

## DELEGATED DECISION REPORT

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HPK/2018/0154  
Valid 28/03/2018

LAND OFF DOLLY LANE  
BUXWORTH

NEW VEHICULAR ACCESS  
AND VISIBILITY SPLAY LINES.  
ALL DRAWINGS/DOCUMENTS  
SHOULD BE READ IN  
CONJUNCTION TO A  
PREVIOUS APPLICATION  
REF: HPK/2016/0108

(FULL - MINOR)

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### MAIN ISSUES

- Principle of development
- Visual Amenity / Open Countryside
- Trees
- Residential Amenity
- Access / Highway Safety
- Flood Risk / Drainage

### DESCRIPTION OF SITE

The site comprises a field to the east of Dolly Lane and north of Dollywood Close, Buxworth. The field is retained by a stone wall beyond which there are a number of trees which are situated within the banking and above road level. The site is outside the built up area boundary of Buxworth within the North Derbyshire Green Belt and Open Countryside.

### PROPOSAL

The proposal is for a new vehicular access into the field to the eastern side of Dolly Lane and associated works to provide the requisite visibility splays. The proposed access point sits within a belt of trees.

The new access is proposed in order to provide continued access for agricultural vehicles to the fields. The fields are currently accessed off Station Road via an established route between Dollywood Close and Brierley Park. However, these fields will not be capable of being accessed from the public highway or land in ownership once the permitted housing development occurs at Dollywood Close (ref. HPK/2016/0108).

In order to provide the visibility splays it is proposed to remove a number of trees and the retaining wall would be demolished and pushed back together with a long stretch of the verge. The Design and Access Statement states that 18 trees are to be removed. The proposal accommodates 24 replacement trees. Some excavation

would be required to bring the access out from the field onto the same level as the road.

The new access would be bounded by dry stone clad retaining walls and post and wire fencing.

An Arboricultural Survey Report and Method Statement has been submitted with the application.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

### **High Peak Local Plan 2016**

S1 – Sustainable Development Principles  
S1a – Presumption in Favour of Sustainable Development  
S2 – Settlement Hierarchy  
S4 – Maintaining and Enhancing an Economic Base  
S6 – Central sub area strategy  
EQ1 – Climate Change  
EQ2 – Landscape Character  
EQ3 – Rural Development  
EQ4 – Green Belt Development  
EQ5 – Biodiversity  
EQ6 – Design and Place Making  
EQ8 – Green Infrastructure  
EQ9 – Trees, Woodland and Hedgerows  
EQ11 – Flood Risk Management  
CF6 – Accessibility and Transport

### **Supplementary Planning Documents**

Landscape Character SPD March 2006

### **National Planning Policy Framework**

Para 14 Presumption in Favour of Sustainable Development  
Para 17 Core Planning Principles  
Section 1 Building a Strong, Competitive Economy  
Section 3 Supporting a prosperous rural economy  
Section 4 Promoting Sustainable Transport  
Section 7 Requiring Good Design  
Section 9 Protecting Green Belt Land  
Section 10 - Meeting the challenge of climate change, flooding & coastal change  
Section 11 - Conserving and enhancing the natural environment

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2017/0594 – New vehicular access and visibility splay lines – Withdrawn 29/03/2018.

HPK/2016/0108 – Proposed outline application with all matters reserved for residential development – Approved 24/11/2017.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 17/05/2018  
Neighbour consultation period ends: 26/04/2018  
Press Advert: N/A

### **Public Comments**

One emailed objection has been received. The objector considers that the proposed access is unsafe and also poses a safety risk to pedestrians and cyclists. Furthermore, access to the fields should have been considered before planning was granted for the houses between Dolly Wood Close and Brierley Green.

### **Town / Parish Comments**

Chinley, Buxworth and Brownside Parish Council – Strongly objects “as the proposed new vehicular access and visibility splays would destroy the very attractive rural character and appearance of Dolly Lane. The damage to the local environment would be even more severe than the previous withdrawn application (HPK/2017/0594)”.

### **Arboricultural Officer**

#### **1. Background information**

2.1 The site in question is within the Dark Peak settled valley pastures landscape character area. It is also within the green belt and is designated as countryside

2.2 The proposal are required as the proposed development (outline - HPK/2016/0108) may require the existing access route to be removed.

#### **3. The application and supporting information**

3.1 The application is for a new vehicular access and visibility splay lines.

3.2 An Arboricultural report was provided with the application but this was very generic and included very limited survey detail of the trees. The Design and Access statement states that 18 trees are to be removed 12 of which are over 500mm in diameter, therefore mature trees. The topographical plan shows more stems than this in the area these are either smaller trees and shrubs or possibly regrowth from stumps of trees previously removed.

3.3 The applicant states that they will replace the trees with 12 x 10-12cm girth oak and sycamore saplings. The plan indicates that these will be planted evenly spaced along the highway and new access.

## **4. The trees**

### **4.1 Brief description of trees**

The trees and vegetation in question for a typical verge side vegetation characteristic of the area and contribute to the character of the area.

4.2 The proposal indicates that at least 19 trees are to be removed along with an undefined number of smaller trees saplings and bushy undergrowth. This constitutes a stretch of verge about 80m in length.

4.3 The plans indicate some trees to be retained towards the northern stretch of the visibility splay which will be potentially impacted on as well either by alterations in the verge impacting on their rooting area or they may require pruning to ensue the visibility splay.

4.4 In addition to the visual amenity and landscape value of this group there will also be ecological biodiversity value. I note that a mature Oak is to be removed and given its condition this may be a potential for bat roosts along with other mature trees to be removed . I am not aware of an ecological assessment of this group having been undertaken.

4.5 The presence or absence of protected species must be determined prior to any development being approved. If protected species are present the required Nature England licences will need to be obtained and suitable mitigation agreed before approval is granted.

## **5. Mitigation**

5.1 The proposal only accommodates 24 replacement trees, although the proposals are for the removal of at least 19 trees, therefore not on a 2:1 basis. There are no landscape proposals to mitigate the smaller trees and understory vegetation. The plans indicate that the trees will be evenly spaced and very formally laid out.

5.2 I do not consider that the mitigation provided will be sufficient to replace the tree loss and the design of this will not be in keeping with the character of the area.

## **6. Recommendation**

6.1 I consider that the proposal should be refused on Arboricultural grounds given the significant impact on trees and the landscape and the proposals are contrary to Local plan policies in particular EQ9 EQ2.

## **Derbyshire County Council Highways**

As you will be aware from previous proposals for a new access at this site, DCC carried out a speed reading which recorded vehicle speeds passing this site. The

result of the speed reading was 26.94mph for vehicles travelling south and 26.26mph for vehicles travelling north. Therefore, the sightlines the applicant is proposing (2.4m x 48m in both directions) are acceptable.

In order to achieve these sightlines, large sections of the fronting wall have to be demolished, the land behind excavated, and the wall rebuilt. Whilst the Highway Authority has no objection to this, full structural calculations will need to be submitted and approved prior to any works commencing. For the avoidance of doubt, the maximum gradient of the new access driveway shall be 1:14 for the initial 10m, 1:10 thereafter. Please note, all works within the highway will require a Section 278 Agreement and will require traffic management.

Therefore, the Highway Authority has no objection to the formation of a new field access at this location subject to conditions.

## **OFFICER COMMENTS**

### **Planning policies**

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 14 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

### **Principle of development / Green Belt**

The site lies within the Green Belt and Open Countryside outside the built up area boundary of Buxworth. Policy EQ3 'Rural Development' states that all development should be of a high quality design and protect or enhance landscape character and the setting of the Peak District National Park. Policy EQ 4 'Green Belt Development'

states that planning permission will not be granted for development unless it is in accordance with national planning policy.

Paragraph 90 of the NPPF states that engineering operations are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. It is considered that the proposal would not conflict with the five purposes of including land in the Green Belt. The proposal would not be an inappropriate form of development in the Green Belt.

The proposed development is linked to the need to provide continued access to the fields once the existing farm access between Dollywood Close and Brierley Park is no longer available following development of that site for 5 new dwellings (outline planning permission ref. HPK/2016/0108). The scheme is therefore linked to another development that would have some social and economic benefits in terms of the contribution to the Borough's housing supply together with associated spending in the economy from future residents of those dwellings and employment opportunities during the construction phase. In addition, the provision of continued access to the fields will have benefits for the farmer/land owner and allow the land to be effectively maintained. There are also benefits in terms of relocating the existing agricultural access away from residential properties on Dollywood Close and Brierley Park. However, whilst such benefits are acknowledged, these should be weighed against the environmental impact of the proposed access and associated works.

### **Impact on Visual Amenity of the Countryside**

The site is located within the Settled Valley Pastures Landscape Character Area. The Landscape Character SPD states that this "landscape has a strong network of winding lanes and roads and railways along the lower slopes above the floodplain. This is a well wooded landscape with wooded cloughs around tributary valleys and hedgerows with some hedgerow trees which define irregular fields. Amenity tree groups are associated with settlements and there is woodland along the roads and railway lines".

As noted within the applicant's Planning, Design and Access Statement, Dolly Lane is an attractive country lane which is tree lined. The site of the proposed access and visibility splays has a rural character and appearance which is typical of the rural area and contributes to the character of the area.

The proposed engineering works required to provide the requisite visibility splays involve removing and setting back large sections of the fronting wall and verge and the land the access point behind being excavated. The proposed works relate to a stretch of the verge approx. 80 metres in length therefore the extent of the works is significant and will have an appreciable impact on the character of Dolly Lane. At least 19 mature and semi-mature trees along the roadside frontage are to be removed both at the access point and within the visibility splays. When viewed from Dolly Lane, it is considered that the extent of the engineering works to the verge and excavation to provide level access, together with the loss of a number of trees would be detrimental to the character of the visual amenities of the countryside.

In summary, it is considered that the proposed development would have a prominent

and adverse impact on the character of the countryside. It is thereby contrary to Policies EQ2 and EQ3 of the Local Plan.

## **Trees**

The Council's Arboricultural Officer has recommended refusal of this application. The Design and Access Statement states that 18 trees are to be removed, 12 of which are over 500mm in diameter and therefore mature trees. The topographical plan indicates more stems than this in the area and these are either smaller trees and shrubs. The plans indicate some trees would be retained towards the northern stretch of the visibility splay which will be potentially impacted on by alterations to the verge impacting on rooting areas and pruning works required to ensure adequate visibility splays. This group of trees are of visual amenity and landscape value as a group and their loss would be detrimental to the character of the area.

The proposal accommodates 24 replacement trees which would not provide replacement on a 2:1 basis in accordance with Policy EQ9. In addition, the replacement trees would be evenly spaced and very formally laid out which would not be in keeping with the sporadic tree pattern along the lane. Therefore, the proposed replacement planting would not provide adequate mitigation to compensate for the loss of the trees.

## **Amenity**

Paragraph 17 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy EQ6 of the Local Plan requires new development to achieve a satisfactory relationship to adjacent occupiers to ensure that the amenity of neighbouring occupiers will not be compromised, thus reflecting the requirements of paragraph 17 of the Framework.

The nearest neighbouring properties are at Dollywood Close to the south of the proposed access. Given the nature of the works, the distance between the new access and the neighbouring properties, and the relative infrequency of use of the new access, it is considered unlikely that there would be any significant impact on neighbouring amenity.

The application proposal will provide an alternative farm access and relocate agricultural vehicle movements away from the current route used between Dollywood Close and Brierley Park, which would have minor social benefits.

## **Highway Safety**

The NPPF promotes sustainable transport and recommends that local planning authorities seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel. Policy CF6 of the Local Plan requires development sites to be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport.

Derbyshire County Council Highways advise that the proposed sightlines of 2.4m x 48m in both directions are acceptable having regard to the speed at which vehicles typically drive along this stretch of road. In order to achieve these sightlines, large sections of the fronting wall have to be demolished, the land behind excavated, and the wall rebuilt. Whilst the Highway Authority has no objection to this, full structural calculations would be required. The maximum gradient of the new access driveway would need be 1:14 for the initial 10m and 1:10 thereafter. Therefore, the Highway Authority does not object to the new field access at this location subject to conditions.

Given the above, and subject to conditions, the proposal would comply with the requirements of Policy CF6 of the adopted Local Plan and would not lead to an adverse impact on highway safety.

### **Flood Risk / Drainage**

The site does not lie within a designated high flood risk area. It is not considered that the proposed development would increase flood risk and as such would comply with Local Plan Policy EQ11.

### **CONCLUSION / PLANNING BALANCE**

The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise. In this instance the High Peak Local Plan 2016 is the adopted Development Plan for the area.

The site is within the Green Belt, Open Countryside and the Settled Valley Pastures Landscape Character Area. Local Plan Policies EQ2, EQ3 and EQ4 apply. The NPPF requires consideration of the social, environmental and economic dimensions of sustainable development.

The impact on highway safety would be acceptable subject to conditions and there would be no adverse impact on nearby residential amenity. The principle of the development generally accords with national planning policy guidance on development in the Green Belt. Whilst it is acknowledged that there will be social and economic benefits from the proposal as acknowledged above, it is considered that the benefits of the proposal are outweighed by the environmental harm caused due to the extent of engineering works and loss of trees along the road frontage, which would be harmful to the rural character of the area and the visual amenities of the area. The proposed replacement planting would not adequately mitigate this harm. Therefore the proposed development is unsustainable and contrary to Local Plan Policies EQ2, EQ3 and EQ9 of the Local Plan.

Accordingly, it is considered that the proposal is contrary to the relevant policies of the Local Plan and the NPPF, and having regard to all other material considerations raised it is recommended for refusal.



**OFFICER RECOMMENDATION : REFUSE**

**Case Officer: Mark Ollerenshaw**

**Recommendation Date: 23/05/2018**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**