

**4. NC2003/2317/F - CREATION OF NEW ACCESS ONTO CHAPEL LANE LAND AT POOL HEAD ADJOINING CHAPEL LANE BETWEEN MAUNDFIELD HOUSE AND MAUNDFIELD COTTAGE, BODENHAM, HEREFORDSHIRE.**

**For: Mr A Johns, 40 Queensway, Hereford, HR1 1HF**

**Date Received:**  
31st July 2003

**Expiry Date:**  
25th September 2003

**Ward:**  
Hampton Court

**Grid Ref:**  
55420, 50531

Local Member: Councillor K Grumbley

**1. Site Description and Proposal**

- 1.1 The site is an orchard located between Maundfield House and Maundfield Cottage, on the north side of Chapel Lane, almost opposite Bodenham Grain Store. There is already access into the orchard, which is located close to the boundary of the site with Maundfield Cottage. There is a public bridle path opposite. The site is located in open countryside.
- 1.2 The proposed access is to be located adjacent to the western boundary close to Maundfield House. The access will require 18.6m of boundary hedge to be removed so as to provide a suitable splayed entrance.

**2. Policies**

**PPG 13 - Transport**

**Leominster District Local Plan**  
A24 – Scale and Character of Development

**3. Planning History**

NC2003/1503/F – Creation of new access onto Chapel Lane – Refused 30<sup>th</sup> June 2003 for the following reason:

The layout indicated on the deposited plan accompanying this application is at variance with the requirement of the County Council's Design Guide and Specification for Residential Roads. As a consequence the proposal be contrary to the interests of highway safety.

**4. Consultation Summary**

- 4.1 No statutory or non-statutory consultations are required.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

## 5. Representations

5.1 Bodenham Parish Council – no reply received at time of writing report.

5.2 The applicant has said:

“The existing entrance is on bad bend and when entering the site with a large horse box, I am not able to do so without making a wide turn. This causes any foreign traffic to stop immediately and is quite dangerous.”

5.3 Letters of objection have been received from:

J D Lewis, Gritt Farm, Bodenham  
M Lewis, Maundfield House, Chapel Lane, Bodenham  
T V James-Moore, Houghton Court, Bodenham

Their comments are as follows:

- a) There is already access into this orchard
- b) The access is in a dangerous position
- c) Chapel Lane is very busy – traffic using the grain store and the lane is used as a ‘rat run’.
- d) There have been traffic accidents close to the site.

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

## 6. Officers Appraisal

6.1 This application has been submitted following the refusal of NC2003/1503/F which was for an access to be located almost opposite the entrance to the Bodenham Grain Store. The application was refused on the recommendation of the Transportation Manager. While, there is access into the orchard it does not have planning permission and the applicant has been told, following investigation by the Enforcement Officer, it must be closed, as it is a danger to highway safety.

6.2 Following the refusal of NC2003/1503/F the applicant negotiated this alternative proposal with the Transportation Manager, who considers the relocation of the access removes the crossroads effect from the public bridle path, which is opposite. The creation of the stagger also increases the amount of visibility to the east. These amendments now mean that the application is in accordance with the principles of the Design Guide and will mean that the applicant will not use the more difficult shared access to the east.

6.3 The judgement therefore only relates to the visual impact of the access. In order to construct the entrance an 18.6metre length of hedge will need to be removed. The hedge is a mix of hawthorn and spindly trees and is in poor condition through lack of maintenance. While, the removal of the hedge will have an impact on the visual amenity of the area it will not cause demonstrable harm to the character or appearance of the area. The planting of a native species hedge behind the splayed entrance can mitigate the loss of this section of hedge.

**RECOMMENDATION**

That planning permission be granted subject to the following condition:

- 1 - A01 (Time limit for commencement (full permission) )

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - H01 - Single access - not footway

Reason: In the interests of highway safety.

- 3 - H05 - Access gates

Reason: In the interests of highway safety.

- 4 - H08 - Access closure

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 5 - Prior to the access being brought into use a native species hedgerow shall be planted along the rear of the visibility splay, in accordance with details to be submitted to and approved in writing by the local planning authority.

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

- 6 - G05 - Implementation of landscaping scheme (general) (Amended)

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.