

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

9 June 2014

Report of the Strategic Director – Economy, Transport and Environment

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

(1) **Purpose of the Report** To seek Member's approval of proposed planning conditions to be attached to a Decision Notice.

(2) **Information and Analysis** The application was reported in the published report to the Regulatory - Planning Committee dated 12 May 2014, with a recommendation for refusal based on highway safety grounds. Following publication of the report and shortly before consideration of the application by Members, the applicant indicated that, in the circumstances, it no longer wished to proceed with the equestrian element of the application. Consequently, concerns regarding highway safety are able to be addressed via appropriately worded planning conditions. Having regard to the explanation provided by the Head of Planning Services at the meeting on 12 May 2014, the Committee resolved at that meeting that planning permission be granted subject to a set of conditions being presented and approved at the next Planning Committee.

Planning Considerations

The set of conditions which is contained in the Officer's Recommendation in this report is considered to be appropriate to enable planning permission subject to conditions to be granted for this application. The reasons for each of the conditions are also provided within the set of conditions.

(3) **Financial Considerations** The fee of £385 has been carried forward from the previously withdrawn application.

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

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

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

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

(6) **Background Papers** Site file references 4.2485.3 and 2.713.3, as previously reported at the Regulatory – Planning Committee dated 12 May 2014 as part of an Officers' report to Members and correspondence from applicant dated 7 May 2014 and County Highways (Network Management) dated 8 May 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **approve** the following set of conditions with reasons to which the grant of planning permission for planning application references CD4/0413/3 and CD2/0413/3 shall be subject:

- 1) The development shall be begun before the expiry of three years from the date of the decision.

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

- 2) The development hereby approved shall be undertaken in accordance with the planning application and accompanying documents dated 5 April 2013, as amended by additional information and accompanying detail received on 20, 21 and 29 May, 7 June, 24 July, 10 and 11 October and 23 December 2013 from the Director of Property, unless otherwise amended by conditions of this permission. For the avoidance of doubt the relevant plans and documents are:

- 1APP Form – dated 5 April 2013.
- Design and Access Statement.
- Supporting Statement.
- Peak Ecology Limited Extended Phase 1 Habitat Survey dated July 2012.

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- Peak Ecology Limited Additional Ecological Surveys dated August 2013.
- Peak Ecology Limited White-clawed Crayfish and Water Vole Survey dated November 2013.
- Arboricultural Statement.
- Method Statement for Working around Stone Stile at Point B in Drawing No. 9299A/1/002 – General Arrangement.
- URS Stage 1/2 Road Safety Audit dated 29 November 2013.
- Radar Spot Speed Readings 3222, 3323, 3224 dated 30 October 2012.
- Two Way Traffic Report 3225 dated 8 November 2012.
- Chesterfield Borough Council Decision Notice for Conservation Area Consent CHE/12/00731/CA dated 19 December 2012.
- Chesterfield Borough Council Hedgerow Removal Notice CHE/12/00730/HERM dated 20 December 2012.
- Drawing no. 9299A/1/001 – Location Plan.
- Drawing no. 9299A/1/002A – General Arrangement.
- Drawing no. 9299A/1/003 – Entrance from Greendale Avenue.
- Drawing no. 9299A/1/004 – Mr Bothams and Mr Lowes Land.
- Drawing no. 9299A.1.005A – Greenway from Somersall Lane.
- Drawing no. 9299A/1/006 – Land Ownership and Boundaries.
- Drawing no. 9299A/1/007A – One Way Crossfall Greenway Cross Section.
- Drawing no. 9299A.1.008A – Cambered Crossfall Greenway Cross Section.
- Drawing no. 9299A/1/009A – Built Up Cambered Crossfall Greenway Cross Section.
- Drawing no. 9299A/1/010 – Rights of Way.
- Drawing no. 9299A/1/011 – Visibility Improvement on Somersall Lane.
- Drawing no. 9299A/1/012 – Pre-Cast Concrete Pipe in Ditch.
- Drawing no. 9299A/1/013 – Proposed Culvert.
- Drawing no. 9299A/1/014 – Retaining Wall.
- Drawing no. 9299A/1/018 – Longitudinal Section.
- Drawing no. 9000/D4A – French Drain.
- Drawing no. 9000/D4B – French Drain under Drive for Farm Vehicles.
- Drawing no. 9000/F15A – Timber Post and 3 Rail Fencing.
- Drawing no. CENT-TD-1009 – Chiltern Bridge Gate Two Way Opening.
- Drawing no. 47068962_HIPVAL2_SL_01 Revision A – Hipper Valley Greenway Sign Locations.

Reason: To clarify the scope and details of the application that is approved.

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

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

- 4) The greenway trail to be provided under the proposal, which is the subject of the application shall be for pedestrian and cycle use only, and shall not be provided for equestrian or other bridleway use or for any use with vehicles other than pedal cycles.

Reason: In the interest of highway safety.

- 5) The development shall not be begun before a scheme of revised details of the access from the greenway trail onto Somersall Lane has been submitted to and received the written approval of the County Planning Authority. The scheme shall include: barrier details for the access onto Somersall Lane which are suitable for use by pedestrians and pedal cyclists and which shall prevent the passage of horses and vehicles other than pedal cycles, between the greenway trail and Somersall Lane; and details of works (including vegetation removal) required to achieve the appropriate visibility splays. The scheme, as approved, shall be fully implemented prior to the development being taken into use, and the works provided by the scheme shall be maintained for the duration of the development.

Reason: In the interest of highway safety and the landscape character of the area.

- 6) The development shall not be begun before a scheme of revised details of the access pad and fencing/barriers at Greendale Avenue have been submitted to and received the written approval of the County Planning Authority. The scheme shall include: barrier details for the access onto Greendale Avenue which are suitable for use by pedestrians and pedal cyclists and which shall prevent the passage of horses and vehicles other than pedal cycles, between the greenway trail and Greendale Avenue; and details of works (including vegetation removal) required to achieve the appropriate visibility splays. The scheme, as approved, shall be fully implemented prior to the development being taken into use, and the works provided by the scheme shall be maintained for the duration of the development.

Reason: In the interest of highway safety and the landscape character of the area.

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- 7) Before any other works commence, a Signage, Lining and Street Lighting scheme for Somersall Lane shall be submitted to and approved in writing by the County Planning Authority. Once approved, the scheme shall be fully implemented prior to the development being taken into use.

Reason: To ensure the safety of greenway trail users and in the interest of the visual amenity and local landscape character.

- 8) The proposals, the subject of the application, shall not be taken into use until a crossing point has been provided on Somersall Lane for pedestrians/cyclists, provided with 2 metres x 50 metres sightlines, unless otherwise agreed in writing, the area in advance maintained clear of any obstructions exceeding 1 metre in height (600mm in the case of vegetation)

Reason: In the interest of highway safety.

- 9) The proposals, the subject of the application, shall not be taken into use until such time as the existing highway footway along Somersall Lane from the entrance to the Greenway to the proposed crossing point has been widened to 3 metres for pedestrian and cycle use, except at points where the width is restricted due to mature trees.

Reason: In the interest of highway safety.

- 10) There shall be no removal of vegetation that may be used by breeding birds during the bird breeding season (i.e. March to September, inclusive) unless a recent survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have been submitted to and received the written approval of the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interest of the protection of birds.

- 11) The development shall be undertaken in accordance with the recommendations contained in Section 5 of the Peak Ecology Limited White-Clawed Crayfish and Water Vole Survey dated November 2013.

Reason: To ensure the development does not disturb protected species and their habitats or, if this is likely to happen, then appropriate mitigation and compensation measures are put in place in the interest of nature conservation.

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- 12) In the event that White-Clawed Crayfish are found to be present during the works, works shall cease until an appropriate scheme of measures for protection of the relevant population of the species during the remainder of the works has been submitted to and approved in writing by the County Planning Authority. The scheme shall include the following details:

- The timing of each measure.
- The measures to minimise the risk of introducing Crayfish plague.
- The professional qualifications of the competent persons/bodies responsible for particular activities associated with the method statement.

Any such scheme which is approved shall be implemented in full.

Reason: In the interests of nature conservation and the preservation of protected species and their habitat.

- 13) The development shall be undertaken subject to compliance with the recommendations contained in Section 4.6 of the Reptiles of the Peak Ecology Limited Extended Phase 1 Habitat Survey dated July 2012, provided that the removal of the compost heap shall be undertaken by hand between March and June inclusive so as to avoid impacts upon the eggs or young of grass snakes.

Reason: In the interests of nature conservation and the preservation of protected species and their habitat.

- 14) There shall be no fencing erected within the land identified on plan A.

Reason: In the interest of the landscape character of the area

- 15) No trees or Hedgerows other than those identified on drawing no's 9299A/1/002A – General Arrangement, 9299A.1.005A – Greenway from Somersall Lane and 9299A/1/013 – Proposed Culvert, shall be cut down, uprooted, damaged or removed during the works without the prior written approval of the County Planning Authority.

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

- 16) The development shall not be begun before a method statement detailing the replanting of the existing field hedges following the construction of the trail has been submitted to and received the written approval of the County Planning Authority. The scheme, which shall be fully implemented as approved, shall include the following details:

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- planting numbers
- species and cultivation
- protection measures
- post planting aftercare management.

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

- 17) For the first five years following new planting of any trees and shrubs (including hedgerows), the planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which dies or becomes seriously damaged or diseased or is missing, shall be replaced with plants of the same species or such alternative species as has been approved by the County Planning Authority (for the avoidance of doubt 100% replacement is required).

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

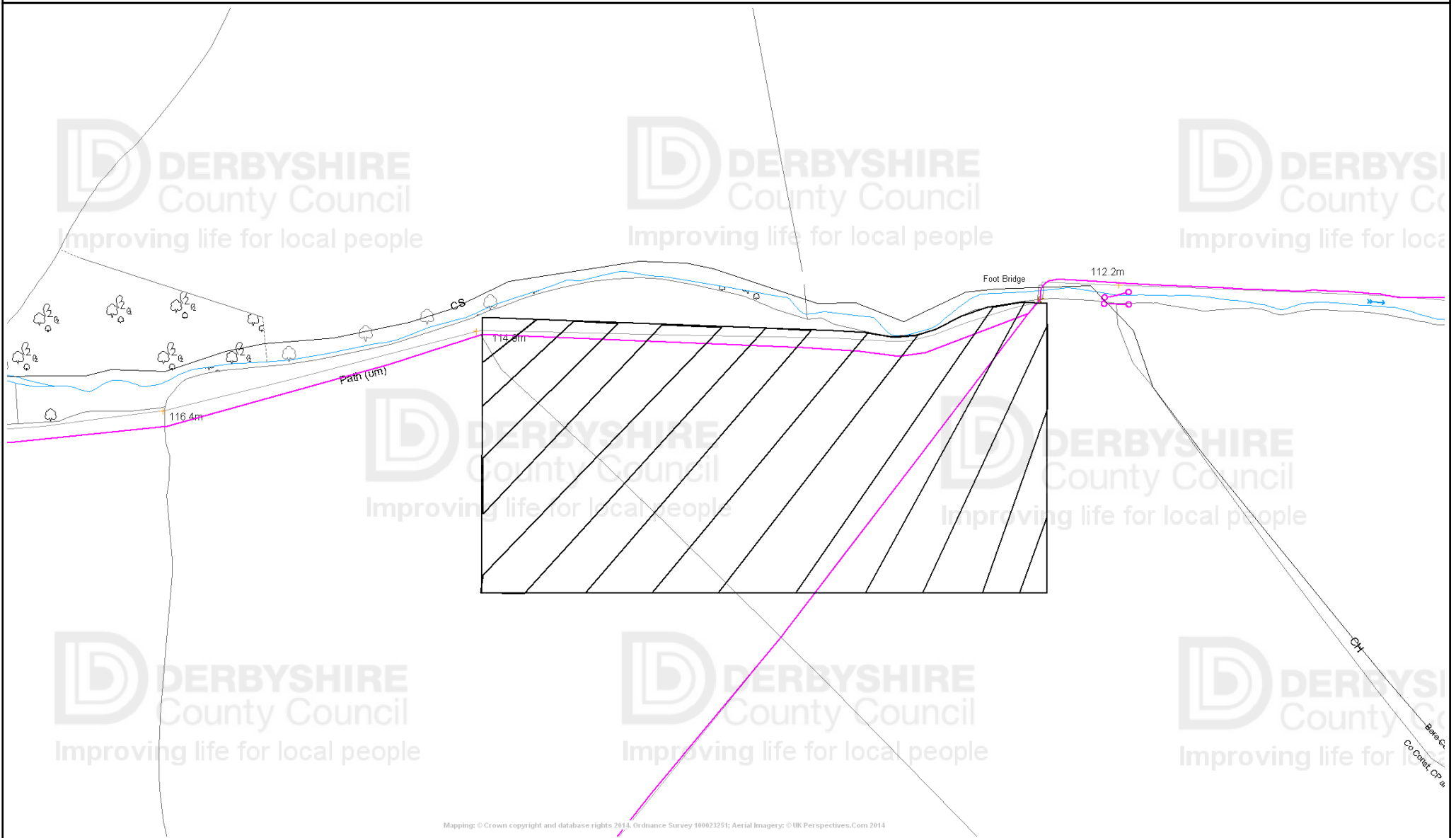
Footnotes

- 1) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 2) The application site is affected by Public Rights of Way. These routes must remain unobstructed and on their legal alignments at all times and the safety of the public using them 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.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

Plan A



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