

APPLICATION NUMBER		22/00675/FUL	
SITE ADDRESS:		Land at the junction of Windmill Lane, Ashbourne Green, Ashbourne, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of a commemorative beacon	
CASE OFFICER	Adam Maxwell	APPLICANT	Ashbourne Town Council
PARISH/TOWN	Offcote and Underwood	AGENT	Mr Darren Archer – Channel Design Ltd.
WARD MEMBER(S)	Cllr S Lees Cllr S Bull	DETERMINATION TARGET	02/09/22
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the issues raised.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of proposed development - Impact upon the local area - Impact upon the residential amenity of the occupants of neighbouring properties - Impact upon parking and highway safety.

RECOMMENDATION
That the application be approved with conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located to the north west of Ashbourne on Ashbourne Green between the B5035 and Windmill Lane. Ashbourne Green is a Local Wildlife Site (LWS DD327).



2.0 DETAILS OF THE APPLICATION

- 2.1 The erection of a 5.6m commemorative beacon on the site.
- 2.2 The beacon would be formed by a steel basket attached to a steel post with bracket and decorative shield. The basket, post and bracket would be finished matt black.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD9 Pollution Control and Unstable Land
- HC15 Community Facilities and Services
- HC19 Accessibility and Transport

Other:

- The National Planning Policy Framework (2021)
- National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

22/00481/PREAPP SITING OF A BEACON

CLO

11/05/2022

5.0 CONSULTATION RESPONSES

5.1 Offcote and Underwood Parish Meeting: No response to date.

5.2 Cllr Susan Bull: No response to date.

5.3 Cllr Stuart Lees: Object and makes the following comment:

"I wish this to be brought to the planning committee for a site visit as ward member and a planning committee member I feel that that this has issues regarding public safety, highways issues and being in a location which in the summer months would create a fire issue for surrounding grass land. With regards to the highways issues if lit this would be in a very prominent position causing traffic to park on the grass verge of the road where already a fatality has occurred involving a pedestrian. A much better location could be found in the town centre where onlookers could park in the car parks without causing any danger. Also this is I believe on private land and not land owned by DDDC."

5.3 DDC Highways: No objection and makes the following comment:

"Whilst not dimensioned, the beacon has been relocated a distance that appears to measure in excess of 4.5m from the adjacent carriageway edge and avoids the public right of way. Accordingly there are no further highway comments. Please include the following advisory note"

Advisory note: The application site is affected by a Public Right of Way (Footpath 15 Offcote and Underwood on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

5.4 DDC Footpaths: No objection and makes the following comment:

"I can confirm that Offcote and Underwood Public Footpath No. 15 runs adjacent to the proposed development site. Currently, the walked line of the path runs slightly to the west of the Definitive line, away from the proposed development. Both the Definitive line of the path and the walked line must be safeguarded. As there are no widths shown in the Definitive Statement, it should be assumed that the Definitive line of the path, the position of which is shown on the attached plan, has a minimum width of 2 metres."

The Rights of Way Section has no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works. I should be grateful however if you would advise the applicant as follows:

- Both the Definitive line and the walked line of the footpath must remain open / available and unobstructed.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.

- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

5.5 Derbyshire Dales Ramblers: No objection providing that:

- i) Offcote & Underwood FP 15 remains unaffected at all times, including the path surface, both during and after any development
- ii) That the beacon does not affect the safe passage of the RoW by users in any way
- iii) Any fencing that is erected has the permission of PRow
- iv) Both the DM FP line and the adjacent informal path are not affected in any way”

5.6 Peak and Northern Footpaths Society: No objection provided that:

“The full width of Footpath Offcote and Underwood 15 remains unobstructed at all times. The proposed fence around the beacon must be installed so that it does not encroach on the legal width of the footpath.”

5.7 Derbyshire Wildlife Trust: No objection subject to planning conditions:

“Given the small footprint of the beacon and the location at the edge of the grassed area, we consider that the siting of the beacon is unlikely to affect the integrity of the LWS. However, we would like to highlight the importance of avoiding wider impacts to the grassland during installation of the beacon. The footprint of works should not extend further into the grassland around the beacon i.e., it is not suitable to create a compound or store machinery within the LWS habitats. We have included a screenshot of the LWS boundary and designation overleaf. Given that the beacon will be located within grassland, we also query whether any fire avoidance measures will be implemented during use? We would be concerned that if a tall sward of grass were present beneath the beacon when lit, a fire risk would be posed to the surrounding LWS habitats.”

To safeguard the Local Wildlife Site habitat we recommend that planning conditions are imposed to secure implementation of fire prevention measures and precautionary working measures.

5.8 Environment Agency: No objection.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 3 representations have been received in objection to the application. The material planning reasons for objection are summarised below:

- a) Siting the beacon so close to a 60 MPH highway introduces significant risk all parties must be aware of and mitigate.
- b) There has been one fatality on this stretch of road in recent years.
- c) Although the Highway Department at DCC may not object, I suggest that this may be because they have to site lampposts and telephone poles this close – where there is no alternative in many cases.
- d) When the beacon is lit it will attract the public. In this location visitors will arrive by car and there is nowhere to park. On-street parking will add to public safety concerns.
- e) Vehicles would damage the green if they parked on it.
- f) Windmill Lane is narrow and not suitable for on-street parking. Cars parked on the B5305 would be hidden to vehicles heading southwards creating a dangerous situation.
- g) The beacon induces a risk of fire. The grass is currently 1m high and no one can predict the time of year the beacon will be used. The Town Council have said that they do not intend to light the beacon but someone will if they don't.

- h) Reference to statement from Coroner and guidance on the Platinum Jubilee website appertaining to Bonfires and Beacons which states that they should not be sited within 60m of a highway.
- i) There are more suitable sites within the town boundary.
- j) The proposed beacon would be a large metal structure which is quite inappropriate for this rural and undeveloped site.
- k) The beacon was commissioned for the Platinum Jubilee celebrations. It was not used for that weekend and the beacon is therefore redundant. No need to site the beacon in this location indefinitely.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The principle of proposed development
- Impact upon the local area
- Impact upon the residential amenity of the occupants of neighbouring properties.
- Impact upon parking and highway safety.

- 7.1 This site is located in open countryside beyond the edge of Ashbourne. Policies S1 and S4 are relevant state that development should make a positive contribution to the achievement of sustainable development. Outside of defined settlement boundaries new development must protect and enhance the landscape, historic and cultural environment while facilitating sustainable rural community needs.
- 7.2 This development proposed by the Town Council is for a commemorative beacon which would be lit to commemorate various events in the future. The beacon would be a community facility and while policies S4 and HC15 support this provision these policies state that new development should be located within defined settlements where they are most accessible.
- 7.3 Given the nature of this development as a commemorative beacon the proposed site is logical as it is on a prominent approach to Ashbourne while remaining reasonably well related to the town. The site is also logical in terms of minimising any impacts upon neighbouring properties. Therefore, while there may be other sites within the town, in principle there is no objection to the proposed development which is supported by policies S1, S4 and HC15.
- 7.4 The beacon would be in a prominent position but visual impacts would be limited to the green and from the nearby roads and footpaths. Impact upon the wider landscape would be limited and therefore the development would not harm landscape character or the setting of any heritage assets in accordance with policy PD2 and PD5.
- 7.5 The site is part of Ashbourne Green which is a Local Wildlife Site (LWS DD327). The site is designated for unimproved grassland, broadleaved woodland, hedgerows and flowing water habitats.
- 7.6 Given the small footprint of the beacon and the location at the edge of the grassed area the siting of the beacon is unlikely to affect the integrity of the LWS. However, having regard to the advice of the Derbyshire Wildlife Trust (DWT), care is needed during installation to ensure that building works do not extend into the grassland around the beacon. Furthermore, fire avoidance measures are also considered to be reasonable to mitigate any additional risk created by the beacon.
- 7.7 Subject to planning conditions to secure this the development would not adversely affect the LWS or any other protected species or their habitat in accordance with policy PD3. The

development would not present an unacceptable or unmanageable risk of fire and smoke and light pollution would be limited to when the beacon is lit. The development would not cause unacceptable or unmanageable pollution in accordance with policy PD9.

- 7.8 Concern has been raised in regard to parking and highway safety. We have consulted the Highway Authority who raise no objection provided that the beacon is sited no closer than 4.5m to the edge of the highway. An amended plan has been received showing the beacon re-sited in accordance with this requirement. The Highway Authority therefore raise no objection to the development. The beacon would also avoid interfering with the public footpath in accordance with consultee comments.
- 7.9 The beacon is likely to generate public interest visits, particularly when it is lit. There is no off-street parking available for visitors and limited on-street parking along Windmill Lane which is narrow. Therefore there is potential for off-street parking to affect the amenity of the area. However, the site is not so remote that all visitors would arrive by car and visits would only be likely during periods when the beacon is lit. Many visitors would be likely to remain at the site for a limited period of time. Therefore any additional on-street parking would not harm highway safety or the amenity of the area.
- 7.10 The development would introduce a vertical structure adjacent to highways. This could potentially introduce a risk of collision for highway users. Smoke from the beacon would also have the potential to reduce visibility for highway users, particularly during foggy conditions. Reference has been made to guidance on siting beacons for the Queen's Platinum Jubilee, however, the reference to a 60m minimum recommended distance appears to be in relation to bonfires. The risks associated with collision and visibility would be limited and no objection has been received from the Highway Authority on this issue. Therefore public safety concerns do not represent a reason to refuse the planning application.
- 7.11 Given the distance of the beacon from neighbouring properties there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property. The development would have a limited visual impact in relation to neighbouring properties and any smoke would not be harmful provided the development is properly managed. Any additional vehicle movements, noise or activity around the beacon would be limited and temporary and therefore not likely to harm the amenity of neighbouring properties.

Conclusion

- 7.12 The development is acceptable in principle and subject to planning conditions would not harm the landscape, biodiversity, highway safety or the amenity of neighbouring properties.
- 7.13 The proposal is in accordance with the development plan and in the absence of any further material considerations indicating that permission should be refused, the application is recommended for approval.

8.0 RECOMMENDATION

- 8.1 That the application be granted subject to conditions.

CONDITION(S):

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

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plan to which this decision notice relates:

01B – Proposed Plans and Elevations

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. The beacon hereby approved shall not be lit until a written statement of fire prevention methods has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in complete accordance with the approved written statement.

Reason:

To mitigate the impacts of fire to conserve biodiversity and amenity in accordance with Adopted Local Plan Policies PD3 and PD9.

4. Prior to the installation of the beacon a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall limit impacts to grassland and other habitat within Ashbourne Green Local wildlife Site (LWS) during installation and shall include:

- Plan of proposed construction works, including parking of construction vehicles and storage of plant, machinery and materials.
- Any fencing and signage to prevent encroachment into LWS habitats.
- Disposal of waste arising from the development.
- Timescale for construction works.

The development shall thereafter not be carried out other than in complete accordance with the approved construction method statement.

Reason:

To mitigate the impact of the development upon biodiversity during construction in accordance with Adopted Local Plan Policy PD3.

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. This decision notice relates to the following documents received by the Local Planning Authority:

Planning Application Forms;
01B – Proposed Plans and Elevations.

3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached

to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

4. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the development would disturb any protected species. For further advice, please contact Natural England.
5. The application site is affected by a Public Right of Way (Footpath 15 Offcote and Underwood on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.
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