

ITEM 3

Case Officer: CW

Application No: CHE/23/00561/FUL

Local Plan: River Corridor and Strategic Gap

Ward: Staveley South

Planning Committee: 4th December 2023

NEW SINGLE TRACK AGRICULTURAL ACCESS POINT OFF TROUGHBROOK ROAD INTO PADDOCK AT LAND TO THE EAST OF TROUGHBROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES

1.0 CONSULTATIONS

Ward Members	No comments received
Parish Council	No comments received
Strategic Planning	No objections
Highways Authority	No objection subject to conditions.
Representations	8 objections from 6 separate residential dwellings received.

2.0 THE SITE

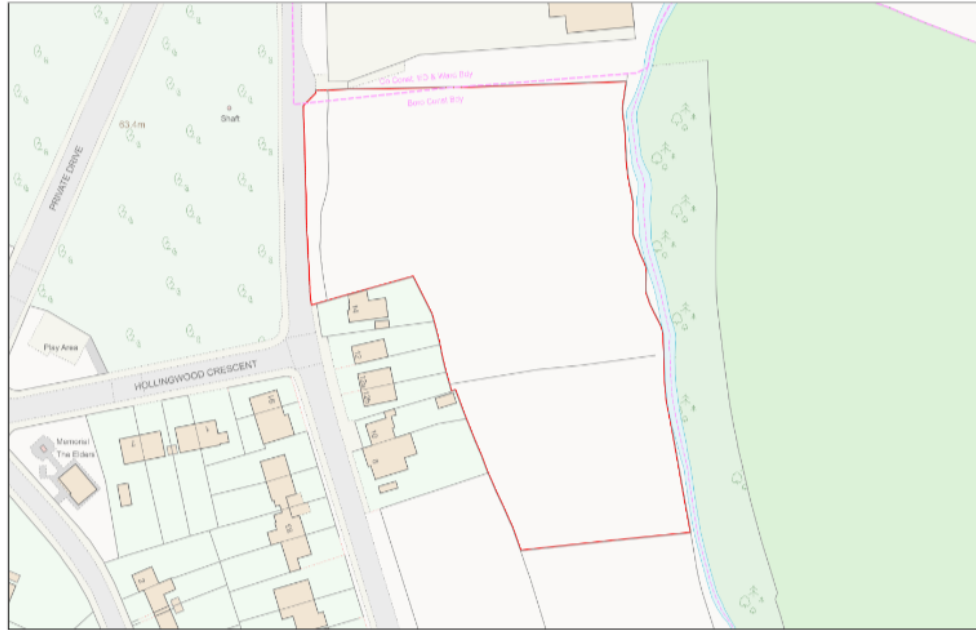
2.1 The site the subject of the application comprises land off Troughbrook Road. It is on a highway verge to the east of the road and would access farm fields associated to Pond House Farm. The highway verge currently has a mature hedgerow and trees to the rear and grass to the front.

2.2 It is a busy through road for vehicles moving between Whittington and Staveley/Inkersall.

Photos of the site:



The site:



3.0 SITE HISTORY FOR WIDER FARM SITE

- 3.1 CHE/17/00225/OUT - Outline planning application for residential development of up to 6 dwellings with all matters reserved – Refused – 18/07/17
- 3.2 CHE/17/00390/OUT - Outline application for residential development of up to 17 new build dwellings along with the retention of existing farmhouse, the conversion of existing stone barn to residential use and conversion of existing cart shed to garaging – Refused 10/10/17
- 3.3 CHE/18/00491/OUT - Re-submission of CHE/17/00225/OUT - Outline planning application for residential development of up to 6 dwellings with all matters reserved on land between 6 and 8 Troughbrook Road - Pending Consideration
- 3.4 CHE/18/00688/OUT - Re-submission of CHE/17/00390/OUT - Outline application for residential development of up to 17 new build dwellings along with the retention of existing farmhouse, the conversion of existing stone barn to residential use and conversion of existing cart shed to garaging on land to south of 4 Troughbrook Road– Pending Consideration

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for a new single track access point into the paddock. This means that a roadside access directly to the

paddock can be secured rather than the current access through the farm yard and across adjoining fields.

- 4.2 the access will be 5 metres wide constructed of type 1 limestone laid on top of a terram membrane and finished with clean limestone. A galvanised steel gate is to be installed across the field entrance which will be set 10 metres from the carriageway edge.



5.0 **PLANNING POLICY**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)

- CLP14 A Healthy Environment
- CLP15 Green infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework 2023

- Part 2. Achieving sustainable development
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The proposed development would introduce an agricultural access into an existing farm field. The principle of the development is considered to be acceptable, as it proposes to continue the use of the existing site with no impact on either the river corridor or strategic gap annotations.

6.2 Design and Appearance of the Proposal (including landscape character)

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The existing paddock is sat behind a substantial highway verge which is largely mature landscaping. There is a maintained mown grass edge to the first metre with the remainder being self sett trees and bushes. It is considered that the access track would require the removal of some of the landscaping to provide the access route and then some of the existing landscaping would need to be removed or

trimmed back to provide an acceptable visibility splays for the access. Whilst there will be a gap where the new access punctuates the landscaping the removal either side to create visibility splays will still leave a mature landscaped edge to the site. Whilst not suggested it is accepted however that DCC as highway authority could clear all the landscaping within the highway verge. The proposed works are not considered to be inappropriate and are considered to be acceptable in regard visual amenity and policy CLP20.

6.3 Residential Amenity

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 No residential neighbours are located close to the means of access and it is not considered that the proposal will lead to any adverse impacts in terms of residential amenity. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Highway Safety

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of highway safety. The Local Highway Authority was consulted on the scheme, and they provided these comments:

The applicant is requesting to construct a new single-track agricultural access point from Troughbrook Road.

It is assumed that the access is intended to be used by agricultural vehicles to maintain the paddock and that no other operations are intended. The proposed access will measure 5m in width which is considered sufficient to allow an agricultural vehicle to enter the site. There is clearly sufficient space within the site to allow a vehicle(s) to turn and exit the site in a forward gear.

The application proposes emerging visibility splays of 2.4m x 43m in both directions, which are considered appropriate. The visibility splay in the southerly direction is currently obstructed by vegetation adjacent to Troughbrook Road. For the proposed visibility splay of 2.4m x 43m to be achieved in the southerly direction a significant amount of vegetation including small trees and hedge will have to be trimmed.

Based on the aforementioned comments, the highway authority has no objections to the application subject to the following conditions being included in any consent granted.

6.4.2 Troughbrook Road is a busy through road which has many existing accesses onto it, including from residential properties on, Hollingwood Crescent and Station Road as well as into the Plant Hire business to the north. The highway authority has suggested conditions, which are considered to be realistic, as it is likely that the trimming of existing vegetation will provide the necessary and acceptable visibility splays for the access which are all within highway limits. If these are provided and maintained it is considered that the access would not be inappropriate having regard to highway safety. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to conditions.

6.5 Biodiversity

6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.5.2 The existing site is an agricultural field with a mature hedge to its western highway edge. A small section of the hedge will be removed, and the existing hedge and adjacent landscaping will be trimmed to provide visibility splays for the access. This is not considered to be a significant loss of biodiversity on site and there are no realistic options to replace the loss of vegetation. It is considered that there are no conflicts with policy CLP16 in this case.

7.0 REPRESENTATIONS

7.1 8 No comments from 6 separate residential dwellings have been received. The comments are objections raise the following issues:

- The access is not required,
- The proposal is linked to the development of other sites nearby, by the same developer,

- The access could allow local residents and their pets into the field, and horses to escape/be stolen,
- Highway safety – poor visibility,
- Pedestrian safety from local children,
- The new layby could encourage fly tipping.

7.2 ***Officer comment – Highways safety is discussed above and is provided for through imposition of appropriate conditions. The issues of the likelihood of the development leading to increased fly tipping, the escape/theft of horses and increased dog walking in the field are not considered to be material planning matters. The issue of the links between this development and other developments within the area, and that the road is “not required”, are also not planning matters since the planning merits of the current proposal must be considered. It is likely that there is a connection since the 2 applications referred to at paras 3.3 and 3.4 would preclude access to this field which is currently take through land to the south. It is not for the Local Planning Authority to consider in detail whether this access is needed, rather the considerations apply solely to the appropriateness of what is proposed.***

8.0 **HUMAN RIGHTS ACT 1998**

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law,
 - The objective is sufficiently important to justify the action taken,
 - The decisions taken are objective and not irrational or arbitrary,
 - The methods used are no more than are necessary to accomplish the legitimate objective,
 - The interference impairs as little as possible the right or freedom.
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF and with 'up-to-date' policies of the Local Plan.

10.0 CONCLUSION

10.1 The proposed development is considered to be acceptable in relation policies CLP2, CLP14, CLP16, CLP20, and CLP22 of the Local Plan and the NPPF (2023), as it would not lead to a significant impact in terms of highway safety.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be GRANTED subject to the following conditions:

11.2 Conditions

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans:

- Site Location Plan
- Site Layout Plan

; with the exception of any approved non-material amendment.

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. The access hereby approved shall not be brought into use until such time as 2.4 metre by 43 metre visibility splays are provided in each direction. The visibility splays shall thereafter be maintained clear of all obstructions above 0.6m height relative to nearside carriageway level.

Reason: In the interests of highway safety and policies CLP20 and CLP22.

4. The access gates shall be made to open inwards only and which shall be retained as such for the life of the development.

Reason: In the interests of highway safety and policies CLP20 and CLP22.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. It is also recommended the following informative is included in any consent granted for the information of the applicant: construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.