

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**12 May 2014**

Report of the Strategic Director – Economy, Transport and Environment

**2 PROPOSED CONSTRUCTION OF A 1.1 KILOMETRES  
GREENWAY BETWEEN SOMERSALL LANE,  
CHESTERFIELD AND GREENDALE AVENUE,  
HOLYMOORSIDE  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NOS: CD4/0413/3 & CD2/0413/3**

**4.2485.3 & 2.713.3**

**Introductory Summary**

This application proposes the construction of a 1.1 km greenway located on the existing Public Rights of Way linking Somersall Lane to Holymoorside. The upgrading of the existing footpaths would form part of a wider initiative to create a multi-user trail linking Chesterfield Railway station with Holymoorside. I do not consider that the proposal would be harmful to the open character of the Green Belt and it would bring social and community benefits to the area especially with the aim of creating a safe route for pupils to walk and cycle to and from school. The potential Impact of the development on the ecology and wider landscape and visual character of the area could be adequately controlled by condition. However the potential impacts of the development on highway safety and the character and appearance of the Somersall Lane Conservation Area have not been satisfactory resolved and I therefore consider that the development would be unacceptable impact on those grounds. The application is therefore recommended for refusal.

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

**(2) Information and Analysis** This application proposes the construction of approximately 1.1 linear kilometres (km) of multi-user greenway trail between Somersall Lane, Chesterfield and Greendale Avenue, Holymoorside. The proposed greenway would follow the route of existing Public Rights of Way (PROW) NE22/32 and C2/86, it also affects a short section of another existing public footpath NE22/31 and would upgrade the stretch of PROW which runs between Somersall and Holymoorside. The

## Public

development would be located within the administrative boundaries of both Chesterfield Borough Council and North East Derbyshire District Council.

Greenways are a network of largely car free, off-road routes connecting people to facilities and open spaces in and around towns, cities and the countryside. They are for use by people of all abilities for walking, cycling or horse-riding, for car-free commuting, recreation or leisure. Greenways can make use of several different paths and routes of different status to join together two locations.

The proposed section of greenway trail is designed to connect the village of Holymoorside with Somersall Park, thereby providing an off-road link for pedestrians, cyclists and horse riders, including a safe route to school for pupils at Holymoorside Primary School and Brookfield Community School. This section of greenway would form the third stage of the Hipper Valley Trail which aims to provide an off-road link for pedestrians and cyclists from Holymoorside to Chesterfield Railway Station linking into and enhancing the existing PROW network.

The route of the trail would pass through open countryside which is designated as Green Belt within the Chesterfield Borough Local Plan: Core Strategy and the North East Derbyshire Local Plan. The eastern end of the trail would be located within the Somersall Lane Conservation Area. A complex of Grade II and Grade II\* Listed Buildings and structures, centred around Somersall Hall, lies directly to the south of the eastern most stretch of the trail.

The proposed greenway would follow the route of existing PROWs which connect Somersall Lane in the east with Holymoorside in the west. Beginning in the west and travelling in an easterly direction, the route would commence at an existing field gate and stone stile situated at the eastern end of Greendale Avenue, Holymoorside. From there, the trail would cross six fields before emerging onto Somersall Lane. The entire trail would be surfaced using 'toptrek' which is made from recycled road planings.

Access improvement works would be undertaken to the Greendale Avenue end of the trail. The access works would involve the removal of the existing field gate and timber post, and rail fencing, and its replacement with a removable bollard intended to restrict vehicle access onto the trail; the existing stone stile would be retained. A tarmac pad measuring 15 metres (m) long by 5m wide would be created immediately to the rear of the proposed bollard with post and rail fencing erected along its northern and southern sides. Two 5m wide field gates would be erected at the western end of the pad with a self-closing gate, providing access to the trail located in-between.

## Public

Travelling across the first field, the trail would follow the route of the existing PROW towards the existing field boundary on a 2.5m wide track with 1m wide verges and associated drainage ditches on both sides. At the field boundary, the new trail would be constructed to the south of the existing PROW to enable the retention of an existing two stone squeeze through stile. The works would require the removal of a 2.5m section of hedgerow. An existing stone slab which bridges the field drain would also be replaced with a 4m long concrete infill with 600 mm diameter concrete pipe.

From the first field boundary, the trail would then continue eastwards across the next two fields following the route of the PROW and running adjacent to the northern field boundaries. At those points where the trail crosses the second and third field boundaries, the land would be raised so that the greenway has a continuous level surface. Pipes, 6m long by 150mm diameter, would be positioned under the fill in order to drain water from the field drains.

Towards the end of the fourth field, the trail would reach the intersection with PROW NE22/31/1, at which point the trail would turn northwards to enable it to cross a small brook. At present, the existing crossing comprises of a wooden footbridge. A sewage pipe also crosses the brook at this point immediately to the east of the bridge. A millennium stone post is also located adjacent to the PROW and crossing point. The current proposals would see the removal of the existing bridge and its replacement with a new structure. The works would involve the installation of a 4m by 1.8m square box culvert, the infilling of both banks either side of the culvert with recycled fill material and the enclosure of this material with mortared random rubble masonry wing walls with concrete backing. The finished crossing would measure 3.4m wide. Fencing, 1.4m high parapet, would be erected along the edge of the crossing. The existing sewage pipe and millennium stone post would be retained in-situ.

In order to prevent trespass onto PROW NE22/31/1, it is also proposed to erect a 20m stretch of timber post and rail fencing along the southern edge of the trail from the proposed crossing point with a 1.2m wide gap for the PROW to segregate the greenway and footpath users.

The crossing point marks the boundary of the district and borough councils with the greenway up to that point located in North East Derbyshire and the remaining section of the trail located in Chesterfield.

From the crossing point, the trail would continue eastwards along the southern boundary of the field, adjacent to the brook, and would link with PROW C2/80/01 which runs north to south. The trail at this point would run parallel to the northern boundary of the Somersall Lane Conservation Area and the Somersall Hall complex, before reaching Somersall Lane.

## **Public**

The proposed eastern access point onto the trail would be formed by removing a 3m section of hedgerow, and its replacement with a 1.5m wide bridle gate. The access would be located adjacent to an existing farm access track and would see new tarmac surfacing installed between the end of the track and Somersall Lane.

To improve access visibility onto and off the trail at this entrance, visibility improvement works would be undertaken along Somersall Lane. These would include the removal of a 45m stretch of hedgerow along the eastern side of the Lane, between the proposed site access and the road bridge which crosses the River Hipper, the removal of holly and sycamore trees from the western highway verge to the north of the site access and further tree felling and clearance works near the entrance to Somersall Park.

## **Consultations**

### **Local Members**

Councillors Ellis (Dronfield West and Walton) and Morgan (Walton and West) have been notified.

### **North East Derbyshire District Council (NEDDC)**

NEDDC was consulted twice in respect of the proposals. In its original response, the Council stated its support for the proposed upgrading of public footpaths in the area but raised concerns regarding the provision of the 5m wide tarmac area at Greendale Avenue, Holymoorside. NEDDC considered that this would be seen as an intrusion into the Green Belt without adequate justification. Policy GS2 of the North East Derbyshire Local Plan and Paragraphs 87-89 of the National Planning Policy Framework place significant weight on preserving the openness of the Green Belt and it is not considered that the tarmac area would be appropriate or justified.

Following the submission of the additional information, NEDDC reiterated its previous comments and further stated:

*"In responding to the initial consultation, NEDDC raised material concerns over the provision of a 5m wide tarmac area projecting 15m into a green field from the existing entrance at Greendale Avenue, Holymoorside. The proposed development has not been revised to address this, and it is not considered that the applicant's substantiation, that this is required for farm vehicle turning and to protect the integrity of the trail surface, is justification for the intrusive tarmac area. By their very nature, farm vehicles do not need a hard surface for manoeuvring. The development would be better served with the Greendale Avenue entrance reduced in width and surfaced in Toptrec or similar as per the rest of the Greenway".*

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### **Chesterfield Borough Council (CBC)**

CBC raised no objections to the proposals subject to the imposition of conditions relating to the protection of trees which are the subject of a Tree Preservation Order (TPO) and the adequate protection of the trees within Somersall Lane Conservation Area.

### **Holymoorside and Walton Parish Council**

Holymoorside and Walton Parish Council made the following comments:

- 1 *"The parish council seeks assurances of the safety of the North East boundary stone on the junction of footpaths 31 & 32 adjacent to the footbridge"*
- 2 *The parish council are concerned that this application could open the door to potential future urbanisation and building adjacent the path*
- 3 *The parish council seeks confirmation that the path is for walkers and pedal bicycles only and that no access for motorised vehicles is allowed".*

### **Environment Agency**

Raised no objections, in principle, to the proposals but recommended a condition be imposed requiring a method statement demonstrating how white-clawed crayfish would be protected during the construction of the development.

### **Derbyshire Wildlife Trust**

The Trust did not object to the proposals but recommended conditions relating to water vole, white-clawed crayfish and replacement hedgerow planting, and that advisory notes be attached to any permission if granted.

### **British Horse Society (North Derbyshire)**

Expressed its support for the proposal.

### **Publicity**

The application has been advertised by site notice and press advert with a request for observations by 11 July 2013. Eleven representations in support of the application have been received.

### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the adopted Chesterfield Borough Local Plan: Core Strategy (CBLP:CS) and the adopted North East Derbyshire Local Plan (NEDLP) which are listed at the end of the report and individually referred to

## Public

where applicable. The National Planning Policy Framework (NPPF) is also a material consideration in the determination of this proposal.

The key planning considerations for this application are:

- Need for development.
- Impact of the development on the Green Belt.
- Impact of the development on the Historic Environment.
- Ecology.
- Flood Risk.
- Highway Safety.
- Landscape and Other Visual Impacts.

### **Need for Development**

Policy CS9: Green Infrastructure and Biodiversity of the CBLP:CS permits development where it would enhance connectivity and public access between green infrastructure and would increase opportunities for walking, cycling and horse-riding.

Policy R11: Development Affecting Public Rights of Way of the NEDLP is supportive of proposals for trails and long distance rights of way. Planning permission will not be granted where the development would lead to the loss or prejudice of a PROW unless an alternative route can be established.

The application states that the development would form the third stage of the Hipper Valley Trail which aims to form a sustainable travel corridor linking Chesterfield into the Peak District National Park. This stage of the trail, providing a 1.1 km link between Somersall and Holymoorside, will enable users to travel by foot, cycles, horses and be accessible by wheelchairs, and would be designated as a public bridleway.

The greenway would be positioned on the route of the existing PROWs which are used by pupils attending Holymoorside Primary School and Brookfield Community School. This proposal aims to create a safe route for pupils to both walk and cycle on to and from school, as there is currently no safe route for primary school pupils to cycle on between Walton and Holymoorside

In light of the above, I am satisfied that the proposed development would provide significant benefit to the local community and other users of the PROW in the area by providing improved access to the countryside, as well as improved links between the settlements of Somersall and Holymoorside, and consider that it would accord with the requirements of the CBLP:CS and the NEDLP in this respect.

### Impact on the Green Belt

The application site is subject to protection in both the NEDLP and the CBLP:CS as part of the Green Belt. The primary purpose of the Green Belt is to prevent urban sprawl by keeping the land permanently open and there is a general presumption against development within it which can prejudice this purpose. Such development is, by nature, inappropriate being a definite source of harm to the Green Belt, so should not be approved except in very special circumstances.

The NPPF states that *“Very special circumstances’ will not exist unless the potential harm to the Green Belt by inappropriateness, and any other harm, is clearly outweighed by other considerations”*. The document then goes on to set out those forms of development which would not be considered inappropriate in a Green Belt location and where they would preserve the openness of the Green Belt, and not conflict with the purposes of including land in Green Belt. Amongst other things, these can include the provision of facilities for outdoor sport and outdoor recreation.

Policy CS9: Green Infrastructure and Biodiversity of the CBLP:CS requires development within the Green Belt to demonstrate that it will not adversely affect, or result in the loss of, features of recognised importance. The policy further goes on to state that development proposals should *‘not harm the character or function of the Green Belt’*.

Policy GS2 of the adopted NEDLP only permits development in the Green Belt where very special circumstances have been demonstrated and where the type of development is considered to be appropriate. The policy states that facilities for outdoor sport and recreation are appropriate in the Green Belt so long as the open character of the Green Belt is preserved.

The proposed development of the greenway would result in the widening of the existing PROW and the laying of a multi-user ‘toptrek’ surface, which would enhance connectivity and public access through this section of Green Belt and increased opportunities for walking, cycling and horse riding along the route of the trail. The widening and upgrading of the existing PROW to bridleway would, in my opinion, have a limited impact on the openness of the Green Belt and would not conflict with existing land uses. CBC raised no objections to the proposals in this respect and I note that NEDDC supports the upgrading of the existing PROW. In general, therefore, I am satisfied that the proposed construction of the greenway would fall within one of the categories of development identified as being appropriate within the Green Belt and do not consider that it would result in a significant adverse impact to the open character and function of the Green Belt.

I note the concerns raised by NEDDC with regard to the proposed access works at Greendale Avenue. In seeking further information regarding the need

## **Public**

for this aspect of the development, the applicant has responded that the tarmac pad is required to enable the farmer to access his land whilst maintaining the necessary restricted access to the greenway. Whilst I would agree that the scale of the proposed access works at this location would appear disproportionate to the applicant's stated need, in considering the location of the development adjacent to Greendale Avenue, the fact that many of the structures associated with the new access would have deemed permission under the Town and Country Planning (General Permitted Development) Order 1995 as amended and that they would be associated with a land use which is also considered to be appropriate within the Green Belt, I do not consider that the scale of the development would be such as to represent a conflict with the requirements of Policy GS2 of the adopted NEDLP.

### **Impact of the Development on the Historic Environment**

Policy CS19: Historic Environment of the adopted CBLP:CS aims to protect the historic environment and heritage assets within the borough, seeking to enhance them wherever possible. The policy requires that all new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated.

I am satisfied that the proposed greenway would have a limited impact on the setting of the Listed Buildings situated within the Somersall Hall complex and consider that it would accord with Policy CS19 in this respect.

The access and visibility improvement works that would be associated with this proposal along Somersall Lane would impact on the Somersall Lane Conservation Area, with extensive loss of vegetation including a 45m stretch of hedgerow and some mature trees. The impact of this vegetation removal could significantly alter the character and distinctiveness of the Conservation Area.

Whilst I note that CBC has separately granted Conservation Area Consent (code number: CHE/12/0073/CA) for the removal of the trees and hedge which it considers would not result in a loss of amenity or be detrimental to the character of the Conservation Area and that it has not objected to this aspect of the proposal, I still retain concerns regarding the potential impact that the development would have on the character and appearance of the wider Conservation Area, and consider that the proposal would therefore not fully accord with the requirements of Policy CS19: Historic Environment of the adopted CBLP:CS.

The extensive removal of the trees and hedgerow within the Conservation Area would take place in order to improve visibility for horseriders travelling southwards on Somersall Lane and turning right onto the trail. Members may therefore wish that this concern regarding the potential impacts to the



## **Public**

character and appearance of the Conservation Area arises as a result of the greenway proposal including use by horseriders. The highway visibility issue is explained further in the Highway Safety section of my report.

### **Ecology**

Policy CS9: Green Infrastructure and Biodiversity of the CBLP:CS and policies NE3: Protecting and Managing Features of Importance to Wild Flora and Fauna, NE6: Development Affecting Nationally Rare Species and NE7: Protection of Trees and Hedgerows of the adopted NEDLPP are the relevant policies for consideration when assessing the impact of the development on ecology.

The route of the trail could potentially impact upon a water course that contains or could contain protected species and would require vegetation and hedgerow removal works which could impact upon nesting birds. The applicant has provided a number of ecological assessments including proposed mitigation measures in this respect. I am satisfied, however, that the development would not result in adverse impact to the biodiversity of the area. Both the Environment Agency and the Trust have requested that the mitigations contained within the water vole and white-clawed crayfish surveys be secured by condition. The Trust has further requested that additional hedgerow planting be undertaken at the western end of the trail as well as the incorporation of bird nesting boxes/features along the route.

Subject to appropriate conditions, I do not consider that the development would have a detrimental impact on the ecology of the area and consider, therefore, that the development would accord with the requirements of the CBLP:CS and NEDLP.

### **Flood Risk**

A number of operations associated within this development would take place either within or adjacent to a watercourse. In addition, the eastern end of the greenway where it is adjacent to the northern boundary of Somersall Hall is within a flood zone.

Policy CS7: Managing the Water Cycle of the adopted CBLP:CS is the relevant policy for consideration when assessing the impact the proposed development could have on flood risk in the area.

The Environment Agency has raised no objection to the proposal in respect of flood risk and the County Council's Flood Team Risk Management Team (FRMT) has stated that the proposed is unlikely to have a major impact on flood risk in the area. However, the FRMT has noted that the works in and within close proximity to the Ordinary Watercourse would require an additional consent under the Land Drainage Act 1991. Such consent would be partially dependent on the granting of planning permission.

## **Public**

In light of the above, I do not consider that the development would have detrimental impact on flood risk and am satisfied that the development would therefore conform to the requirements of CBLP:CS Policy CS7.

### **Highway Safety**

Policy CS20: Influencing the Demand for Travel of the adopted CBLP:CS and Policy T2: Highway Access and the Impact of New Development of the adopted NEDLPP are currently the respective relevant Development Plan policies for consideration when assessing the impacts of the development on highway safety.

Policy T2 states that permission would only be granted for development which would be served by a safe access with appropriate gradient, width, alignment and visibility, be accessible to a road network of adequate standard that could accommodate the anticipated traffic generation without being detrimental to the road network, have no significant adverse impact on the environment or amenity of local communities and take into consideration the needs of pedestrians and cyclists.

With regards to the access point at Greendale Avenue, I am satisfied that it would be safe and would be capable of accommodating the predicted increase in cycle and horse movements. I do not consider therefore that the development would have a significant impact on the environment or local amenity and would actively encourage walking, cycling and horse riding. The development would therefore comply with the requirements of Policy T2 of the NEDLP.

Policy CS20 of the CBLP:CS "Influencing the Demand for Travel, includes reference to development proposals being expected to demonstrate certain criteria including protection of or improvements to the strategic pedestrian and cycle network, and demand management. It then states the impacts of any remaining traffic growth expected, shall be mitigated through physical improvements to the highway network where necessary, to ensure that the development has an acceptable impact on the function and safety of the highway network."

With regards to the access point at Somersall Lane, Holymoorside I have a number of reservations regarding its safety and the potential impact the development could have on the highway.

Whilst a Road Safety Audit (RSA) has been produced for the proposed access point, it does not contain any specific analysis that enables a conclusion to be reached that the highway layout with the sightlines proposed at the access point would be suitably safe despite non-compliance with national recognised visibility standards with regard to equestrian use in particular.

## **Public**

The RSA, in addressing the potential for vehicles traveling south bound on Somersall Lane to collide with cyclists or equestrians waiting to turn right onto the greenway, recommends the cutting back of additional hedgerow to improve visibility and that additional warning signs be installed. However, due to the lack of highway margins at this location, there is likely to be insufficient space to enable regular maintenance to the sections of hedgerow, which would therefore need to be removed.

Whilst the removal of the hedgerow and trees would provide some improvement to forward visibility around the bend on Somersall Lane. It would also create an open area with limited highway margin and a significant drop to the adjoining pond; this and level difference raises concerns regarding the containment of highway users.

The installation of an additional amount of traffic signage would be against the current drive to de-clutter the highway. Therefore introduction of additional signage would need to be considered in greater detail.

In summary, it is considered that the proposed development would be contrary to the requirements of Policy CS20 of the adopted CBLP:CS20, and has not been demonstrated to be sufficiently safe with regard to equestrian users on Somersall Lane. A reasoned refusal of the application is therefore recommended below.

### **Landscape and Visual Impact**

Policies CS9: Green Infrastructure and Biodiversity and CS18: Design of the adopted CBLP:CS and policies GS1: Sustainable Development, GS6: New Development in the Countryside, NE1: Landscape Character and BE1: General Design Principles of the adopted NEDLP are the relevant policies for consideration when assessing the impact of the development on the landscape and visual amenity.

The landscape through which the trail passes has also been considered to be of primary sensitivity in the County Council's 'Area of Multiple Environmental Sensitivity (AMES)' work undertaken, given that the immediate landscape is particularly rich in ecological and historical interests and is visually intact.

I am satisfied that the installation of the trail surface along the route of the existing PROWs would have a limited impact on the open countryside and landscape character of the area. I do, however, have concerns regarding the removal of hedgerows and trees along Somersall Lane, the installation of fencing along the route, the proposed large tarmac area at the Greendale Avenue entrance and the installation of a concrete culvert to form a crossing over the stream.

## Public

The impact of the removal of trees and hedgerow along Somersall Lane in terms of its impact on the Conservation Area and landscape has been considered above; it was considered that the works could have a detrimental impact on the character of the land and the Conservation Area.

The proposed installation of approximately 20m of post and rail fencing around the southern side of the trail, where it links with PROW NE22/31/1, would introduce additional fencing on to this sensitive landscape with no clear justification or thought given to how it would be incorporated within the landscape and would not respect the character of the existing field boundaries. It is understood that the applicant has proposed this fencing in order to prevent unauthorised access by greenway users onto the route of the PROW. I consider, however, that the proposed solution would appear disproportionate to its stated purpose and that it would not be capable of effectively achieving that purpose. No evidence has been provided by the applicant to suggest that the users of the trail would behave in such a way. It is further worth noting that as the fencing does not extend the entire length of the field, there would be nothing to prevent users of the greenway from cutting directly across the field from a point further along the trail in order to meet up with the PROW. In the event that this application was to be granted planning permission, I would suggest that this aspect of the proposal be refused or controlled by condition.

The installation of the large tarmac pad incorporating fencing and gates at the Greendale Avenue entrance to the trail would have an adverse impact on the landscape and visual character of the area through the introduction of a large and incongruous feature. Whilst I accept that an access has to be created, which allows the farmer to access his land whilst restricting vehicular access to the trail, I am of the opinion that this could be achieved in a less visually intrusive manner. In the event that this application were to be approved, I would therefore suggest the imposition of a condition requiring that revised details for this access be submitted.

The installation of a culvert in the brook to form the crossing point is of concern as it would introduce an unsightly and unsympathetic structure into the landscape. In discussing the proposals with the applicant, the use of a bridge to provide the crossing point was suggested as this would minimise any impact to the brook and its wider landscape. In response, the applicant has indicated that they would prefer to retain the culvert structure as it would be less costly to install and require less maintenance than a bridge. This is disappointing. However, on balance and, considering that the culvert would not result in significant impacts to the ecology of the brook, would not increase flood risk and the overall benefits that the scheme would bring to the wider community in terms of improved access, I do not consider that this issue would be so significant as to warrant refusal.

## Public

Notwithstanding the above reservations, I am satisfied that, on the whole, the visual impact and impact on the landscape character would be mitigated by the benefits of the trail in improving connectivity. The development would therefore comply substantially with the requirements of the policies.

### Conclusion

The proposed upgrade of the existing footpaths would provide improvements to the local PROW network and form part of a wider initiative to create a trail linking Chesterfield to the Peak District. The development would be considered appropriate development within the Green belt and would therefore not be harmful to its open character.

I retain concerns regarding the potential impacts that the development could have on the wider landscape and visual character of the area and the character and appearance of the wider Somersall Lane Conservation Area. In general however, I consider that these impacts could be adequately controlled by condition. Likewise, the potential impacts of the development on the ecology of the brook are capable of mitigation if secured by condition.

Regrettably unresolved concerns relating to the potential impact of the development on highway safety lead me to conclude that the development would be unacceptable on those grounds. The application is therefore recommended for refusal.

(3) **Financial Considerations** The correct fee of £385 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 delegated decision.

(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.

## Public

### (6) **Background Papers** File 4.2485.3 & 2.713.3

Application documents from the Director of Property dated 5 April 2013. Correspondence from Holymoorside and Walton Parish Council dated 11 June 2013, The British Horse Society dated 18 June 2013 and 12 January 2014, Environment Agency dated 26 June 2013 and 24 January 2014, Highways Area Management Division dated 26 June 2013 and 11 March 2014, Chesterfield Borough Council dated 4 July 2013, North East Derbyshire District Council dated 10 July, 7 October 2013 and 29 January 2014, Derbyshire Wildlife Trust dated 30 August 2013 and 31 January 2014, Derbyshire Flood Team dated 15 November 2013, Councillor Ellis (Dronfield West and Walton) dated 6 January 2014, County Landscape Architect dated 13 January 2014 and County Conservation and Design Officer dated 13 January 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **refused** for the following reason:

- 1) It is understood that the distance for inter-visibility between the position in Somersall Lane where equestrian and cycling users would turn right to enter the proposed section of Greenway, and southbound approaching traffic on Somersall Lane, would be to less than the minimum which is generally applicable for equestrian users under the Design Manual for Roads and Bridges, even if visibility splays as proposed with this application were to be provided and maintained. Therefore in the absence of further and sufficient cogent evidence to the contrary with respect to highway safety, the County Planning Authority:
  - a) Considers the proposal described in the application to be contrary to an element of policy CS20 of the Chesterfield Local Plan: Core Strategy (having regard to potential impacts of growth in forms of non-motorised traffic at Somersall Lane associated with the proposal, and the element in the policy which refers to the potential need for mitigation of impacts of expected traffic growth through physical improvements to the highways network, to ensure that development has an acceptable impact on the functioning and safety of the highways network)
  - b) Does not find the proposal in its current form to be acceptable having regard to the opportunities for equestrian users to turn off Somersall Lane that would arise from it.

## Policies

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

## **Public**

### **Chesterfield Borough Local Plan: Core Strategy Policies:**

CS1: Spatial Strategy  
CS2: Principles for Location of Development  
CS7: Managing the Water Cycle  
CS9: Green Infrastructure and Biodiversity  
CS14: Tourism and the Visitor Economy  
CS18: Design  
CS19: Historic Environment  
CS20: Influencing the Demand for Travel

### **Adopted North East Derbyshire Local Plan Policies:**

GS1: Sustainable Development  
GS2: Development in the Green Belt  
GS5: Settlement Development Limits  
GS6: New Development in the Countryside  
NE1: Landscape Character  
NE3: Protecting and Managing Features of Importance to Wild Flora and Fauna  
NE6: Development Affecting Nationally Rare Species  
NE7: Protection of Trees and Hedgerows  
BE1: General Design Principles  
E10: Tourism Developments  
T5: Walking and Cycling  
R6: Proposals for New Recreational Uses  
R9: Equestrian Development  
R11: Development Affecting Public Rights of Way

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

The Authority worked with 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. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Signed.....Date.....

**Mike Ashworth**  
**Strategic Director - Economy, Transport and Environment**



