
10. FULL APPLICATION – WOODLAND PARK, WOODLAND ADJACENT TO BASLOW SPORTS CLUB, BASLOW (NP/DDD/0117/0031, P.3686, 7/2/2017, 425340 / 371997, MN)

APPLICANT: Baslow Parish Council

Site and Surroundings

The application site is an area of planted woodland to the immediate south of Baslow Sports Club and playing field. It is a narrow strip, measuring approximately 15m wide and 140m long and consists of a mix of native and spruce trees. The site is bounded to the west by the River Derwent and by a private road to the east, on the east side of which lies the local bowling green. To the south lie open fields.

The site is accessed off the private road that runs north to south at the eastern end of the site and joins the A619 a short distance to the north. This road also serves the Sports Club, bowling green, and well beyond in the Chatsworth Estate grounds, a caravan site.

The site is outside of the village Conservation Area, and its western edge is within Flood Zone 2.

There are no residential neighbours to the site. The application site, access road, and land to the south of the application site are in the ownership of the Chatsworth Estate. The woodland is currently leased by Baslow Parish Council from the Estate.

Proposal

This application seeks planning permission for a change of use of the woodland to a woodland park.

This includes the installation of 16 pieces of timber play and exercise equipment such as a log swing, balance beam, sit-up bench, and zip wire. These would predominantly be constructed of wood but would include some parts of coated metal and rope. Much of the equipment would be low level, but many include vertical wooden posts of between 1.5 and 2.4 metres in height, with the tallest piece of equipment (the zip wire) having a maximum height of 4.2 metres.

The site would be accessed by the existing gateway on the western side, and no paths through the site are proposed.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. Through the installation of the proposed play equipment and the use of the site as a woodland park the proposed development would have adverse impacts on the trees within the woodland that would result in harm to the landscape in this location, contrary to policies L1 and LC4.**
- 2 The application fails to properly assess the impact of the development on bats, or to propose sufficient protective measures for other ecological interests of the site, contrary to policies L2 and LC17.**

Key Issues

1. The impact of the development on trees within the woodland, and the resulting landscape impact of this
2. The impact of the development on the ecological interests of the site

3. The impact of the development on the use of the adjacent Sports Club
4. The impact of the development on highway safety and amenity

Planning History

Discussions between the Parish Council and the Authority regarding the development of this land have been undertaken on a number of occasions since 2009. Planning applications for development of the site as a woodland park have previously been made in 2009 and 2016, both of which were withdrawn.

The applicant has since sought further advice from the Authority's Tree Conservation Officer and Planning Officers prior to submitting this latest application. This advice raised concerns regarding the potential impact of the proposal on trees, and the need for further survey work in relation to both impacts on trees and protected species if a further application was to be forthcoming.

Consultations

Derbyshire County Council – Highways – The red-line boundary does not appear to include the parking area referred to in the Design and Access Statement. However there would appear to be sufficient space within the woodland area to create a separate parking area for users of the woodland.

Notwithstanding the above it is unlikely that the above would impact on the adjacent public highways and in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

Derbyshire Dales District Council – No response at time of writing.

Baslow Parish Council – No response received. The Parish Council is the applicant and so can reasonably be assumed to be in support of the proposal.

Natural England - Natural England has previously commented on this proposal and made comments to the Authority. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

PDNPA Landscape - Generally supportive of the idea of informal woodland play, but consider in this case that far too much formal equipment is planned for the area. Consider that this will have a detrimental effect on the structure and condition of the woodland - root damage through the installation of equipment, issues of compaction in the root zone and disturbance. Therefore do not support the application as it stands.

PDNPA Ecology - A bat survey has not been submitted and therefore protected species issues not fully addressed as a material consideration. Until this information is provided, Ecology object to the application.

Although this is noted as plantation woodland, a number of woodland indicator species have been identified in this survey and previous site visits by the PDNPA Ecology team. Species include wild garlic (noted in the survey), dog's mercury (previously recorded as locally abundant) and wood avens. The report should consider mitigation measures to ensure that these plants are not trampled upon as a result of the development (e.g. a plan should be included with reference to indicator species and careful siting of equipment well away from areas of interest). Previous

comments have stated that alternative sites for a recreational site that have not been fully explored and these need to be examined further.

PDNPA Tree Conservation - Concerns are similar to the previous [withdrawn] application in relation to the long term impacts of the proposal. Whilst there is no objection to the removal of the low quality trees identified, issues of root compaction from the proposed use would result in long term damage to the trees. The suggestion in the arboricultural report that this could be mitigated after the fact through monitoring and remedial measures would not in my view be either practical or effective.

Sport England - The proposal involves the creation of a woodland park on land immediately adjacent to Baslow Sports Ground. It is understood that the application site is in private ownership and at present it seems that any public access to the site is currently unauthorised.

The effect of the proposals would be to open up the application site and actively encourage its use for recreational and educational purposes, including by local schools and members of the public. This would have the potential impact of exposing users of the site to the risk of ball strikes associated with the use of the adjoining playing field, thereby prejudicing the use of the playing field unless suitable mitigation measures were identified and implemented.

Scaling from aerial photographs on Google Earth, the cricket pitch southern boundary appears to be close to achieving the minimum recommended dimension for senior cricket (i.e. 45.72 metres required for a compliant senior cricket pitch), but it is not possible to confirm this precisely using the information so far provided. Irrespective of this, the southern cricket pitch boundary is in any event positioned in very close proximity to the application site, as is the adjoining football pitch goal mouth. There is a risk (to users of the application site) of ball strikes that would be likely to have an adverse impact on the use of the playing field in the absence of satisfactory mitigation measures being identified and provided.

At this stage, the constraints on the adjoining playing field use that would be likely to result from the development are not judged to have been adequately considered within the submission, nor has the feasibility of providing suitable measures to address the identified impact and risk.

The proposal is felt to have the potential to meet Sport England's Policy Exception E3: 'The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site'. However, further information would need to be provided to show that continued use of the retained playing field and overall sports facilities would not be compromised (for example due to the risk of ball strikes).

In view of this, a detailed ball strike risk assessment and mitigation strategy should be completed by the applicant, so that the implications of the development can be fully and accurately understood, along with the form of the any necessary mitigation measures. Experience from other sites indicates that the height of ball stop netting may be substantial (for example, a recent proposal elsewhere in Derbyshire involved a recommendation for 16 metre high ball stop netting). It is therefore important to be clear about the appearance of mitigation measures and the arrangements for their installation and on-going maintenance / management so that this can form an integral part of the assessment of the overall development.

Without the above information, it is not judged that the acceptability of the application has been demonstrated at this stage. *In light of the above, Sport England wishes to raise a statutory objection to this application, pending the submission of additional / amended information to respond to the aforementioned concerns.*

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Representations

32 letters of representation have been received in relation to the proposal at time of writing. 17 support the proposal, 11 object, and 4 make general comments.

The grounds for support are summarised as:

- It would provide a much needed recreational area for children in the village;
- It would encourage children to exercise and explore the outdoors;
- It would improve community cohesion;
- It would serve as an extension to the outdoor play area for St Anne's School;
- The location is appropriate as it is away from dwellings, minimising disturbance to local residents.

The grounds for objection are summarised as:

- The development would result in a risk to users of the woodland park from stray balls from the adjacent sports fields because fencing or netting is not proposed;
- As a result of the above, the use of the playing fields associated with the Sports Club could be forced to cease;
- No parking provision is proposed for the development;
- The entrance would be close to the tennis court and could be distracting to those playing.

Those making general comments support the development in principle but raise concerns regarding the safety of those using the woodland park due to the risk of being hit by balls from the adjacent playing fields.

Main Policies

Core Strategy: GSP3, L1, L2, HC4

Policy GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals.

Policy L1 requires that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics. Valued characteristics specifically identified in the pre-ambles to L1 include amongst other things – trees, woodlands, hedgerows, stone walls, field barns and other landscape features.

Policy L2 states, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting making clear that development will not usually be permitted where it is likely to have an adverse impact on any sites or features of geodiversity importance or their setting that have statutory designation or are of international or national importance for their geodiversity.

Policy HC4 states that the provision or improvement of community facilities and services will be encouraged within settlements or on their edges if no suitable site is available within.

Local Plan: LC4, LC17, LC20

Policy LC4 of the Local Plan states that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.

Policy LC17 addresses sites, features or species of wildlife, geological or geomorphological importance. It states that for statutorily designated sites, features or species of international, national or regional importance:

- (i) development applications in the vicinity of designated sites will be carefully considered to assess the likelihood of adverse effects; and
- (ii) development considered likely to have an adverse effect will be treated as if that effect is established; and
- (iii) in particular, development having a significant effect on the ecological objectives or integrity of a Special Protection Area or Special Area of Conservation will not be permitted unless there is no alternative site or better practical approach available, and it must be carried out for imperative reasons of overriding public interest. Where a site hosts a priority habitat or species, development will not be permitted unless there is no alternative and it is required for reasons that relate to human health, public safety, or beneficial consequences of primary importance to the environment, or for other imperative reasons of overriding public interest determined by the European Commission.

It continues that development that would detrimentally affect the value to wildlife of established patterns of wildlife stepping stones and corridors will not be permitted and that development will not be permitted unless adequate information is provided about its likely impact on the special interests of a site. In particular, if development is likely to affect a designated site or species, information should include:

- (i) an assessment of the nature conservation importance of the site including a habitat/vegetation map and description (with identification of plant communities and species), and a description of fauna and geological/geomorphological features; and
- (ii) an assessment of the direct or indirect effects of the development including pollution, changes in hydrology, associated visitor pressure, and changes to the ease of management of habitats; and
- (iii) details of any mitigating measures.

Policy LC20 requires that planning applications provide sufficient information to enable their impact on trees, woodlands, and other landscape features to be properly considered.

Adopted design guidance within the 'Design Guide', the recently adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies and guidance are supported by a wider range of policies in the Development Plan listed below.

Wider Policy Context

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP4, RT1

Relevant Local Plan (LP) policies: LT11, LT18

National Planning Policy Framework

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Assessment

The Authority seeks to support and encourage the provision of community facilities, with Policy HC4 supporting their development within villages or on the edges if no suitable site is available within.

The proposed site is located on the southern edge of the village. Prior to submission of the application Officers encouraged the applicant to consider other sites for a recreational park that are more centrally located within the village. The applicant advises that they have considered other sites but that none are suitable for the proposed use.

On this basis, the proposal is considered to be acceptable in principle as it accords with policy HC4. The remainder of this report therefore continues to assess each of the specific impacts of the proposal in turn.

Tree and landscape impacts

The site is most visible from the main road to the north, where it is viewed across the playing fields adjacent to the road. Other public views are at longer distance. The woodland is sparsely populated, having undergone a programme of pruning and felling in recent years. It is also partly deciduous, increasing visibility into and through it when the trees are not in leaf.

The play equipment would mostly be timber and most sections of significant size have a vertical form that follows the appearance of the surrounding trees. For these reasons – and providing the timber was allowed to weather naturally rather than being stained or painted – the equipment would not appear prominent within the woodland or wider landscape. Its visibility would be further reduced by its siting at the eastern end of the site where it would be partially screened from public view by the Sports Club buildings and tennis court fencing.

On this basis the impact, in terms of the appearance of the play equipment is therefore considered to be low.

However, the Authority's Tree Conservation Officer objects to the proposal on the grounds that the use of the site for a woodland park will result in long term damage to the trees due to compaction of their roots due to high levels of pedestrian activity throughout the site. The Authority's Landscape Architect raises similar objections, stating that the quantity of equipment would result in root damage from installation and root compaction through use.

The submitted arboricultural report recognises that this is a risk and recommends that this could be addressed by remedial measures that could be implemented after the development has been taken in to use. The proposed mitigation measures against root compaction include forking, adding a layer of bark to the ground, the provision of raised board-walks, or the installation of cellular confinement systems (a specifically designed membrane laid on the ground and backfilled with soil or other material).

However, the report itself states that *"the extent and distribution of ground compaction will be*

difficult to predict until the patterns of site usage become clear". On that basis it is not possible to rule out harm to the tree roots, understand how quickly this will occur, or what, if any, remedial measures would be appropriate. In addition, the Authority's Tree Conservation Officer does not consider that the proposed measures would be practical or effective.

This woodland, whilst small, makes a significant contribution to the appearance of the area and forms a natural boundary to the southern edge of the village in this location. It's full or even partial loss would detract from the appearance of the landscape and village in this location and, having considered the views of the Authority's specialists in this area, Officers are not satisfied that harm to the woodland would be avoided or could be mitigated if the development was to proceed.

On that basis, it is considered that the proposal is contrary to policies L1 and LC4.

Ecological impacts

A preliminary ecological appraisal has been submitted in support of the application. The Authority's Ecologist has advised that this does not provide a sufficient assessment of bat activity within the site – the appraisal concludes that one tree provides a potential roost and also that the site may provide a commuting and foraging area for bats, but a detailed survey of the tree and of bat activity within the woodland in general has not been undertaken.

The Authority's Ecologist therefore advises that a bat survey considering any potential roosting features, including the tree identified in the report, is necessary and that it should also consider foraging activity within the woodland and any direct and indirect impacts that the development could have on any roosting features identified or foraging activity noted. They advise that the application should not be approved until this has been provided.

The Authority's Ecologist also advises that the report records a number of woodland indicator species within the site and that the report should be updated to consider mitigation measures to ensure that these plants are not trampled upon as a result of the development.

On the basis of the Ecologist's comments the application is considered to be contrary to policies L2 and LC17 as it fails to ensure the adequate protection of the ecological interests of the site.

Impact on the use of the adjacent sports fields

The site shares its northern boundary with the Sports Club. The Clubs cricket and football pitches back on to the woodland and concerns have been raised that if the woodland becomes used as a recreation area there is the potential for injury from stray cricket balls and footballs entering the woodland and striking its users. The Sports Club therefore consider that ball-stop fencing/netting should be provided as part of the application, because the risk to users of the woodland is otherwise unacceptable.

Sport England have objected to the proposal on the same grounds, stating that this could adversely affect the usability of the sports fields contrary to their aims.

Officers are aware that negotiations between the Parish Council and Sports Club regarding the provision of fencing/netting have been undertaken but reached an impasse. It is the contention of the Sports Club that they cannot afford to accept the liability associated with no ball netting being provided if the development were to proceed, or the cost of providing such netting themselves.

Whilst the situation is regrettable, the Sports Club have been fortunate to date in that the woodland, which is outside of their control, has not been actively used for any particular purpose and so it has been able to act as a 'run off' area for the playing fields with little risk to anybody.

The woodland is private land however, and the Sports Club therefore do not have any right to use or access this land without the landowners consent. It is therefore their responsibility to ensure that they do not put users of the park at risk. The cost of the fencing or netting required to achieve this is not a material consideration on which Officers can place any significant weight.

On this basis Officers do not support the objection of Sport England and do not consider that the proposed development would, in planning terms, have any adverse impact on the use of the Sports Club.

Highway impacts

The proposed development does not include any parking provision. Contrary to the Design and Access statement submitted by the applicant, the Sports Club have advised that the applicant has no agreement with them to use their car park to provide parking in association with the woodland park.

The site is on the edge of the village, and access to it requires crossing the A623, one of the busiest cross park routes. The site is however reasonably 'central' in terms of its position along the main road through the village, and there already a pelican crossing for the sports field making it accessible on foot or cycle for many local people.

The Highway Authority has noted that there is space within the woodland that could be given over to parking but even without this they comment that it is unlikely that the above would impact on the adjacent public highways and in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal. On this basis, there are no objections to the proposal on grounds of highway safety or amenity.

Amenity impacts

The site is a significant distance from any residential property and so any activity generated by the proposal would not raise any adverse amenity issues for local residents.

The Sports Club have raised concerns that the positioning of the play equipment, when in use, could be a distraction for users of the tennis courts. It is not considered that this would have such an impact as to affect the amenity of the Sports Club.

Conclusion

Officers support the principle of providing a recreational facility for the village in accordance with planning policy.

However, for the reasons outlined above it is not considered that this woodland has the capacity to accommodate the proposed use without harm to the tree interests of the site and a resulting adverse impact on the character and appearance of the area. The application is therefore contrary to policies L1 and LC4.

Additionally, there is insufficient information included with the application for an assessment of the impact on bats and bat habitat to be made. Harm to this protected species cannot therefore be ruled out and the application is contrary to policies L2 and LC17.

For these reasons the application is recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil