

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

9 March 2015

Report of the Strategic Director – Economy, Transport and Environment

1 APPLICATION FOR PLANNING PERMISSION FOR THE LAYING OUT AND CONSTRUCTION OF A PROPOSED MULTI-USER TRAIL (PHASE 1) FROM THE JUNCTION OF BAKEWELL ROAD (A6) AND DERWENT WAY (A615) MATLOCK, TO OLD ROAD, DARLEY DALE
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/1214/119

3.1723.3

Introduction Summary This application is for permission for the development of a “multi-user” trail of 3.1 kilometres, from the junction of Bakewell Road (A6) and Derwent Way (A615), Matlock, to Old Road, Darley Dale.

The proposed route for the trail follows the existing permissive footpaths and public rights of way that are immediately adjacent to the existing heritage railway line. These paths would be resurfaced and made wider to allow for cyclists and wheelchair users.

The applicant is also proposing to develop, subsequently, several further multi-user trail sections running northwards from near the Darley Dale end of this proposal. These are likely to require determination as separate applications in due course. This proposal is therefore described as “phase 1” in the series. If applications for permission for the further development “phases”, as well as this application, are each granted permission, and each is built, then they would together form a link for the recreational route known as the White Peak loop, between Matlock and the Monsal Trail, as well each being available for local and other multi-use journeys partly on other routes.

I am satisfied that this application would not have any significant adverse impacts on the local amenity. It is recommended for approval on the basis that and, subject to the recommended conditions, the development would be in accordance with the development plan policies.

(1) Purpose of Report To enable the Committee to determine the application.

(2) **Information and Analysis** Multi-user trails are a network of largely car-free, off-road routes connecting people to facilities and open spaces in and around towns, cities and to the countryside, that follow both dramatic and gentle countryside, that are suitable for walking and cycling. All trails are surfaced and many are built on flat routes for easy access. They provide sustainable and healthy travel routes to schools, work places, shops and local amenities, whilst offering tranquil green routes out of town to local countryside. "Multi-user" in this case is to be understood to refer to availability for all types of cycling and pedestrian usage, including accessibility for wheelchair users and pedestrians with pushchairs etc.

This application is one of a series of planning applications which each propose the construction of a multi-user trail section. If each is approved and implemented, a total of 7.5 kilometres of route would then link up the existing ends of the 'White Peak Loop' trail at Matlock and Buxton, via Bakewell.

This application proposes upgrading the existing permissive and public rights of way, using existing infrastructure where practicable, between Matlock and Darley Dale. The construction would be to a standard that would be appropriate for "off-road" use by cyclists, pedestrians, and wheelchair/ pushchair users, and pedestrians with pushchairs. It is not intended to provide a way for horse use - due to its closeness to the Peak Heritage Railway line.

The user trail route generally follows the route of the heritage railway line. All connections to other footpaths would be maintained. The majority of the route would be fenced by post and timber/wire fencing to match existing.

The development corridor would be up to 10 metres wide which would include the following development proposals:

- A formal surface would be a specified non-bound recycled material to a width of 3.0 metres, which would reduce to 2.5 metres at certain pinch points.
- The River Derwent Railway Bridge (Bridge No.35) would accommodate a 2.5 metres wide length of path. The existing railway track carried by the bridge would be re-aligned to provide enough space for the length of path to be constructed parallel to it over the bridge.
- The existing farm vehicular level crossing, adjacent to footpath, would be upgraded.
- The existing pedestrian railway crossing would then be closed to consolidate the two crossings into one combined crossing.
- The existing bridge parapets, which cross over the two public right of way underpasses, would be replaced with cycleway parapets on each side of the existing bridge deck.

- A section of existing retaining wall, adjacent to Old Road, Darley Dale would be either replaced or re-built with a new retaining structure to enable the widening of the adopted public highway.
- A section of the highway footpath on Old Road, towards the junction with Station Road (B5057), would be widened to 3.0 metres.
- The embankment and fields adjacent to Old Road, Darley Dale, would be delineated with a post and wire fence to match the existing boundary features.
- A new vehicular entrance at Old Road would provide access for maintenance, both for agricultural and trial maintenance use.
- Where appropriate, there would be river bank stabilisation and repairs to existing boundary walls, as well as new steps, wicket gates, bridle gates and field gates.

Background

Derbyshire County Council has previously submitted two planning applications with the similar aim of providing a multi-user trail. Both previous applications proposed off-road routes south of the River Derwent, unlike this current application which proposes a route north to the north of the river. The first application (Planning Code Number CD3/0112/151) was refused by this Committee on the basis of the need to investigate alternative routes. The second application (Planning Code Number CD3/0812/51), which was in part similar to the initial proposal, differed only in access arrangements onto Snitterton Road. The application was withdrawn due to concerns from highways officers relating to poor visibility for users (primarily cyclists) when exiting the route onto Snitterton Road. This current application is the third proposal to provide a multi-user route and has generated 20 representations in support of the application. The proposal follows the route of an existing railway line which once linked Derby and Manchester across the Derbyshire Peak District. The railway was closed to local passenger traffic in the 1960s and has subsequently been developed as a heritage railway.

The County Council's Greenway Strategy seeks to develop a network of multi-user trails across the County and the White Peak Loop has been identified as a Strategic Route that will achieve sustainable transport connections between the key market towns in the White Peak Area and help open accessibility to the wider countryside and Peak District National Park.

Consultations

Local Members

Councillors Longdon and Botham have been consulted with a request to make any comments by 4 January 2015.

Derbyshire Dales District Council

No objections.

South Darley Parish Council and Darley Dale Town Council

Any comments were requested by 4 January 2015.

Office for Rail Regulation (ORR)

The ORR has made the following comments:

“ORR is very supportive of closing crossings to consolidate them into single improved crossings sites... there may be significant implications to doing so and we would like to be sighted on the detailed proposals for the crossing. Crossings designed for farm access only are often not suitable for regular public use and may require extensive works to make them fit for purpose. It should be noted that the signage authorised for private crossings, drawn from the Private Crossings (Signs and Barriers) Regulations 1996, is not normally used for public crossings, which is normally drawn from the Traffic Signs Regulations and General Directions 2002. A change to public access may therefore require significant signage changes. The proposal to run the trail adjacent to the railway would not be dissimilar to other UK heritage railways that operate safely with footpath and cycle ways immediately alongside. Much rests on the detail however and ensuring that the safety of both path and rail users is considered throughout the planning process.”

Peak Rail

Peak Rail objects to the proposal and makes the following comments and observations on:

“1. Certificate of Ownership – Certificate B – Supplementary Form As long leaseholders of land to which parts of the proposal relates, Peak Rail plc should be included in this certificate.

2. Planning Statement

(a) Page 17, para. 3.14

The existing footway on the railway bridge (Bridge No. 35) over the River Derwent is not a right of way nor is it intended to be so. Its use by walkers rather than them using the proposed new trail as is being suggested would not be acceptable on the grounds of safety and security.

(b) Page 25, para. 4.65 Rail crossing.

We can see nothing within the findings of the public consultation exercise set out in the Planning Statement which demonstrates demand and support for a rail crossing at the location identified in the plan. Peak Rail would also contest the assertion that the proposal constitutes an upgrade of an existing vehicular accommodation crossing. The submitted detailed drawing (ref: 47069970/DWG/PA/11) indicates to us a new crossing (for the multi-user trail) running adjacent to the existing crossing in a way which would preclude vehicular access to the field immediately west of the railway in the future. It should be

borne in mind that as a railway operator we have explicit legal duties under the Health and Safety at Work Etc Act 1974 to manage risks arising from level crossings. Both the current public footpath crossing nearby and the existing vehicle crossing are currently not used extensively. The significant increase in both the number and type of user that this proposed new crossing is likely to generate would, in our opinion, place an unnecessary and unacceptable additional burden on Peak Rail in terms of managing the obvious safety risks arising and also impact negatively on our ability to accommodate our increasingly frequent and often irregular train movements arising from the increasing demands from a range of other railway operators to make use of our facilities. In addition there would appear to us to be significant legal barriers to Derbyshire County Council as Highways Authority in dedicating any new public right of way over Peak Rail's line without our express permission which for the reasons outlined above would not be forthcoming. The principle of crossing the railway in order for users of the trail to access the Arc Leisure Centre, if the demand for such can be demonstrated, is not one to which Peak Rail have any objections but the means proposed most certainly is. Consideration should therefore be given to providing a crossing at this point by means of an over bridge or possibly by making use of the existing underpass beneath the railway situated a few metres to the south east of the proposed new level crossing. We note that this latter option has been considered but dismissed on the grounds of inadequate headroom. However, we would suggest that this is as a consequence of silting up over many years and that the original headroom could be restored to a height sufficient to meet necessary requirements to accommodate the proposed trail. In the light of all of the above we consider that this part of the development proposal is at best ill-conceived with little consideration appearing to have been given to rail regulator policy and strategy nor to the operating needs and requirements of our railway. It is our view therefore that this level crossing proposal is both incompatible and unacceptable and would request that planning approval for this part of the application be refused."

Comment: I am satisfied the planning application is valid and the Certificate of Ownership has been signed. The remaining points from Peak Heritage Railway's consultation response are considered in the 'Planning Considerations' section below.

Publicity

The application has been advertised by site notice and in the Matlock Mercury Newspaper with a request for observations by 4 January 2015. As a result of the publicity, 20 letters in support of the application and 2 letters of objection have been received:

Support

- *We need a safe cycling route between Matlock and Bakewell, to link with the Monsal Trail. At the moment, there is only the A6, which is highly*

dangerous. This traffic-free route out of Matlock will obviate the need for many cyclists to drive with their bikes to car parks before getting on the Monsal Trail. It will also be a useful route for commuters getting to work, as well as being used by walkers, horse-riders, dog-walkers, wheelchairs and other users. It will encourage tourism in our area and benefit the local economy. It will provide healthy exercise for local residents. It will also link with a future route from Derby to Matlock, presently in the planning stages, and provide a useful route for the longer-distance cycle-tourists.

- It will provide a much needed safe walking and cycling alternative to the A6 for local people and will support both leisure cycling and commuting to work. It will give a much needed tourism boost to Matlock and reduce the need for car usage. Our family would use the proposed trail on a very regular basis for travelling to Matlock and to Bakewell and beyond.*
- This may be the first part of the proposed cycle route from Matlock to eventually link into Monsal Trail but it is an important one. Once completed it will be a great asset for all as well as encourage visitors to the area and so give economic benefits.*
- Being a cyclist myself I welcome the safety implications that come from avoiding using the A6 and also the fact that it will encourage more people to take exercise by walking and cycling rather than using the car.*
- I wish to support this planning application. Derbyshire has been leading the way in the construction of multi-user paths and greenways for many years and we need more of them to encourage the public to get out on foot, on cycles and horses, to enjoy the fine scenery and the open air. This will reduce the use of motor cars which clog up our roads and pollute the atmosphere.*
- I strongly support the improvements to these footpaths as they will greatly improve on their present conditions as they are often muddy prone to flooding and impassable.*
- I fully support this proposal for a purpose built cycleway between Matlock and Rowsley. As a leisure cyclist, walker and resident of the Peak District I would appreciate both the opportunity to extend the already excellent off road cycling available and be able to avoid using the busy and dangerous A6. This extension would provide greater health and economic benefits to everyone living in and visiting the area. It would provide an excellent link to the White Peak circular cycle route and a good route for people cycling into the Peak District from the rail head in Matlock. Living in Great Longstone I am a regular user of the Monsal Trail and know how popular the new extensions there have proved to be, attracting a huge range of users, particularly families. Constructing a safe, purpose built path to link Matlock to Rowsley would provide a great visitor attraction and provide opportunities for local businesses to support it.*
- I really like the idea of a bike route here. We are a family of two young children and a dog and are bike users but I am worried that it will be over busy like Monsal and Tissington Trail. My husband is from Great Longstone and we have been using the trail there for many years but now*

as locals we only tend to use it early morning and late afternoon to avoid all the public, mainly people going too fast on bikes or who expect you to have children and dogs on the lead! It would be such a shame for the local feel to be lost and to feel that you are being a nuisance walking with your children and dog along a path that you have done for the past 8 years. We also often cycle to Matlock and get the train back so having a better path and not getting stung or scratched would be great but as I said it would be sad to lose the friendly, local feel that the route has at the moment.

- *I support fully the planning proposals on the grounds that a purpose built cycleway between Matlock and Rowsley would provide significant leisure, health and economic benefits and help to bring about a greater link into the White Peak circular cycle route. Having a multi-purpose track along the Valley without the need to go onto the busy A6 would be a fantastic facility, not only for those wishing to cycle into the Peak District from the rail head in Matlock, but also for those who live and work along the valley. The health benefits from usage of trails elsewhere (eg Monsal Trail) are clear, as can be seen from the number of weekends when the car parks (Bakewell and Hassop stations) are full. Constructing a safe, purpose built path to link Matlock to Rowsley would provide a great visitor attraction with the possibility that services would be attracted to support it. This is a fantastic opportunity and this could be a wonderful legacy for this generation to leave for those that follow. Let's not waste it!*
- *In order that the section of the Monsal Trail between Bakewell and Wyevale is used to its full potential by cyclists, it is essential that links to the trail from a point accessible by cycle-carrying public transport are developed. In the current situation access for a cyclist to Bakewell is either by car or along the very busy, hazardous A6 trunk road. With some 60 years of cycling on roads to fall back on, I would now not attempt to ride along the A6. This planning application is therefore vital to open up access to the splendour of the Monsal Trail for a wider cross section of the public and has my full support.*
- *As a keen cyclist I believe the cycle paths would encourage people to exercise.*
- *Cycle paths are necessary because the majority of motorists have no respect for a bike on the road.*
- *I support the construction of this multi-user trail. Extending the Monsal Trail in to Matlock will allow me to leave the car at home and cycle from the house. A larger network of interconnected Multi-user trails is needed as the roads are increasingly congested and all too often junctions and road layout have not been designed with cyclists in mind. If the White Peak Loop is completed in its entirety it will also boost tourism bringing economic benefits to local businesses.*
- *Traffic free cycle routes are springing up all over the country to encourage people to cycle for health, leisure, environmental and economic reasons but along the Derwent Valley in the Matlock area there is no such route. This is despite a route being surveyed 14 years ago! Whenever a route is*

suggested somebody objects on a NIMBY basis. I am very sorry to see Peak Rails somewhat negative response and wonder why they are not working out how they can get more passengers for their trains. Please bring us into the 21st Century and give us a traffic free cycle route along the Derwent Valley.

- I fully support this project. It will provide cyclists and walkers with a safe link between communities and schools. It will bring more people into the area with benefits to local business and tourism.*
- I would like to express my full support for this application. I am an active cyclist living in the Dales area and cycle all over the Dales and the High Peak. I prefer to head north from home but find riding on the A6 very unpleasant indeed and try to avoid it whenever I can - I have experienced some very bad examples of car/lorry driving on this section of the A6. I work, for example, at Chatsworth House and would much prefer to cycle-commute there & back but do not because of the A6 problems. I also coach young riders for my local cycling club - Matlock CC at Whitworth Park - the creation of this cycle route would encourage and enable them to ride out from home safely separated from traffic. Please approve this application.*

Objection

- I wish to express my concern at the impact this would have on current users of the existing paths along the railway. I am a regular user of the paths in Darley Dale and I find it very difficult to see how the path can be sufficiently widened or cycles and pedestrians separated in such a way that those on foot are not adversely impacted by cyclists on the footpath. The average width of currently usable footpath must be a metre at most along much of its length so I assume that a huge amount of engineering and/or construction work will be required - which I imagine will itself effectively remove the path from use for a time. My personal experience of cyclists being accommodating towards pedestrians - including along the route in question - does not fill me with confidence that they can co-exist without reducing the enjoyment - and safety – of those on foot.*
- Whilst I support the proposal in principle, I do share the concerns of Peak Rail in respect of the pedestrian level crossing facilities. There is no point in pressing ahead with details which will create operational safety problems. Surely the ORR would have an input on these matters?*

Comment: The points raised above that are planning considerations are considered in the 'Planning Considerations' section below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this

application, the relevant policies of the development plan are contained in the saved policies of the adopted Derbyshire Dales Local Plan (2005).

The National Planning Policy Framework (March 2012) is also relevant.

The principal planning policies relevant to this grant of planning permission are:

The National Planning Policy Framework (NPPF)

The NPPF states that local authorities taking decisions on planning applications should consider issues relating to good design and conserving and enhancing the historic and natural environment. The relevant policies in the NPPF are:

Paragraph 28: Sustainable rural tourism and leisure developments.

Paragraph 29: Reduce the need to travel.

Paragraph 30: Sustainable modes of transport.

Paragraph 35: Priority to pedestrian and cycle movements.

Paragraph 75: Protect and enhance public rights of way and access.

Paragraph 118: Conserve and enhance biodiversity.

Adopted Derbyshire Dales Local Plan

NBE3: Wildlife Sites and Nature Conservation.

NBE6: Trees and Woodlands.

NBE7: Features Important in the Landscape.

NBE8: Landscape Character.

NBE10: Flood Risk.

NBE21: Development Affecting a Conservation Area.

SF1: Development within Settlement Framework Boundaries.

SF4: Development in the Countryside.

SF5: Design and Appearance of Development.

S8: Development to Realise the Potential of the River Derwent.

TR1: Access Requirements.

TR6: Pedestrian Provision.

TR7: Cycling Provision.

TR8: Parking Requirements for New Development.

The key planning considerations for this application are:

- Need for the development.
- Landscape and visual impacts.
- Railway crossing.
- Ecology.
- Highways and Rights of Way.

Need for Development

The application states that the proposed development would deliver a safe and multi-user route that would encourage and increase sustainable modes of transport, including walking and cycling, which would reduce the impact on the existing transport network whilst improving health benefits for users.

I note Peak Railway's objection to the proposed upgrade of the existing railway line level crossing. I note the response from the Office for Rail Regulation and I consider that there is a need to cross the railway in order to provide accessibility to the nearby Leisure Centre and residential area but also to encourage the use of the trail. I further note the application proposes use of land that is not under the control of the applicant (permissive footpath and Bridge 35). With these factors in mind, I have recommended appropriate planning conditions to ensure that no part of the development can commence until all necessary authorisations, licences, consents and agreements have been secured.

The NPPF advocates supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. It also encourages sustainable transport systems to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It also advocates exploiting opportunities for the use of sustainable transport modes for the movement of goods or people; this requires giving priority to pedestrian and cycle movements. The proposal adheres to the Derbyshire Local Transport Plan (LTP 3) which requires that well maintained roads and rights of way are utilised to improve local accessibility and provide healthier travel habits. The Derbyshire Dales Local Plan saved Policy SF4: Development in the Countryside, requires that development will be permitted if it is required to serve the essential requirements of outdoor recreation and if it assists the growth of tourism and the proposals are appropriate in nature and scale to a rural area, and it preserves or enhances the character and appearance of the countryside. Saved Policy TR7: Cycling Provision, requires the establishment of new leisure routes and trails as a means of encouraging tourism and sustainable development. Finally, Policy NBE7: Features Important in the Landscape asserts that permission will only be granted if it can be demonstrated that the justification outweighs their importance to the character and appearance of the immediate and wider landscape.

I consider that the proposed development would support national and local plan policies relating to sustainable development, sustainable transport and tourism. I am therefore satisfied that there is a need for the development.

Landscape and Visual Impact

The application states that the multi-user route would be 10 metres wide which has the potential for significant changes to the existing landscape,

including the removal of gritstone gateposts and walls, as well as squeeze stiles. I note that although the application commits to planting additional trees, there are no specific details relating to the locations and species. There are no detailed specifications provided for the protection of the existing trees to be retained during the construction of the trail. The applicant's planning statement details refer to riverbank stabilisation works (at 3.4.1) but no details have been submitted. I consider the retaining wall on Old Road should be rebuilt using either the existing or matching locally sourced course gritstone. I have therefore recommended appropriate conditions that would require the submission of schemes for the following:

- retention and reuse of existing gritstone squeeze stiles, gritstone walls and access steps;
- proposed colour of bridge parapets;
- a consistent approach to boundary fences which should include post and wire boundary fences with access points for anglers onto the river banks;
- the inclusion of gritstone filled gabion baskets;
- trees and boundary hedges;
- tree protection zones within the proposed working corridor; and
- riverbank stabilisation works.

I note the objections regarding the proposed joint use of the existing footpaths and the difficulties that they perceive could be experienced by mixing pedestrians with cyclists on a narrow track. I am satisfied that, at a width of at least 2.5 metres, the proposed multi-user route would be constructed appropriately to accommodate safely all the types of proposed user.

I am satisfied that the recommended landscaping conditions would bring the proposed development into accordance with Local Plan Policy SF4.

Railway Crossing

I note the concerns of Peak Rail regarding the proposed improvements to the existing level crossing. I note that the applicant has explored alternative routes for crossing the railway including improvements to a nearby underpass. I am satisfied that it would not be feasible to use this because of the limited 1.5 metres headroom which would not be suitable for a multi-user trail. I have also considered Peak Heritage Railways' comments that the height of the underpass has been reduced by silting and the headroom could be increased by excavation. I consider that any excavation to lower the current silted up level of the underpass would leave it susceptible to seasonal flooding, which could make the multi-user route inaccessible for all users. I also note the response from Derbyshire Wildlife Trust (DWT) which asserts that any maintenance of the underpass could adversely affect the drainage of the adjacent local wildlife site.

I am satisfied that the proposed closure of an existing pedestrian crossing over the railway and upgrading of the existing private level crossing to modern standards would provide a safe, combined level crossing for all users.

In terms of Peak Rail's responsibilities for health and maintaining safety on the heritage railway line, I am satisfied that the design of the proposed multi-user footpath is compatible with the continued heritage use of a single railway track. The ORR has not expressed any objections to the proposed upgrading of the rail crossing and realigning the existing track over the railway bridge which crosses the River Derwent, but expects to have involvement in the detailed design of the level crossing. In accordance with the recommendations of the ORR, I have therefore recommended an appropriate planning condition to control the detailed design and the safety measures for the upgrading of the existing level crossing. I have also recommended a planning condition to ensure land that is not under the control of the applicant is developed according to the proposals prior to any other development taking place.

I am satisfied that the proposal would not adversely affect the continued use of the heritage railway.

Ecology

The connection to the Arc Leisure Centre adjoins a Local Wildlife Site (LWS) 'Pumping Station Swamp'. I am satisfied that the proposed route would not directly affect the ecological features for which this site has been designated and I am satisfied that the proposed route is unlikely to have any impacts on protected species but where potential impacts have been identified, the measures to provide their protection are sufficient. However, to ensure there are no adverse effects on ecology, I have recommended an appropriate planning condition for an ecologist to undertake relevant checks during the development.

Highways and Rights of Way

I note the Highway Authority comments relating to the existing highway safety and signage features on nearby roads, as well as the potential for parking by multi-user trail users near to the entrance/exit points of the trail, which could attract roadside parking, especially since there are no current parking restrictions there. I consider that there are sufficient opportunities for parking. To ensure the safety of all highways users, I have recommended appropriate planning conditions for a highway signage safety scheme at all the access/egress points onto the adopted public highway, securing associated parking areas and warning signage at the entrance/exit points.

Conclusion

There is clearly potential for additional roadside parking along Old Road that may be generated from users of the trail. The Highway Authority considers

that there may be potential problems with on-street parking along this road but accepts that this can only be assessed once the trail is open. In this respect, I suggest that no restrictions are imposed at this stage, on the basis that the highway situation is monitored for a period of two years following the development being taken into use. I note that the Highway Authority has stated that a sum of £5,000 should be set aside as a contingency measure to enable any Traffic Regulation Order to be promoted if necessary. In this case, I am satisfied that this level of funding will be secured for this purpose.

I am satisfied that, subject to the imposition of the recommended planning conditions, the proposal would not have an adverse impact on the continued use of the existing Peak Heritage Railway, ecology, landscape or local amenity. Although most of the proposed land is not currently under the control of the applicant, this does not render the proposal unfeasible. I consider that there is no justification for any conclusion that there is not at least a reasonably likely prospect of the development being achievable within a 3 year period for commencement as from the grant of planning permission. I have recommended planning conditions to ensure that no part of the development is carried out prior to all necessary authorisations and consents being obtained. I am satisfied that the proposal accords with national and local planning policies identified above and it is recommended for approval.

The local and strategic benefits of this proposal are multi-faceted. Imposing access to the Countryside, via a sustainable transport opportunity is a long standing objection. Promoting increase physical activity is also a key aim of the Multi-User Trail network is a recognised way of delivering this objective.

In balancing the considerations of the need for the development, the development plan and the potential impacts on local amenity, I consider that the potential impacts on local amenity would be mitigated either by appropriate measures incorporated within the application or by measures set out in the planning conditions recommended in this report and, therefore, this development would be appropriate in this location.

(3) **Financial Considerations** The correct fee of £1,690 has been received.

(4) **Legal Considerations** This is an application under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

- (5) **Environmental and Health Considerations** As indicated in the report.

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

(6) **Background Papers** File No 3.1723.3

Application form and supporting documents received from the Director of Property dated 8 December 2014 including:

- Consultation response from Peak Rail dated 23 December 2014.
- Consultation response from the Office of Rail Regulation dated 8 January 2015.
- Consultation response from Derbyshire County Council's Conservation and Design dated 21 January 2015.
- Consultation response from Derbyshire County Council's Landscape Section dated 26 January 2015.
- Consultation response from Derbyshire County Council's Archaeologist dated 27 January.
- Consultation response from Derbyshire County Council's Flood Team dated 23 January 2015.
- Consultation response from Derbyshire County Council's Highways dated 3 February 2015.
- Consultation response from Derbyshire County Council's Tree Officer dated 10 February.
- Consultation response from Derbyshire Dales District Council dated 27 January 2015.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** for the development proposed under the application subject to conditions substantially similar to the following draft conditions:

- 1) No part of the development, under this permission, which is to be carried out on any land which contains or supports any part of the existing railway shall commence before the County Planning Authority notifies the developer in writing that it is satisfied that all necessary authorisations and consents are in place to enable the existing private railway level crossing at WD/107/26/1 to be built and opened lawfully for trail use. The crossing works shall then be implemented in accordance with that design as approved. The details for the design shall include:
 - The detailed design of the proposed combined railway level crossing.
 - Construction details and surfacing.

- Appropriate warning signage regarding railway trains and any other safety measures.

Reason: In the interests of public safety and the safe use of the Peak Heritage Railway.

- 2) The development shall be begun before the expiration of three years from the date of this planning permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 3) The development shall be carried in accordance with the application details dated 8 December 2014 except, as otherwise required by other conditions of this planning permission.

Reason: To clarify the details approved.

- 4) No trees, hedgerows, gritstone squeeze stiles, gritstone walls or gritstone steps on the site shall be cut down, damaged, destroyed or removed during the development without the prior written approval of the County Planning Authority and any such feature (other than a tree or hedgerow) which is subject to such an approval shall as far as it exists following that approved operation and, so far as is practicable, be retained on the site or adjacent to the Site at an appropriate open location as close as is practicable to its previously established location.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interest of visual amenity and local landscape character.

- 5) Within six months of the date of this permission a landscaping scheme shall be submitted to the County Planning Authority for its approval in writing. The landscaping scheme shall then be implemented as approved. The scheme shall include:

- i) the retention/reuse of existing gritstone squeeze stiles, gritstone walls and access steps;
- ii) course gritstone filled gabion baskets;
- iii) the proposed colour of the class 3 cycle parapet works shown on drawing numbers X26506-2/1
- iv) post and wire boundary fences;
- v) access to maintain fishing rights;
- vi) the proposed location and species type of trees and boundary hedges;
- vii) landscaping aftercare details; and

viii) all riverbank stabilisation works to be undertaken (if any).

Reason: In the interests of local amenity.

- 6) A BS5837 Tree Survey, Implications Assessment and arboricultural Method Statement shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of the development and this Method Statement as approved shall be complied with during the development. This Method Statement should include the working zone, the stacking areas of construction materials and site cabins. The aim should be to minimise the impact on any existing trees and identify any necessary mitigation measures, such as tree protection zones, root barriers and crown lifting.

Reason: To ensure that these arboricultural features are properly maintained and managed for the duration of the development in the interest of visual amenity and local landscape character.

- 7) Prior to the trail being taken into use, a highway signage safety scheme for all the access egress points from the trail onto the public highway shall be submitted to and approved in writing by the County Planning Authority. The signage scheme shall then be implemented as approved prior to the opening of the trail.

Reason: In the interests of local amenity and highway safety.

- 8) Construction work on the development, including the movement of mobile and fixed plant/machinery, shall only be carried out between the hours of:

0730 hours to 1800 hours Monday to Friday;
0900 hours to 1700 hours Saturday.

There shall be no construction work on Sundays, Bank Holidays or other Public Holidays.

Reason: To clarify the hours of operation and in the interest of local amenity.

- 9) Before operations are commenced, space shall be provided for site accommodation, storage of plant and materials, parking and manoeuvring of all vehicles, designed, laid out and constructed all to the satisfaction of the County Planning Authority. The space shall be maintained for these purposes free from impediment throughout the duration of the construction works.

Reason: In the interest of highway safety.

- 10) No works affecting the place until plan details for the existing retaining wall on Old Road, Darley Dale, shall take place until details for its alteration or rebuilding, using the existing materials or local source matching materials, have been submitted to and approved in writing by the County Planning Authority. The design shall then be implemented as approved.

Reason: In the interests of landscape visual amenity.

- 11) No development shall be commenced until a scheme for highway safety during construction has been submitted to and approved in writing by the County Planning Authority. The scheme shall include the following details:
- a. a program of construction works identifying:
 - proposed working areas;
 - access points / routes;
 - construction timetable.
 - b. space provided within the site curtilage for
 - the storage of plant and materials;
 - site accommodation;
 - loading and unloading of goods vehicles;
 - parking and manoeuvring of site operatives and visitors vehicles.
 - c. temporary access arrangements for construction purposes, laid out, constructed and provided with appropriate visibility splays in either direction, the area in advance of the sightlines being cleared of all obstructions greater than 1m in height (0.6m in the case of vegetation), free from any impediment to its designated use. The temporary access arrangements being completely removed and the highway reinstated as may be agreed with the Planning Authority prior any permanent accesses being taken into use.
 - d. vehicle wheel cleaning facilities provided and retained within the site.
 - All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

The scheme shall then be implemented as approved and maintained throughout the period of construction.

Reason: In the interests of highway and public safety.

- 12) The proposed development shall not be put into public use until a revised scheme showing the proposed new access onto Old Road Darley Dale has been submitted to and approved in writing by the County Planning Authority, the revised access scheme shall include:
- a. 2.4m x 59m visibility splays in either direction.
 - b. the area in advance of the sightlines shall be controlled by the applicant and maintained throughout the life of the development and remain clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

The scheme shall then be implemented as approved and maintained throughout the period of development.

Reason: In the interests of highway and public safety.

- 13) The proposed development shall not be put into public use until a scheme detailing the designs for the gates or barriers at the junctions with the public carriageway which should not open outwards over the adjoining public carriageway have been submitted to and approved in writing by the County Planning Authority and then implemented and maintained as approved throughout the period of development

Reason: In the interests of highway and public safety, and landscape amenity.

- 14) The proposed development shall not be put into public use until a detailed scheme of highway safety measures at the Station Road/Old Road crossroads junction has been submitted to and approved in writing by the County Planning Authority, and the scheme has been implemented as approved.

Reason: In the interests of highway and public safety.

- 15) The proposed development shall not be put into public use until detailed schemes of designs for advance warning signage, either side of the junctions with all public carriageways have been submitted to and approved in writing by the County Planning Authority, and has been implemented as.

Reason: In the interests of highway and public safety.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The Council as Local Planning Authority pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 worked with the Council as the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. There were pre-application discussions within the Council prior to the submission of the application, which enabled clear advice to be provided by the Council as the Authority as to what information would be required.

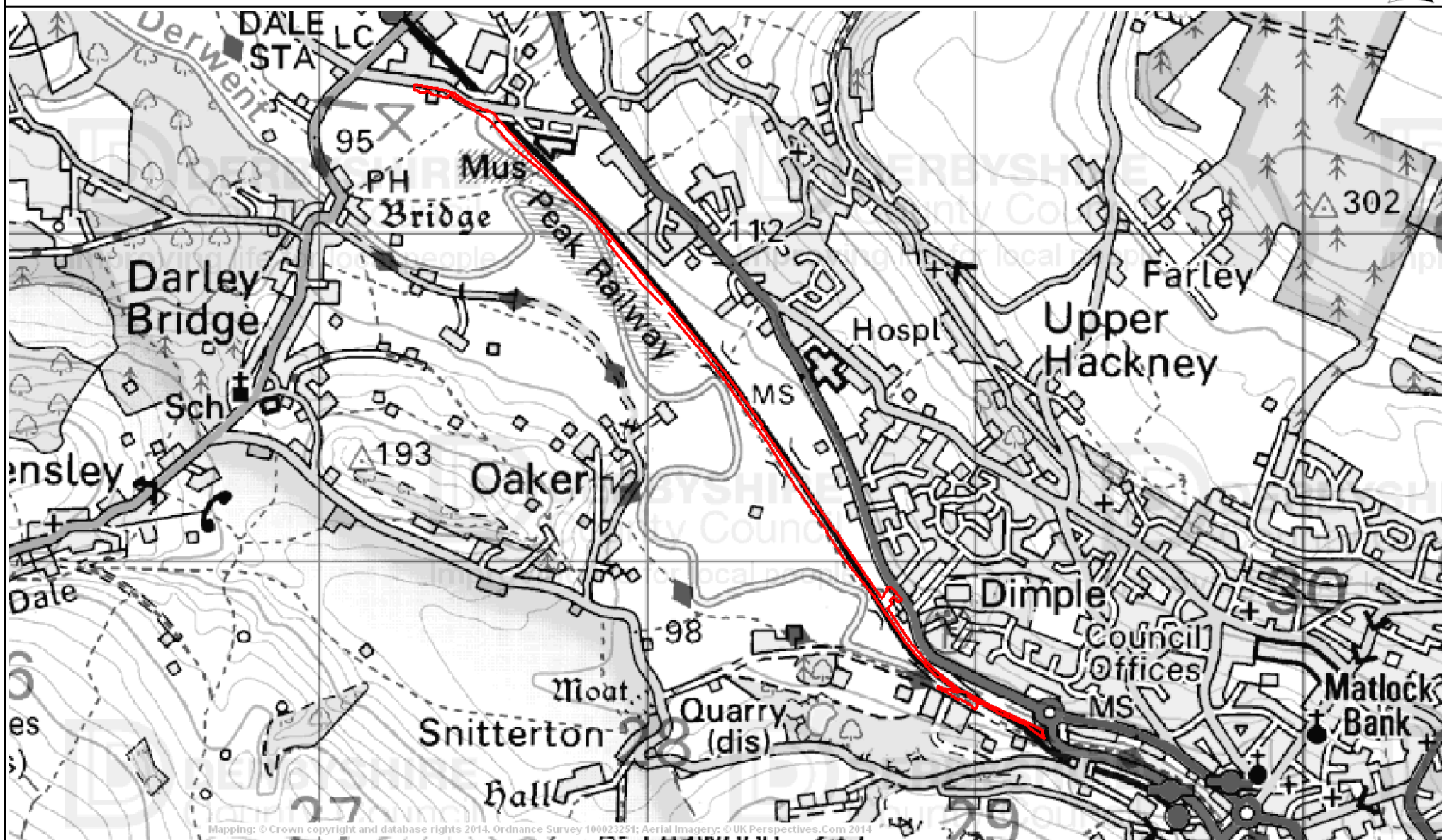
Footnotes

- 1) No relevant part of the development, under this permission, which is to be carried out on any land which contains or supports any part of the existing railway can commence before the developer is satisfied that all necessary statutory authorisations and consents are in place to enable the realignment of the existing single railway track that crosses over the River Derwent Railway Bridge (Bridge No.35) to proceed lawfully, in accordance with the submitted details including the track realignment drawing number 2014/05/FEAS/001 dated 10 October 2014, cycle path drawing number 2014/05/FEAS/002 dated 10 October 2014, and new fence proposals drawing number 2014/05/FEAS/003 dated 10 October 2014.
- 2) This permission, granted under Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 3) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within the highway limits is available via the County Council's website:
www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, or via email:
ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- 4) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to

highway users the Authority reserves the right to take any necessary action against the householder.

- 5) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 6) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway [new estate street] measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 7) No works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
- 8) The application site may affect existing Public Rights of Way. These routes must remain unobstructed on their 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 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- 9) Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link:
www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Mike Ashworth
Strategic Director - Economy, Transport and Environment



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