

Agenda Item No. 4.2

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

8 August 2016

Report of the Strategic Director – Economy, Transport and Communities

**2 APPLICATION FOR PLANNING PERMISSION FOR PROPOSED
CONSTRUCTION OF A 430 METRES ADVENTURE CYCLE TRACK
EXTENSION TO THE FIVE PITS TRAIL AT WILLIAMTHORPE
NATURE RESERVE, HOLMEWOOD
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD4/0316/143**

4.121.31

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

(2) **Information and Analysis** This application proposes the construction of a 430 metres (m) cycle track to be located within an existing woodland plantation, close to the southern boundary of the Williamthorpe Nature Reserve (WNR).

The proposed track would connect with the existing Five Pits Trail, which runs parallel to the woodland plantation, with the proposed track forming a southern circular loop cycle track extension to the existing Five Pits Trail.

The Five Pits Trail is a 7.5 miles multi-user greenway linking the communities of Grassmoor, North Wingfield, Holmewood, Pleasley and Tibself, and provides off-road interconnectivity.

The location of the proposed cycle track extension has been designed so that an existing 1.2 kilometres (km) woodland cycle track can link into this extension, creating a 1.9km circular loop within the WNR or a 400m diversion for cyclists traveling westwards along the Five Pits Trail.

The proposed track surface would comprise a 1.2m wide by 0.2m deep compacted limestone track that would be cambered to facilitate surface water run-off.

Consultations

Local Member

Councillor Hill (Sutton) has been notified.

North East Derbyshire District Council (NEDDC)

Has been consulted with a request for comments by 29 April 2016.

Heath and Holmewood Parish Council

Has been consulted with a request for comments by 29 April 2016.

Publicity

The application has been advertised by site notice with a request for observations by 20 April 2016. One letter of representation has been received from a neighbouring business which objects to the proposed development on the basis that the development would potentially result in an increase in anti-social behaviour in the locality, thereby necessitating improvements to the security measures currently positioned along the southern WNR boundary with the adjoining industrial units through the provision of new fencing and CCTV.

This issue will be dealt with in the 'Planning Considerations' Section below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other 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 North East Derbyshire Local Plan.

The saved Local Plan policies of principal relevance to this grant of planning permission are:

GS1: Sustainable Development.
GS6: New Development in the Countryside.
GS10: Crime Prevention.
GS12: Assess for All.
NE1: Landscape Character.
NE7: Protection of Trees and Hedgerows.
T5: Walking and Cycling.
R6: Proposals for New Outdoor Recreational Uses.
R11: Development Affecting Public Rights of Way.

The key planning considerations for this application are:

- Need for the development.
- Landscape and visual impacts.
- Landscape and Ecological Impact.
- Impacts on businesses on adjoining land.

Need for Development

The application states that the proposed trail would extend and enhance the existing adventure cycle trail within WNR, thereby both increasing and diversifying the level of recreational provision along the Five Pits Trail, encouraging new visitors by providing cyclists with a different experience to the main greenway. This will contribute to public health objectives, as well as the visitor economy.

The applicant's proposed improvements to the existing trail are welcomed as are the aspiration to improve the management of the plantation woodland within this part of the WNR. On the basis of the above, I consider that there is a clear need for the proposed development which would provide improved cycling facilities within WNR and along the Five Pits Trail, with the proposed development according to the requirements of policies GS12 and T5 of the adopted North East Derbyshire Local Plan.

Landscape and Ecological Impacts

The proposed cycle track extension, as well as the recently constructed trail (code number CD4/0914/75) form part of a wider four year plan to thin the woodland plantations within the WNR and, where possible, to make improvements to the existing plantation woodland habitat which appears to have had minimal management since it was planted during the 1980s. The applicant commissioned a Phase 1 Habitat Survey of the flora and fauna of the site, and the conclusions and recommendations were submitted with the application.

The application states that all works would be carried out in accordance with the recommendations contained within the ecological report. The report makes a number of recommendations, including positioning the track to reduce the number of trees felled, the retention of larger trees, the avoidance of material storage in ecologically sensitive locations and the replacement of any hedgerow lost, etc. The trail would involve the removal of some trees and scrub, as well as a short section of hedgerow, however, this would form part of the overall management of the WNR. The conclusions of the ecological report, where it is stated that the woodland in this part of the WNR is young, relatively species poor and of low ecological value and that as a consequence the loss of this habitat would not represent a significant adverse impact in the context of the wider WNR, are noted. Whilst it is always unfortunate when trees are lost, in this instance I have no reason to doubt the conclusions of the

ecological report and consider that such works would be appropriate as they would form part of the wider desire on the part of the applicant to improve the existing woodland that has not seen any management in 30 years. I am satisfied that the design of the proposed cycle trail is appropriate for the location and would have a minimal impact on the local amenity and landscape character. The proposed development accords to the requirements of Policy NE1 of the adopted North East Derbyshire Local Plan.

Impacts on Businesses on Adjoining Land

The proposed installation of the trail in this section of the WNR, close to the park's southern boundary with the adjoining industrial estate, has understandably raised concerns among local businesses that the construction of the trail would make this area of the WNR, and as a consequence the shared site boundary, more accessible to those with criminal intent. The representation received states that the development would generate a need for increased security measures (improved fencing and CCTV) along the boundary to protect the adjacent industrial units.

Nevertheless, the WNR, including the plantation woodland where the proposed cycle trail extension would be located, is currently open access land. Furthermore, the construction of the trail will encourage increased public use of this area of the WNR. Those with criminal inclination might find the location less inviting, in so far as increased public use would raise the chances of any suspicious activity being observed by others.

I am also aware that the site boundary treatment between the WNR and the industrial unit is currently 2.4m high palisade security fencing which is normally sufficient for security purposes.

Overall, I am not convinced that this development would generate any significant change to the security situation of adjacent businesses. However, the impact of the trail use can only be fully ascertained once the trail has been open for some time; I therefore recommend that, if approved, a condition is attached to the permission that ensures a suitable management plan is in place for the area included in the application site, and that the plan provides a mechanism for periodic review and consultation with businesses in the adjoining industrial estate

Conclusion

In addressing the need for the development and the potential impacts, I consider the potential impacts would be mitigated either by appropriate measures incorporated within the application or by measures set out in conditions recommended in this report and, therefore, that the development would be appropriate for this location.

In conclusion, subject to appropriate conditions as outlined above, I consider that the proposed development would comply with the NPPF's presumption in favour of sustainable development and would accord with the saved policies of the adopted North East Derbyshire Local Plan. I consider this development to be acceptable and would recommend approval.

No objections have been raised by the Highway Authority and no public rights of way are affected.

(3) **Financial Considerations** The correct fee of £195 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, social value and transport considerations.

(6) **Background Papers** File No.4.121.31
Application documents from the Director of Property dated 11 March 2016.

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

Commencement

- 1) The development hereby permitted 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 County Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

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

- 3) The development shall take place in accordance with the details in the 1APP form dated 11 March 2016, Design and Access Statement, Ecological Survey and the accompanying drawings (LP1, SP1, Trail Construction).

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 construction plan for the trail shall be submitted to and approved in writing by the County Planning Authority. The construction plan shall include details of the maximum working width for the trail, the maximum width of hedgerow to be removed, details of the management of excavated material and type and size of machinery to be used to bring in materials and construct the trail. The construction plan shall be implemented as approved.

Reason: To minimise impact on the landscape features of the WNR.

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

Management Plan

- 5) Within one year of the date of this permission a scheme for measures to deter the occurrence of anti-social behaviour and criminal activity at the Site shall be submitted to the County Planning Authority for its approval in writing. The scheme shall provide mechanisms for:
- identification of any specific measures in the maintenance or management of the Site which would be reasonably practicable, in the public interest, and effective for deterring the occurrence of antisocial behaviour and criminal activity at the Site;
 - the carrying out of any measures so identified;
 - annual review to identify whether any continuation of measures previously identified under the scheme would be appropriate and whether any addition of any measures to the scheme would be appropriate;
 - periodic consultation with occupiers of adjacent business premises regarding the content and operation of the measures under the scheme.

The scheme shall be implemented as approved.

Reason: In the interest of the local amenity.

- 6) No site clearance or construction work shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed assessment 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. The written confirmation shall be submitted to the County Planning Authority within 7 days of the assessment.

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

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 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.

Footnotes

- 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.
- 2) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

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

Mike Ashworth
Strategic Director - Economy, Transport and Communities

