

DELEGATED DECISION REPORT

HPK/2017/0064
Valid 24/02/2017

**PARKS INN 2 BURLOW
ROAD
HARPUR HILL
BUXTON**

**REALIGNMENT THE FINAL
PART OF THE WHITE PEAK
LOOP TRAIL ROUTE AS IT
PASSES THROUGH THE
GROUNDS OF THE PARKS
INN PUBLIC HOUSE**

(FULL - MINOR)

MAIN ISSUES

- Visual Amenity
- Residential Amenity
- Highway Safety
- Impact on trees

BACKGROUND

Planning consent was granted for a pedestrian and cycle path in February 2011 (HPK/2010/0651), and formed part of a wider White Peak Loop Trail, ultimately connecting the Monsal and High Peak Trails into Buxton and Matlock. In 2013 Derbyshire County Council took over the development and have constructed the majority of the path, with the last section, the terminus in the car park of the Parks Inn public house remaining. Plans have since altered and the landowner of the public house has concerns about the approved exit.

DESCRIPTION OF SITE AND THE APPLICATION

This application relates to the last section of the track where the path enters the car park of the public house, the Parks Inn, located in Harpur Hill Buxton. The approved route runs down through the field to the south of the public house and into the public house grounds via a narrow section between the pub and an outbuilding.

This application seeks consent to realign to track from the narrow gap between the outbuilding and pub as approved, and to run the track along the western boundary of the curtilage of the public house, terminating at the front boundary wall. The section of path concerned is approximately 40m in length, 2.4m in width. The area of land where the track is to be realigned is currently unmaintained amenity space and features a mature ash tree and sycamore tree, neither of which are subject to formal protection, although the ash tree in particular has a positive impact on the character and appearance of the surrounding area. The track does not propose a new access point, but alteration to this short section of route. The track will require sections of cut and fill to create an appropriate gradient for the route and will include the erection of

a 1.8m close board timber fence along the western boundary adjacent to the pedestrian access to properties along Grinlow Close.

The site lies mainly within the development boundary of Harpur Hill, with the southern section of the path being within the countryside.

PLANNING HISTORY:

HPK/2010/0651 –Cycle Path some 6km long from Ladmanlow to Harpur Hill (Staker Hill section) Approved 14.02.2012

HPK/2011/0284 – Cycle path from Buxton Country Park through Grinlow Woods to Holmfield – Refused 15.08.2011 due to traffic generation and inadequate information. Dismissed on appeal.

HPK/2012/0149 – Path linking Buxton Country Park through Grinlow Wood to Green Lane – Approved.

PUBLICITY EXPIRY DATES:

Site Notice – 03/04/2017

Neighbours - 31/03/2017

Newspaper - N/A

REPRESENTATIONS / NEIGHBOURS:

26 letters of support have been received. Support given for the following reasons;

- Completion of trail will be a great benefit for locals and visitors.
- This is a minor alteration that has been designed so nearby properties are not overlooked with fencing and shrubbery; it will not result in noise or impact on amenities.
- Access via Parks inn will make the route accessible and cycle friendly,
- A good change and out the way of local residents
- A sensible and worthwhile alteration to this route
- This route will reduce congestion and pollution on the roads
- The loop will bring income to the area supporting local businesses and have a big impact on those providing accommodation
- The access is better for residents that live on Fiddle Street
- Cleans and tidies the area and makes the route safer
- This is excellent – the gap needs filling as soon as possible
- A good scheme and important in the big picture of completing the White Peak Loop
- Minimum impact and huge benefit to the area
- The proposal would benefit the region as a whole

CONSULTATIONS:

DCC Highways

Drawings not clear. However, no objection subject to no alteration to existing access with public highway.

Tree Officer

The proximity of the path the ash tree is not ideal however I have looked at the proposed specifications and consider that in light of the other benefits of the scheme, I have no objections as long as conditions are included to for tree retention and tree protection during development.

Environmental Health

No representations received

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted High Peak Local Plan 2016.

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S7 Buxton Sub Area Strategy
EQ 6 Design and Place Making
EQ9 Trees, woodland and hedgerows
E6 Promoting Peak District Tourism and Culture
CF 6 Accessibility and Transport

National Planning Policy Framework

Para 14 Presumption in Favour of Sustainable Development
Para 17 Core Planning Principles
Section 7 Requiring Good Design

MAIN ISSUES AND COMMENT:

The principle of the cycle path to link existing trails has extant consent with the implementation of most of the route. This application relates to an amendment to one section, the exit to allow for a safer and more clearly identified end/start of the trail. The site lies within the built up area boundary of Buxton whereby under Policy S2 new development proposals will be directed. Therefore the proposal is considered to be acceptable in principle.

Impact on character and Appearance

The proposal will involve the creation of a larger section of track than previously approved and will change the character of the existing amenity space to the side of the public house and adjacent to the residential properties off Grinlow Close by the provision of the excavated section of track. The proposal will involve the construction of a masonry wall in the car park to separate the path from the car park, which will be bollarded to prevent cars accessing the path at the very final section. Although the specific details of the proposed bollards have not been provided, this can be secured by an appropriate planning condition. The proposal seeks to retain the mature Ash tree which when in leaf will soften the area and reduce the impact of the path on the visual amenity of the surrounding area. The proposal is therefore considered to comply with section 7 of the NPPF and policy EQ2, and EQ6 in this regard.

Parking and Highway Safety

The applicant has clarified the exit point of the path is not changing and that bollards will prevent vehicles accessing the track at the end. The proposed wall will safely separate traffic from the path and the route will be demarcated with thermoplastic markings on the surface. The proposed exit is considered to be safer than previously approved as it clearly defines a start rather than ending abruptly in the car park. The application is therefore considered to be an improved position from the previous scheme and will provide a safe accessible route for pedestrians and cyclists thus complying with section 4 of the NPPF and policy CF6 in this regard.

Trees

The tree officer has concerns about the proximity to the ash tree although weighs this in the balance of the benefits of the scheme. The applicant has considered carefully the location of the route and assessed this position as the least harmful route. Conditions can require appropriate protection of the trees. The proposal is considered to comply with local plan policy EQ9 in this regard.

Amenity

The proposed path will bring the route closer to adjoining residential properties, along the western boundary. However, the access path to the dwellings is between

the boundaries of the dwellings and the pub car park and so provides a separation between the boundaries. The path will be dropped below the level of the land at present to create the required gradient and a 1.8m fence will be installed to provide extra screening to residents on the western boundary. The trees and shrubs are to be retained on site where possible.

The principle of the route ending in the car park close to residential properties has been agreed and is the fall back position on this site and measures have been taken to provide screening to the properties as much as possible. The path will bring extra noise and activity to the site although this will be from passing pedestrians and cycles rather than visitors sitting within the beer garden as could also occur. On balance, the harm of the relocated path on noise and disturbance and the privacy of neighbouring properties is not considered to be so harmful as would warrant a refusal. The path is not lit and so will not be a readily accessible outside of daylight hours. The proposal is therefore considered to comply with local plan policy EQ6 and para 17 on this regard.


Benefits of the Scheme

The impacts of the proposal must be balanced with the positive benefits particularly in relation to the promotion of a sustainable transport network and increased opportunity for leisure and recreation. Paragraph 73 of the NPPF states that ' Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'. Similarly policy S7 clearly supports proposals to improve connectivity by public transport, walking and cycling to and from the Peak District. The proposal provides a safe access point to the path and will support the wider cycle network and bring economic, social and recreational benefits to the immediate locale and wider area.

OFFICER RECOMMENDATION :

Case Officer: Faye Plant

Recommendation Date: 19/04/2017

X 

Signed by: Jane Colley

On behalf of High Peak Borough Council