

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

6 June 2016

Report of the Strategic Director – Economy, Transport and Communities

- 1 PROPOSED LAYING OUT AND CONSTRUCTION OF A NEW MULTI-USER TRAIL (PHASE 1 - REVISED SCHEME) TO THE SOUTH OF OLD ROAD, DARLEY DALE, MATLOCK**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/0316/142

3.1723.8

Introductory Summary

This application relates to proposed revisions to a short stretch of Phase 1 of the White Peak Loop multi-user trail which was approved by this Authority under planning permission CD3/1214/119, and a proposed minor extension to the trail for cycling. The revisions include a minor realignment to the trail, as well as amendments to the proposed vehicular access onto Old Road. The application site is located within flood zones 2 and 3, and protected species have been identified as being present within the vicinity of the site. I am satisfied that, subject to the development being constructed as designed and subject to the mitigation measures proposed in respect of protected species, the proposals would not result in adverse impacts to the wider landscape, protected species or flood risk. The application is recommended for approval subject to conditions.

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

(2) **Information and Analysis** Planning permission was granted on 12 March 2015 under reference CD3/1214/119 for the laying out and construction of a multi-user trail from the junction of Bakewell Road (A6) and Derwent Way (A615), Matlock to Old Road, Darley Dale (Minute No. 12/15 refers). This application seeks permission for a revised design of that section of the previously approved route which runs adjacent to Old Road, and an extension c.130m in length at a width of 2m that would bring the cycling western end of the Phase 1 trail development closer to the junction with Station Road (B5057), Darley Dale.

This application seeks to implement a number of changes to the approved White Peak Loop Phase 1 scheme, including a minor realignment of the

approved route which would extend beyond the red line boundary of the previous planning permission. The amended route would see a shallower curve created around the derelict building on the site and an additional 130m length of surfacing, adjacent to the boundary, running west towards the junction with Station Road.

A new vehicular entrance for maintenance vehicles was approved as part of the existing permission. An additional area of hard surfacing is now proposed near to that entrance to provide a turning area for maintenance vehicles. The surface level would also be raised to the same height as Old Road to allow appropriate visibility for vehicles exiting the site without the need to alter the line of the boundary wall, as was previously proposed.

Under this application, it is proposed that the new access would be created by removing a section of the stone boundary wall and installing a 4.25m wide timber single field gate. The new access would also reuse the stone posts from the existing field access, approximately 80m to the east, which would then be closed up using the stone removed to form the new access.

A variety of surfacing materials are proposed as a result of the constraints within the site. The western end of the development would be finished in an unbound recycled aggregate to produce a semi-permeable surface and would utilise a 'no dig' construction method around the retained ash tree. The eastern end of the development would be constructed of Flexi-Pave which combines granulated rubber and stone with a polyurethane bonding agent to create fully permeable surface. The area around the new maintenance entrance would be of bituminous construction to provide the required durability for use by maintenance vehicles.

Consultations

Local Member

Councillor Wild has been consulted with a request for comments by 30 March 2016.

Derbyshire Dales District Council

No objection.

Darley Dale Town Council

No objection.

Environment Agency

The Environment Agency has no objections to the proposed development but wishes to make the following comments.

Protected species

“Chapters 5 and 6 of the Peak Pedal Report Preliminary Ecological Appraisal prepared for Derbyshire County Council by URS (September 2014) highlight constraints that are likely to affect the proposed development.

Failing to implement suitable mitigation could result in the applicant being liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended). We would refer the applicant to Natural England’s Standing advice for protected species which gives detailed species sheets for information on mitigation requirements”.

Biodiversity enhancements

“Under the Section 40 of the Natural Environment and Rural Communities Act 2006, all local and regional authorities must have regard to the conservation of biodiversity in England, when carrying out their normal function. Opportunities to incorporate biodiversity enhancements and/or sensitive management of the site should be encouraged.

This is in line with paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible”.

Lead Local Flood Authority

The Council’s Flood Risk Management Team raised no objection to the proposal and referred the applicant to its standing advice.

Publicity

The application has been advertised by site notice with a request for comments by 13 April 2016. One letter of representation has been received which raised concerns about the potential presence of protected species within the vicinity of the trail. This issue is discussed in the planning consideration 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). Other material considerations for the determination of this application include such statements of Government policy contained in the National Planning Policy Framework and National Planning Policy Guidance.

Policies

The principal planning policies relevant to this planning application are:

National Planning Policy Framework

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 35: Promoting sustainable transport.

Paragraph 58: Requiring good design.

Paragraph 103: Flood risk.

Paragraph 123: Conserving and enhancing the natural environment.

Adopted Derbyshire Dales Local Plan

SF4: Development In The Countryside.

SF5: Design And Appearance Of Development.

SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment.

NBE7: Features Important In The Landscape.

NBE8: Landscape Character.

NBE10: Flood Risk And Surface Water Drainage.

NBE26: Landscape Design In Association With New Development.

L2: New Sport And Recreation Facilities.

The key planning considerations for this development are:

- Landscape and visual impact.
- Flood risk.
- Protected species.
- Highways.

Landscape and Visual Impact

The principle of the majority of this proposed development has already been established by planning permission CD3/1214/119; however, there are a number of changes proposed from that approved development which have the potential to alter the visual impact.

The new maintenance access, as now proposed, has been redesigned to accord precedence to the footway by retaining the existing pavement and introducing a dropped kerb. The maintenance access, as now proposed would also incorporate a pair of gritstone posts salvaged from the existing entrance, which I consider would help reinforce landscape character and local distinctiveness as part of the scheme, in line with policies SF5 and NBE8 of the adopted local plan.

The extension of the trail, by 130m from the maintenance access, towards the junction with Station Road, would create an additional area of hard surfacing in an area which is currently a grassed field. However, in the context of the extension being part of the overall trail, and its location adjacent to the

highway, and the proposed use of a dark recessive surfacing material which would visually tie in with the adjacent wall, I do not consider that the additional length of trail would have a significant adverse visual impact.

Flood Risk

The site is located partially within Flood Zone 2 but predominantly within Flood Zone 3 with a chance of flooding of greater than 1 in 30 years. However, the nature of the development is such that I consider that the proposed use would be 'less vulnerable' to flooding and therefore would be appropriate development in the Flood Zone.

The introduction of additional hard surfacing, where none was previously present, has the potential to increase surface water flood risk. The proposed development would see the creation of approximately 340 square metres (m²) of impermeable surface, 539m² of semi-permeable surface and 365m² of porous surface. Surface water from the non-permeable sections of the surface would be directed to the adjacent field and allowed to soak away naturally.

Protected Species

A letter of representation has been received raising concerns about the potential presence of protected species close to the application site. The stated location is outside the application site for this proposal and there is sufficient distance between it and the site boundary such that I would consider it unlikely that significant disturbance would be caused by the development.

The location is within the site area of planning permission CD3/1214/119 for the phase 1 development. However, the applicant is aware and has implemented mitigation measures, including an exclusion zone for all works whilst an application is made to Natural England for the appropriate European Protected Species Licence.

I am satisfied that mitigation measures implemented as part of the approved phase 1 development would be sufficient to ensure that the protected species would not be harmed by this development. I have, however, recommended a planning condition to ensure that the works are undertaken under the guidance of a suitably qualified ecologist in the interest of ensuring the adequate protection of the protected species.

Highways

I consider that the proposal would be generally acceptable in terms of any potential impact on the highway; however, the proposals for the junction of Station Road/Main Road and Old Road would require the existing centreline carriageway markings on Station Road/Main Road to be adjusted to rebalance the carriageway lane widths. The give-way junction markings on Old Road should also be advanced further in order to provide better visibility to road users exiting Old Road in the interest of highway safety.

Therefore, the recommendation below includes a condition requiring details of the new road markings to be submitted to and approved by the County Planning Authority. The changes should be implemented prior to the trail being taken into public use.

Conclusion

The principle of the proposed development is already largely established through the existing permission CD3/1214/19 and I am satisfied that, subject to the recommended conditions, the proposed development described in this application would be in accordance with the relevant development plan policies and would not lead to any significant adverse impacts. The application is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £1,170 has been received.

(4) **Legal Considerations** This is an application submitted 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. 3.1723.8
Application form submitted by the Director of Property dated 4 March 2016, covering letter, accompanying drawings WPL-AEC-PH-00-DR-SD-00007 Rev D2, WPL/AEC/PH/00/DR/SD/00009 Rev C1, WPL-AEC-PH-00-DR-SD-00011 Rev C1, MHA/0300/030 B, MHA/0300/031 B, MHA/0300/032 B, MHA/1100/032 B, MHA/1100/033 B, MHA/1100/036 B, 9000/F3, H17, 47069970/DWG/PA/42 Rev E, 47069970/DWG/PA48 Rev D, 47069970/DWG/PA62 Rev C, 47069970/DWG/PA/64 Rev B, 47069970/DWG/PA/65 Rev B, 47069970/DWG/PA/66 Rev B, 47071335-TPP-1 Rev D, covering letter, Flexi-Pave details, and Tree Survey dated August 2015. Consultation from Landscape dated 18 March 2016, Derbyshire Dales District Council dated 23 March 2016, Environment Agency dated 10 May 2016 and Derbyshire County Council's Flood Risk Management Team dated 24 March 2016.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted**, subject to the following conditions:

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

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

- 2) The development shall be carried out in accordance with the application form submitted by the Director of Property dated 4 March 2016, covering letter, accompanying drawings WPL-AEC-PH-00-DR-SD-00007 Rev D2, WPL/AEC/PH/00/DR/SD/00009 Rev C1, WPL-AEC-PH-00-DR-SD-00011 Rev C1, MHA/0300/030 B, MHA/0300/031 B, MHA/0300/032 B MHA/1100/032 B, MHA/1100/033 B, MHA/1100/036 B, 9000/F3, H17, 47069970/DWG/PA/42 Rev E, 47069970/DWG/PA48 Rev D, 47069970/DWG/PA62 Rev C, 47069970/DWG/PA/64 Rev B, 47069970/DWG/PA/65 Rev B, 47069970/DWG/PA/66 Rev B, 47071335-TPP-1 Rev D, covering letter, Flexi-Pave details, and Tree Survey dated August 2015.

Reason: For the avoidance of doubt.

- 3) The date the development is begun shall be notified in writing to the County Planning Authority no later than seven days after that date.

Reason: To enable the County Planning Authority to monitor the development in the interests of local amenity.

- 4) Prior to the commencement of the development, a protected species method statement, outlining the measures to be taken to ensure the safety of protected species during the development, shall be submitted to the County Planning Authority for its written approval. The measures contained within the method statement shall then be implemented as approved.

Reason: To ensure that the development takes place without detriment to species protected by law.

- 5) No vegetation removal or soil stripping shall be undertaken during the bird breeding season (March to August inclusive), unless, where the developer considers that this is not possible, the written approval of the County Planning Authority has first been obtained and a bird's nest check has been undertaken immediately prior to the works by a suitably qualified ecologist. Any nests found during such a check shall be protected from disturbance until all young birds have fledged.

Reason: To ensure the protection of nesting birds.

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

0700 hours to 1600 hours Monday to Friday;
0700 hours to 1200 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.

- 7) The development shall not be brought into use until highway line marking works, including:

- repositioning of the centreline carriageway markings on Station Road/Main Road to rebalance the carriageway lane widths; and
- repositioning of the give-way junction markings on Old Road to provide improved visibility to road users exiting Old Road;

have been carried out in accordance with a scheme which has been submitted to and received the prior written approval of the County Planning Authority.

Reason: In the interests of improving highways safety.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and proactive 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.

Footnote

- 1) This permission, granted under the terms of 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.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

