

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

15 April 2014

Report of the Strategic Director – Economy, Transport and Environment

**GREEN LANE / PARK AVENUE, DRONFIELD – OBJECTIONS
TO REVISED ACCESS TO DEVELOPMENT**

(1) **Purpose of the Report** To inform the Cabinet Member of the situation subsequent to receipt of a petition regarding the means of access to a proposed residential development.

(2) **Information and Analysis** At the meeting on 21 January 2014, the Cabinet Member acknowledged receipt of a petition signed by 23 persons regarding the access arrangements proposed in conjunction with a residential development of seven dwellings (Minute No. 1/14 refers).

In the heading of the petition, the stated objections were specifically regarding the revised access via a modified bridle path onto Green Lane. Reference was, however, also made to safety considerations on the section of Green Lane between the Stonelow Road junction and the junction with Chesterfield Road.

Local Member comment

Councillor Janet Hill has been consulted and raises the following issues: *“Students from Dronfield Henry Fanshawe School (DHFS) may have problems accessing the footway to the playing field due to the reduction of the footway due to the access road; concerns on access to the site; concerns that ground maintenance at DHFS will have problems accessing the playing fields; heavy machinery accessing the site; Green Lane is a busy road at the best of times and extra traffic leaving / accessing the new development will make matters worse.”*

Officer comment

The planning application, reference 13/01146, for seven dwellings was submitted to North East Derbyshire District Council (NEDDC). NEDDC, as Local Planning Authority, is responsible for determining applications. The

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County Council, as Highway Authority, is a consultee in the process and provides technical advice and recommendations.

The Highway Authority requested that the applicants be asked to submit further information regarding the design of the proposed access road and its junction with Green Lane. However, this information was not received and the application was withdrawn in February 2014. The Authority did not reach a conclusion with regard to the merits of the proposal and no further action will be taken in this respect.

Notwithstanding the withdrawal of the application, there are two points upon which further comment is made, for clarification.

Firstly, the petitioners referred to the access route being via “a modified bridle path”. However, there is no record of the route having this status. It is not shown on the Council’s Definitive Map and Statement, which would have provided legal and conclusive evidence that a public right of way existed. On the other hand, omission from the Definitive Map and Statement is not necessarily proof that a public right of way does not exist. In this case, it is noted that Public Footpath signs have been erected at some time, however, it is not known on what basis they were installed.

Secondly, there have been three previous applications for planning permission on the site, albeit that access in those cases was proposed via Park Avenue to the north rather than Green Lane.

In July 2010, NEDDC granted planning permission for five dwellings, subject to conditions.

A revised application for five dwellings was refused permission in October 2011. One of the reasons for refusal was on highway grounds (relating to the junction of Park Avenue with Green Lane), although the Highway Authority did not raise an objection. A subsequent appeal was dismissed although the Planning Inspector did not uphold the highway reason for refusal.

A further application for five dwellings was refused permission in April 2012. The Highway Authority did not raise objections but NEDDC refused permission on highway grounds referring, amongst other things, to “*an increase in traffic using the local highway network and danger being caused to users of the highway...*”. This decision was also appealed, and the Planning Inspector, in granting permission, commented that “*the consequent increase in traffic using Green Lane would be extremely low in relation to current volumes, meaning that the proposal would not materially affect the existing highway conditions.*” and, further, “*I conclude on this issue that the proposal would not materially harm highway safety on the local road network...*”.

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The Highway Authority considers that these comments would apply equally to the proposal that was the subject of the petition. As stated above, further design details were requested in respect of the proposed junction onto Green Lane but these were not received prior to the formal withdrawal of the application.

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(6) **Background Papers** Held on file in the Highways Development Control Section of the Economy, Transport and Environment Department. Officer contact details – Graham Fairs, extension 38648.

(7) **OFFICER'S RECOMMENDATIONS** That:

7.1 The withdrawal of the planning application and the content of this report on Green Lane/Park Avenue, Dronfield be noted.

7.2 No further action be taken and the local Member and petitioners be notified accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment