

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

7 December 2015

- 1 PROPOSED LAYING OUT AND CONSTRUCTION OF A NEW MULTI-USER TRAIL (PHASE 2) EXTENDING FROM STATION ROAD, DARLEY DALE TO CHURCH ROAD, CHURCHTOWN**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/0615/46

3.1723.6

Introductory Summary This application is for permission for the development of a multi-user trail between Station Road, Darley Dale and Church Road, Churchtown which constitutes Phase 2 of the Matlock to Rowsley section of the White Peak Loop extension. The application incorporates the upgrading of an existing public Right of Way along with the provision of two new sections of path within and adjacent to the Whitworth Park.

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

(1) Purpose of Report To enable the application to be determined by the Committee.

(2) Information and Analysis The application seeks permission for engineering works to develop an off-road, multi-user trail dedicated for the use of cyclists, pedestrians and wheelchair/pushchair users. 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.

This application forms part of a larger scheme which intends to extend the existing Monsal Trail between Bakewell and Matlock forming part of the eastern extension of the larger White Peak Loop. Phases 1, 3 and 4 have already been granted planning permission, subject to conditions, and this proposed section (Phase 2) would link phases 1 and 3 to complete the route

between Matlock and Rowsley. The trail is intended for the use of pedestrians and cyclists but, as the route runs adjacent to a railway line, it would not be suitable for horses.

This phase of the scheme (Phase 2) would be approximately 800 metres long and would run from Station Road, in Darley Dale, to Church Road, Churchtown. The proposed route of Phase 2 would pass through the Whitworth Park, which is included on the Historic England 'Register of Historic Parks and Gardens of Special Historic Interest in England' (RPG), before joining up to the existing footpath which runs alongside the Peak Rail line to Church Road in Churchtown, where the route would join up with Phase 3.

The development would predominantly consist of the upgrading and widening to 3 metres of the existing Darley Dale Footpath No 31, however, it is proposed to create a number of new sections of the trail within the Whitworth Park itself. These would include a short section close to the boundary with Station Road, which would lead to a new stepped pedestrian entrance onto the existing footpath to the rear of the Peak Rail station. A second new section of surfacing would run to the south-west of the existing football pitch before joining up to Footpath No 31 at the north-west corner of the park.

The provision of the new stepped access would require the removal of a 2 metres wide section of fencing forming the boundary of the RPG and would also see the removal of two holly trees. The new section of path would pass within the Root Protection Area (RPA) of a number of trees at this point and so it is proposed to utilise a 'no-dig' construction method which involves a load bearing surface being laid on top of the existing ground to avoid root disturbance and soil compaction.

Consultations

Local Member

Councillor Buttery has been consulted with a request for comments by 21 July 2015. Councillor Wild has subsequently been elected as local Member for Derwent Valley and has been consulted with a request for comments by 17 November 2015.

Derbyshire Dales District Council

Derbyshire Dales District Council (DDDC) raised no objection to the proposal but made the following comment:

"I note that trail is being routed through Whitworth Park, which is listed Grade II on the Register of Historic Parks and Gardens. As such, I would expect you to be consulting the Garden History Society on this phase of the proposals."

Note: The Garden History Society now forms part of The Gardens Trust which have been consulted and their comments included below.

Darley Dale Town Council

Comments were requested by 21 July 2015.

Environment Agency

The Environment Agency provided the following advice to LPA/applicant:

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."

Natural England

Natural England raised no objection to the proposal but made the following comments:

"Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site;

nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the

2010 DMPO). The requirement to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” remains in place (Schedule 4, w). Natural England’s SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website.”

Derbyshire Wildlife Trust

Comments were requested by 21 July 2015.

Office of Rail Regulation

Comments were requested by 21 July 2015.

Peak Rail

Comments were requested by 21 July 2015.

The Gardens Trust

No objection.

Highway Authority

An Officer, on behalf of the Council as Highway Authority, has provided detailed comments in respect of the application by emails on 28 July 2015, and in respect of a revised application drawing and supporting comments by email on 9 October 2015.

Publicity

The application has been advertised by site notice with a request for comments by 5 August 2015 and in the Matlock Mercury with a request for comments by 10 December 2015. As a result of the publicity, 20 letters of representation have been received of which 17 are in support of the proposal. Those reasons given in support of the proposal can be summarised as follows:

- Improved safety for cyclists who would otherwise have to travel on the A6.
- The route would increase tourism to the area.
- Encouraging more people to travel the route would have a positive economic impact on the area.
- Environmental benefits resulting from people being able to choose a more sustainable travel option.
- Public health benefits.
- The cycle link would provide an opportunity to give the area a valuable legacy for future generations.

A number of objections were also received which raised the following concerns:

- Impact on foot use of the historic footpath.
- Dangers posed by having cyclists and pedestrians in close proximity to each other.
- Dangers posed to local residents of properties close to the proposed route.
- Impact on property values of nearby residential properties.
- Physical impact on perimeter fencing of adjacent properties.

Those issues raised that are material to the consideration of this planning application 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

The National Planning Policy Framework (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 29: Reducing the need to travel.

Paragraph 30: Sustainable modes of transport.

Paragraph 35: Priority to pedestrian and cycle movements.

Paragraph 58: Requiring good design.

Paragraph 75: Protecting and enhancing public rights of way and access.

Paragraph 118: Conserving and enhancing biodiversity.

Paragraphs 128, 129 and 132: Heritage assets.

Paragraph 187: Decision taking.

Adopted Derbyshire Dales Local Plan

SF1: Settlement Framework Boundary.

SF5: Design and Appearance of Development.

SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment.

NBE6: Trees and Woodlands.

NBE8: Landscape Character.

NBE9: Protecting the Important Open Spaces Alongside the A6 Through Darley Dale.

NBE23: Conservation of Historic Parks and Gardens.

NBE26: Landscape Design in Association with New Development.

NBE27: Crime Prevention.

TR4: Safeguarding the Reinstatement Of Railway Lines

TR6: Pedestrian Provision.

TR7: Cycling Provision.

TR9: Safeguarding Public Rights of Way.

L10: Leisure Routes and Tracks.

The Emerging Local Plan

Although the DDDC draft Local Plan was formally withdrawn in 2014, in light of an Inspector's report, it is considered to be of continuing relevance to proposals in the plan area, and in general similar policies to the following are expected to be included in the new draft Local Plan which will be published in due course:

Strategic Policy 1 - Sustainable Development Principles: seeks to encourage sustainable development through a series of criteria based around promoting development in locations *'which are accessible by foot, cycle or public transport with minimal reliance on the car.'*

Strategic Policy 11 - Accessibility: DDDC will seek to ensure that development is managed in order to minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan (LTP3). This will be achieved by:

- *'Promoting the introduction of appropriate facilities for new cycling development, the use of local cycleway and pathway networks to improve choice of travel and ensuring safe access to developments on foot and by bicycle.'*

Strategic Policy 12 - Matlock/Wirksworth Sub Area: DDDC will seek to deliver sustainable growth within the Sub Area and meet the needs of the community through (amongst other things):

- *'Safeguarding the route of the Peak Rail extension to Rowsley from any form of prejudicial development; and*
- *Implementing the delivery of the Derbyshire Greenway Strategy and the Derwent Valley Cycleway.'*

The key planning considerations for this application are:

- Landscape and visual impact.
- Impact on Whitworth Park RPG.
- Trees.
- Flood risk.
- Ecology.
- Highways and Rights of Way.

Landscape and Visual Impact

The key landscape and visual sensitivities of this section will primarily relate to the Whitworth Park (RPG) and these impacts have been considered separately below. Outside the RPG, the route predominantly consists of the widening of the existing Darley Dale Footpath No 31 and is unlikely to have any significant adverse visual impact.

Impact on the Whitworth Park RPG

The route would make use of existing pathways within the Whitworth Park and it is not proposed to carry out any alterations to these pathways as the applicant considers that they are already of sufficient width to allow cyclists and pedestrians to use them simultaneously.

Where it is proposed to create a new pedestrian access, this will require the removal of a 2 metres wide section of the railings and an amount of vegetation clearance, including the removal of two holly trees. The applicant states that the creation of the new access would provide a more direct link between the park and the Peak Rail station to the south-west. Whilst the removal of the section of railed fencing and two holly trees would have some localised visual impact, which a selection of a different route for consideration under this application could have avoided, I consider that, in the context of the wider park, any impact would not be significant. I have also sought the views of the Gardens Trust who have raised no objection to the proposal.

The proposed new section of path to the north-west of the park would pass around the existing football pitch and head out of the RPG across an adjacent agricultural field before re-joining the existing public footpath near to Willow Way. This section of the route would pass through an area of marshy grassland and would incorporate the enlarging of an existing drainage ditch to form a pond. The applicant states that the proposed route has been chosen in order to maintain an appropriate distance from the football pitch whilst creating a winding course similar to that already found within the park.

Whilst a route running parallel and adjacent to the football pitch may lead to the possibility of a greater area for potential ecological enhancement, I am satisfied that the reasons for the choice of route, to maintain a distance from the pitch and to be in keeping with the other pathways within the park, are appropriate in the circumstances.

I am satisfied that the section of the proposal located with the Whitworth Park RPG would not have an adverse impact on its character and appearance, nor would it have an adverse impact on the open character of open space alongside the A6 as defined in the Proposals Map of the adopted Derbyshire Dales Local Plan. I am therefore satisfied that this section of the proposal would be in accordance with policies NBE9 and NBE23 of the local plan.

Trees

I note that the application includes a preliminary arboricultural method statement which outlines how operations might be achieved on site without a significant impact on the health of retained trees. I note that the applicant acknowledges that the method statement will require updating and I have therefore recommended a condition requiring an updated method statement to be submitted and approved before any development commences.

Flood Risk

The proposal incorporates the widening of the existing footpath along part of the route and the introduction of hard surfacing in some areas where there is currently none. I understand, from the details submitted, that it is proposed to use a permeable surface where possible. However, the applicant acknowledges that the exact design may influence the permeability of the surface and impact on ground conditions and drainage.

Whilst I consider that, in general, the proposed development is unlikely to significantly increase the risk of surface water flooding in the area, I have recommended a condition requiring a surface water drainage scheme, based on sustainable drainage principles, to be submitted for the approval of the County Planning Authority.

Ecology

A preliminary ecological appraisal, dating from September 2014, has been submitted along with the application. The appraisal considers potential impacts along the whole of the proposed route from Rowsley to Matlock and includes the results of a desk based study and field surveys.

The appraisal highlights the potential for great crested newts (GCN) to be present within the ponds and ditches which form the site for this section of the route. However, a number of GCN surveys have been undertaken in April and May 2015, along with a DNA analysis of the ponds, and no evidence of the presence on GCN was found.

I note that a number of trees are proposed to be removed as part of the development. Whilst the submitted ecological appraisal states that the presence of bat roosts is unlikely, I have nevertheless recommended a number of conditions to ensure that appropriate checks are carried out by a suitably qualified ecologist before any works to trees or other site clearance is carried out in the interests of the protection of bats and nesting birds.

Highways

The Highway Authority, when previously consulted on phases 1 and 3, recommended the inclusion of conditions to deal with the adopted highway linkages between those anticipated phases, and each end of the phase, which forms this application (Phase 2), namely Old Road/Station Road and Church Road. Whilst further design input is likely to be required to achieve a satisfactory scheme of improvements, the Highway Authority is generally

satisfied that an acceptable solution could be constructed, to overcome the previously identified issues. To promote continuity between the phases, I am recommending that similar conditions should be applied to this phase to ensure that each phase could be implemented in isolation, with appropriate access arrangements being in place.

Steps are being provided within the Whitworth Park site, to provide a link between the new section of path and an existing public Right of Way. The Highway Authority generally discourages the use of steps, especially under tree cover, where steps may become slippery and pose a hazard. However, I understand from the applicant that these steps will remain in the private ownership of the Whitworth Trust and will be maintained by them and not the Highway Authority.

There are the local concerns about potential problems related to car parking that might be associated with trail use. The Council, as Highway Authority, has indicated that, if planning permission is granted, it would monitor on-street parking in the vicinity of access/egress points for an 18 month period following the opening of the route. If any associated parking problems related to the development are highlighted, mitigation measures could be suggested to the Council as the local Highway Authority and Traffic Authority. A condition to this effect is included in the recommended conditions. The applicant has stated that funding of such mitigation measures as the Council might authorise would be made available from the budget for the development.

The proposal incorporates works to widen the existing Darley Dale Footpath No 31 and upgrade it to a multi-user trail. Whilst there are no objections to the principle of the development, the applicant shall be advised to ensure that all relevant consents and authorisations are obtained in relation to the public Right of Way before any works affecting it are carried out.

I note that a number of local residents have raised concerns about safety issues resulting from the increased use of the footpath and the presence of cyclists in the vicinity of the residential properties in the Church Road area. I am satisfied that the widening of the existing footpath will allow both cyclists and pedestrians to use the trail safely and that, in general, appropriate safety measures have been included. However, given the specific concerns raised by residents, I consider that a scheme of monitoring to determine whether any additional safety measures should be introduced would be appropriate and I have recommended a condition to that effect.

Conclusion

I am satisfied that, subject to the imposition of the recommended planning conditions, the proposal would not have an adverse impact on the Whitworth Park RPG, ecology, landscape or local amenity. The proposal would provide improved access to the countryside via a sustainable transport opportunity

which would have economic benefits and promote increased physical activity in line with wider sustainability and health objectives.

I consider that the proposal would be appropriate in this location and the recommended planning conditions would ensure that the development would accord with both national and local planning policies, and so the application is recommended for approval.

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

Other Considerations

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. 3.1723.6
Application details dated 22 June 2015, including additional and revised information dated 28 September 2015. Consultation responses from Landscape dated 7 July and 12 September 2015, Natural England dated 8 July 2015, Lead Local Flood Authority dated 20 July 2015, Environment Agency dated 20 July and 16 November 2015, Public Rights of Way dated 21 July 2015, Highways dated 28 July and 9 October 2015, Derbyshire Dales District Council dated 30 July 2015, The Gardens Trust dated 16 September 2015 and the County Ecologist dated 18 November 2015.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to a set of conditions substantially similar to the following:

- 1) 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.

- 2) The development shall be carried in accordance with the application details dated 22 June 2015, except as amended by additional and revised information dated 28 September 2015, or as otherwise required by conditions of this planning permission.

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 the amenity of the area.

- 4) The development shall not be put into public use until the date for the opening of the pedestrian/cycle route has been notified in writing to the County Planning Authority.

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

- 5) 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;

0800 hours to 1700 hours Saturdays.

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

Reason: To restrict the hours of construction as required in the interest of local amenity.

- 6) No trees shall be felled or trimmed unless a competent qualified ecologist has undertaken a full check for bat presence. In the event that bats are found to be present, the felling shall cease until the applicant has undertaken additional surveys and submitted a scheme of mitigation measures proposed by a competent qualified ecologist to avoid long term harm to all bat populations identified in the surveys, for approval by the County Planning Authority. No felling or trimming shall be undertaken until the scheme is approved by the County Planning Authority and that scheme shall be implemented in full.

Reason: In the interests of the protection of bats.

- 7) No site clearance work shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the County Planning Authority.

Reason: In the interests of the protection of nesting birds.

- 8) No development shall take place until an updated Arboriculture Method Statement has been submitted to and approved in writing by the County Planning Authority. 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 arboriculture features are properly maintained and managed for the duration of the development in the interest of visual amenity and local landscape character.

- 9) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the County Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- Sustainable drainage techniques or Sustainable Drainage Systems incorporated into the design.
- Details to show the outflow from the site is limited to the maximum allowable rate.

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

Reason: To prevent the increased risk of flooding and to improve and protect water quality.

- 10) No development shall commence 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 programme of construction works identifying:
 - proposed working areas;
 - access points/routes; and
 - construction timetable.
- b. Space provided within the site curtilage for:
 - the storage of plant and materials;
 - site accommodation;
 - loading and unloading of goods vehicles; and
 - 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 within 14 days of any permanent accesses being taken into use.
- d. Vehicle wheel cleaning facilities provided and retained within the site.
- e. 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.

- 11) The pedestrian/cyclist crossing improvements at the Church Road crossing point shall be laid out generally in accordance with submitted drawing 47069970/DWG/PA/28 Rev P3, but more specifically in accordance with detailed designs and programme for implementation first submitted to and approved in writing by the County Planning Authority. The works being fully constructed on site prior to the trail being opened for use by the public.

Reason: In the interests of highway and public safety.

- 12) Before any operations are commenced, a scheme of highway improvements, for the lengths of Old Road and Station Road, which provide a highway link between the multi-user trail to be constructed

under this permission (Phase 2) and the multi-user trail to be constructed under permission code no. CD3/1214/119 (Phase 1) shall be submitted to and approved in writing by the County Planning Authority. The approved improvements being implemented, in accordance with the approved details prior to Phase 2 being opened to use by pedestrians and cyclists.

Reason: In the interests of highway and public safety.

- 13) All highway warning signage on Station Road and Church Road, generally in accordance with the application drawings, shall be erected prior to the opening of the trail unless otherwise agreed in writing with the County Planning Authority.

Reason: In the interests of highway and public safety.

- 14) A scheme of monitoring shall take place in the vicinity of the access/egress points to ascertain any hazardous on-street parking problems as a consequence of the development. The monitoring shall take place over an 18 month period, following the opening of the route to the public and, if associated parking problems are highlighted during this period, the applicant shall submit a scheme of proposals for measures for diminishing such problems that the Council, as Highway Authority and Traffic Authority, might consider taking.

Reason: In the interests of highway and public safety.

- 15) A scheme of monitoring shall take place in the vicinity of the residential properties on Willow Way, Yew Tree Close, Rowan Close and Laburnum Close to ascertain any pedestrian safety issues arising as a consequence of the development. The monitoring shall take place over a six month period, following the opening of the route to the public and, if associated hazards are highlighted during this period, the applicant shall submit a scheme of proposals for measures for diminishing such problems to the County Planning Authority. The scheme shall then be implemented as approved.

Reason: In the interests of public safety.

- 16) No gates, including any part of their opening arc, shall be permitted to open outwards over the adjoining public highway.

Reason: In the interests of highway safety.

Footnotes

- 1) 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.
- 2) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works 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 highway limits is available via the County Council's website:
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp or by email at ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- 3) The Highway Authority recommends that the first 5 metres of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.).
- 4) 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 5) 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.
- 6) The application site will affect existing Public Rights of Way. These routes must remain unobstructed and 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.

- 7) Construction works are likely to require Traffic Management and advice regarding procedures should be sought from the Traffic Management Section in the Economy, Transport and Environment Department, telephone 01629 533190. All road closure and temporary traffic signal applications will have to be submitted via the County Council's website; relevant forms are available via the following link
[:http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)
- 8) The development incorporates part of Darley Dale Footpath No 31 and Darley Dale Footpath No 32 is adjacent to the site. The Rights of Way Section would like the applicant to be advised as follows:
- The routes must remain open, unobstructed and on their legal alignment at all times.
 - There should be no disturbance to the surface of the paths without prior authorisation from the Rights of Way Inspector for the area.
 - Consideration should be given to members of the public using the paths at all times.
 - A temporary closure of the footpaths may be granted to facilitate public safety during the construction phase, subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least five weeks' notice is required to process the closure and an alternative route should be provided if possible.
 - If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

