

9. FULL APPLICATION – CHANGE FROM AGRICULTURAL ENTRANCE AND TRACK TO DUAL PURPOSE DOMESTIC AND AGRICULTURAL ENTRANCE AND TRACK INTO FIELD AT FIELD AT THE SIDE OF LYDGATE BUNGALOW, BAMFORD (NP/HPK/0725/0702) HF

APPLICANT: MS VIRGINIA PRIESTLEY

Summary

1. The application proposes change of use of an existing agricultural access and track to dual purpose agricultural and domestic use, with the domestic use of the track intended in order to access the property Lydgate Bungalow.
2. The proposed development is considered to be acceptable with regard to highway safety, landscape, trees, ecology and biodiversity net gains.
3. The application is recommended for approval.

Proposal

4. The application proposes change of use and works to an existing vehicular access and track, which are currently used only for agriculture. The development proposed the track for agricultural and domestic use in order to provide access to Lydgate Bungalow.
5. Physical works proposed include surfacing of the track, which already has some surfacing, with gritstone gravel or dolomitic limestone. A short section of hardstanding would be introduced between the vehicular access and edge of the highway.
6. In order to achieve the required visibility splays for the access, a single whitebeam tree would be removed to the south of the access. A short section of conifer hedging would be removed between the track and existing curtilage of Lydgate Bungalow to facilitate access to the property.
7. Soft landscaping is proposed to mitigate the visual impact of development and to achieve biodiversity net gain (BNG). Landscaping proposed includes planting of a 20m native hawthorn hedgerow, and of 20 trees comprising oak, beech, maple and crab-apple. There would be a stock fence and field gate to the wider agricultural field.

Site and Surroundings

8. The application site relates to an existing field south of Lydgate Bungalow, located west of the A6013 in open countryside to the north of Bamford. The site is within the valley farmlands with villages landscape character type (LCT).
9. The site comprises an agricultural parcel of land south of Lydgate Bungalow, with an existing agricultural track extending along the east edge of the site into the wider field. The levels of the track fall from south to north, and there is a steep slope downhill west of the track. There is an existing access gate between the track and the A6013.
10. Lydgate Bungalow is to the north of the site and is separated by a conifer hedge. There is existing mixed native hedgerow to the east of the track. A whitebeam tree is to the south of the existing access, on the highway verge.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions and subject to no contrary views being received following the committee meeting, with delegated power granted to the Head of Planning, Development and Enforcement Manager and Area

Manager to issue the decision in consultation with Chair of Planning Committee to consider any representations that are received:

1. **Statutory time limit.**
2. **Accordance with approved plans.**
3. **Whitebeam tree to be removed prior to first domestic use of the access.**
4. **Access and track to be hard surfaced prior to first domestic use.**
5. **Statutory pre-commencement condition for submission of biodiversity gain plan.**
6. **Implementation of biodiversity gain plan and landscaping within first available planting season following substantial completion or first domestic use.**
7. **Check for nesting birds prior to development during nesting bird season.**

Key Issues

11. The principle of the development and its impact on the character and appearance of the landscape, highway safety, ecology and trees.

History

12. None relevant.

Consultations

13. Bamford with Thornhill Parish Council: Support the application.
14. Derbyshire County Council (Highways): Requested deferral and information regarding distance of access from highway (requirement for minimum 5m distance), concern the access gate is at an angle rather than perpendicular to the highway and request for this to be realigned to prevent obtuse turning, and confirmation the dwell area of the access will be constructed in hardbound surface. Request for visibility splays for the access.

Response following receipt of further information confirmed the gate set back of 9m and the visibility splays are acceptable and should be conditioned. Request for an arrangement the access will only be accessed from the south to be conditioned. Officers advised such a condition was not enforceable. Final response from Highways confirmed no objection on that basis as the impact would not be severe or unacceptable.

15. High Peak Borough Council (Planning): No response.
16. Peak District National Park Authority (Ecology): Request further details as the submitted Biodiversity Net Gain (BNG) metric report does not factor in the loss of conifer hedging. Unclear if the hawthorn hedge will be impacted and whether this should be included in the report. The BNG uplift is unlikely to be significant. All BNG uplift needs to be within the red line boundary or would need to be secured by alternative means.
17. Peak District National Park Authority (Forestry): The application is within the verge of a whitebeam tree south of the access with excavations to a depth of 300mm within the tree rooting area. No Arboricultural method statement is required should the tree be proposed for removal. Permission for the tree's removal would need permission from the highways authority as it is on the highway verge. As long as there is no widening or excavation of the existing track there should be impact on the hedge next to the track.

Representations

18. None received. Re-consultation on the application remains underway. Members will be verbally updated at the planning committee meeting should any comments be received.

Main Policies

19. Relevant Core Strategy policies: GSP3, DS1, L1
20. Relevant Development Management policies: DMC3, DMC11, DMC13, DMT3

National Planning Policy Framework (NPPF)

21. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for National Parks in England: to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. When they carry out these purposes, they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
22. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
23. Paragraph 116 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
24. In the National Park, the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the development plan and the NPPF.

Assessment

25. The proposal relates to an existing agricultural track located along the eastern edge of an agricultural field that lies to the south of Lydgate Bungalow. The proposal seeks to use the track for both agriculture and for residential access to Lydgate Bungalow. The desire for a new access is in order to achieve a safer and easier vehicular access, due to constraints with the existing vehicular access in terms of gradient and manoeuvring.
26. Policy DS1 outlines development that is acceptable in the countryside, but does not deal with new accesses or extending residential land. The key principle issues therefore relate to impact on landscape, highway safety and in other respects such as trees and ecology.
27. Whilst extending residential land into the open countryside would not usually be acceptable, the proposal in this case seeks only the use of a small section of the field to the south of Lydgate Bungalow for means of residential access. The section of the field in question is already a track.
28. There would be some change to the appearance of the track comprising resurfacing with gritstone or dolomitic limestone (but maintaining a dual track appearance with grass between), and tarmac hard surfacing between the access and A6013. However, those alterations are minor in scale and would be related to an existing track and access onto

the highway, such that they would be appropriate in their context. In addition, the track itself is well screened from the A6013 due to intervening mature vegetation.

29. To achieve visibility splays, a whitebeam tree on the highway verge would be removed. However, the tree is not considered to be of amenity value sufficient to resist its loss, and the application proposes to replace the tree within the field west of the track. The loss of a section of conifer hedging between the track and Lydgate Bungalow is only minor and scale and would similarly not be harmful to the character of the area.
30. In addition, the application proposes to plant a hawthorn hedge along the west edge of the track. A hawthorn hedge is appropriate to the local landscape character and views from further west would change from the existing track with hawthorn hedging behind, to a further hawthorn hedge in front. That change is appropriate and beneficial.
31. It is concluded that the proposals are acceptable in design, materials and impact on the character of the site and landscape. The development therefore complies with Policies GSP3, L1, DMC3 and DMT3 of the development plan.

Highways

32. The application proposes intensification of an existing access to include residential use.
33. Following initial comments from the Local Highway Authority (HA), the applicant has clarified the distance between the gated access and carriageway edge is 9m and that visibility splays of 170m and 200m can be achieved to the north and south respectively (subject to removal of a whitebeam tree to the south). The area between the gate and carriageway would be tarmacked.
34. The HA have confirmed the 9m distance and visibility splays are acceptable subject to a condition to secure them and removal of the tree, as is the access tarmacking. Continuation of the tarmac along the track beyond the gate is not necessary for highway safety nor is it appropriate visually and it can be omitted by condition.
35. It is acknowledged the access is at an obtuse angle, rather than perpendicular to the carriageway and the HA raised initial concerns over highway safety as vehicles arriving from the north would need to undertake a tight turn to access the track. The applicant states it is not possible to move the gate perpendicular to the carriageway due to the gradient, but that they would be agreeable to a condition to restrict entering the access when arriving from the north. However, such a condition would practically be almost impossible to comply with bearing in mind the occupant would have little control over which access visitors or delivery vehicles chose to use, for example. Such a condition would not meet the test for conditions to be reasonable or enforceable under NPPF paragraph 57.
36. On that basis, the HA response confirms that on assessment of the access proposed and as there would be no increase in vehicle movements in the wider context, as movements are re-distributing existing trips, the use of the access by Lydgate Bungalow would not lead to unacceptable impact on highway safety such that it should be refused.
37. It is concluded the proposals are acceptable in highway safety terms and do not conflict with Policy DMT3 or paragraph 116 of the NPPF.
38. The proposal requires works on the highway verge including removal of a tree and would need to be subject to agreement with the HA as a separate process from this application. An informative is included to that effect. The HA have confirmed the tree is of limited value and that its removal should be assessed as part of the planning application.

Trees

39. The Tree Officer response confirms that whilst works are proposed in the rooting area of the highway verge whitebeam tree, no Arboricultural method statement would be required if the tree is to be removed, which is confirmed to be the case. Sufficient replacement tree planting is proposed in the field to the west of the track within the field.
40. The Authority's Ecologist raised concern over potential impact of the track surfacing on the hawthorn hedge to the east. However, the Tree Officer confirms there is already an existing track present and subject to there being no excavation or widening of the track towards the hedge, there would be no impact. The applicant has confirmed this to be the case along the track itself.
41. It is concluded the development is acceptable in terms of impact on trees and hedges and no conflict arises with Policy DMC13 (Trees and Woodland).

Ecology

42. The proposed development required to achieve 10% biodiversity net gain (BNG). The applicant has submitted a BNG metric report accordingly. The Authority's ecologist has requested the report be revised to reflect the impact of removing a section of conifer hedging, and to ensure all BNG uplift is within the red line as it would otherwise need to be secured by legal agreement. The removal of the whitebeam tree also needs to be factored in.
43. A revised site boundary and BNG metric report have been submitted. The report demonstrates that at least 10% BNG can be achieved on site, through hedgerow and tree planting as detailed on the drawings and within the red line boundary.
44. Officers are satisfied the BNG metric report appropriately factors in the entire site area including impacts of development and areas of uplift, and that it is demonstrated at least 10% BNG can be achieved on-site. Final comments are awaited from the Authority's ecologist and a verbal update will be provided at the committee meeting.
45. It is concluded at this stage however that the application achieves the necessary 10% BNG in line with Schedule 7A of the Town and Country Planning Act, and achieves ecological enhancement on site through additional planting as required by DMC11.

Conclusion

46. The proposed development is acceptable in terms of its impact on the character and appearance of the site and wider landscape, highway safety, trees and ecology, subject to the conditions recommended by this report.
47. The application is therefore recommended for approval subject to conditions and subject to no adverse representations being received prior to conclusion of the re-consultation period. Should such responses be received, the application would be dealt with in conjunction with the Head of Planning and Chair of the committee.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil