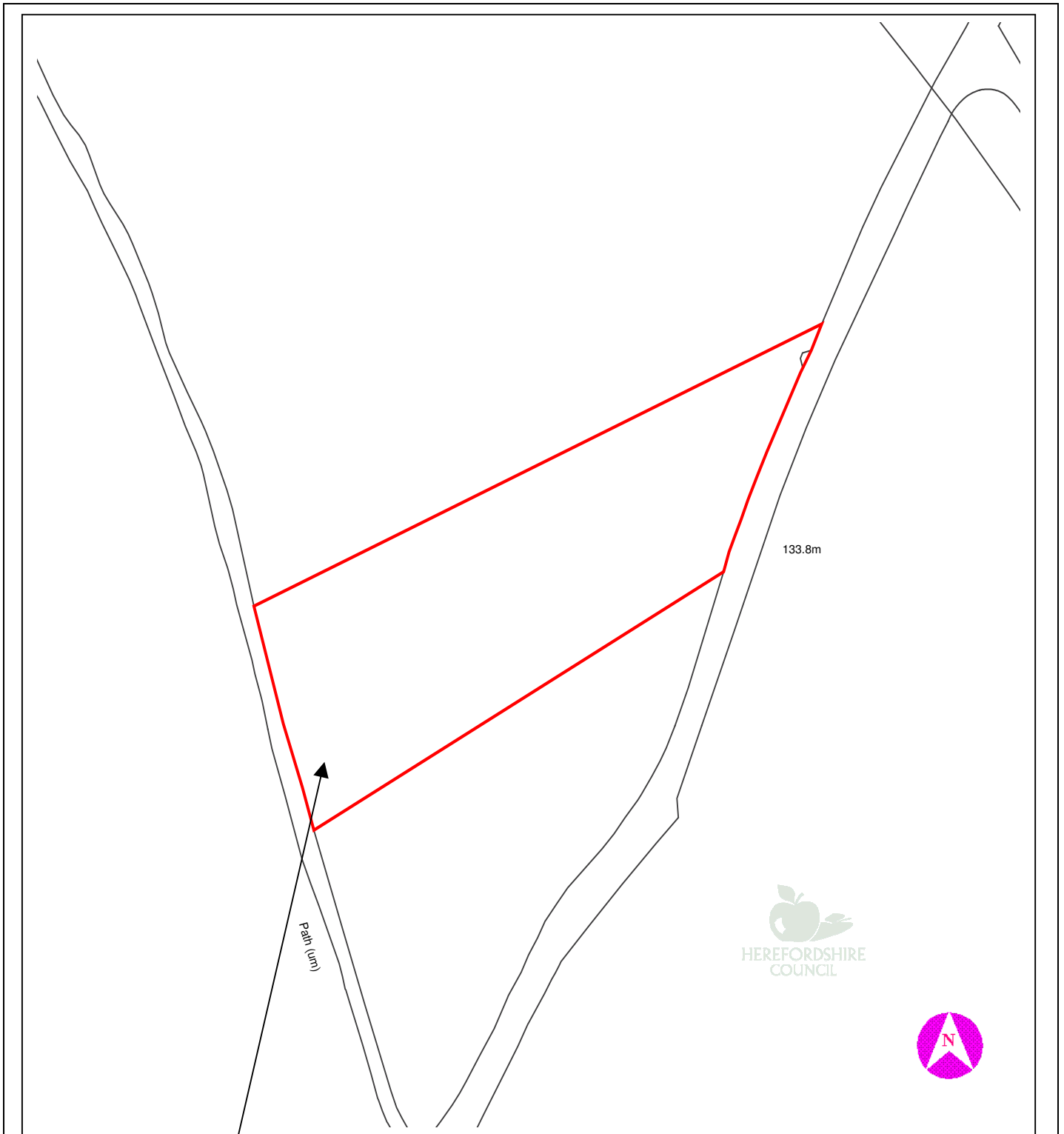
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNC2006/3522/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Wicton Farm, Stoke Prior, Leominster

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005