

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

Update

This application was considered by Members at the April 2017 planning committee meeting. Members were minded to support the proposal contrary to the Officer recommendation and deferred the application, requesting that Officers work with the applicant in an effort to overcome the objection from Sport England and to develop a Woodland Management Plan that addressed the arboricultural and ecological concerns raised by specialist Officers.

In the months since, the applicant has worked with the local sports club, Sport England, and Authority Officers to try and address these matters.

The report that follows has been updated from the April 2017 version to reflect this.

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 private 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 lies 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 to Baslow Parish Council by 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 propose sufficient protective measures for the 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. 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 – As submitted raised concerns regarding the proposal, stating that although it is a plantation woodland, a number of woodland indicator species have been identified in the submitted survey and by previous site visits by the PDNPA Ecology team. Species present were found to include wild garlic (noted in the survey), dog's mercury (previously recorded as locally abundant) and wood avens, and no protection measures for these species were proposed.

They advised that a revised 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).

In light of Members' instruction to Officers at the April 2017 meeting, the Authority's Ecologist has sought to work with and advise the applicant in the preparation of a Woodland Management Plan, and has worked with the Authority's Tree Officer to also incorporate advice from them into their suggestions for the Plan.

They advised the applicant that the Woodland Management Plan should enhance the western end of the site, securing its long term management, and also advised that it consider what could be done to mitigate against the thinning and potential compaction issues to the east that would result from the development. They advised that the plan should cover a ten year period, with a five year review, and should consider the existing structure of the woodland to the west and whether sympathetic thinning is required as well as the need for any under-planting to improve the structural diversity of the plantation.

They also advised that aspects of woodland protection should be covered including potential disturbance and compaction from the development, plant health issues, issues with pests (e.g. grey squirrel), invasive species (e.g. Himalayan balsam), potential issues with flooding and climate change resilience.

They advised that the plan should include actions to deal with any threats identified (e.g. fencing off the woodland to the west to deter encroachment from the play area), and that enhancement measures should be considered, including the erection of bat and bird boxes or the creation of features in the section of woodland they recommend is protected.

They also recommended that the plan considers under planting of shrubs to help to protect the root zone of some mature trees, reducing compaction in these areas and that measures need to be put in place to ensure that the root zones of existing trees are protected following standard methodologies.

The Ecologist has advised that the final submitted Woodland Management Plan – which the applicant has prepared themselves rather than employing an ecological consultancy – does not take account of their advice and consider that a more comprehensive plan is still required.

PDNPA Tree Conservation – Raised concerns that root compaction from the proposed use would result in long term damage to the trees, and considered that the suggestion in the arboricultural report that this could be mitigated after the fact through monitoring and remedial measures would not be either practical or effective.

Following Members' instruction to Officers at the April 2017 meeting, the Tree Conservation Officers have worked with the Authority's Ecologist to try to inform a Woodland Management

Plan that would mitigate these impacts as much as possible.

Sport England – Objected to the proposal on the grounds that it 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.

Since the application was presented to Members in April 2017 the applicant has worked with the Sports Club and Sport England to carry out an assessment of ball trajectories and have agreed mitigating measures to address these risks.

Subject to these measures being implemented, Sport England has removed their objection.

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.

Since the application was presented to committee in April 2017 the Parish Council have continued to work with the sports club located adjacent to the application site, and the chairman of the sports club has submitted a letter detailing how they are proposing to mitigate against the risk of balls from the playing field causing injury or damage within the woodland park.

Policies

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.

Core Strategy: GSP1, GSP2, GSP3, GSP4, DS1, RT1, L1, L2, HC4.

Local Plan policies: LT11, LT18 LC4, LC17, LC20

Main Policies

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 preamble 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.

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.

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. Officers consider that in land use terms there are other sites in the village in which this type of use would be better located, but these may not be available to the applicant and therefore have not been viable propositions for the applicant to consider.

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.

In terms of the potential impacts upon the trees themselves the Authority's Tree Conservation Officer objected to the proposal as it was presented to Members in April 2017 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 higher than usual levels of pedestrian activity throughout the woodland. The Authority's Landscape Architect raised similar objections, stating that the quantity of equipment would result in root damage from installation and from root compaction through use.

The submitted arboricultural report recognised this risk and recommended 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 stated that *"the extent and*

distribution of ground compaction will be difficult to predict until the patterns of site usage become clear". In addition, the Authority's Tree Conservation Officer did not consider that the proposed mitigation measures would be practical or effective in any case and they therefore objected to the proposal. It is not possible to rule out harm to the tree roots, understand how quickly this will occur, or what, remedial measures would be effective.

Since the application was last presented at planning committee, the Authority's Tree Conservation Officer and Ecologist have acted on the instruction of Members and have sought to secure a Woodland Management Plan that would minimise the adverse impacts on trees.

However, the submitted Woodland Management Plan does not meet the Planning Committees request in that it fails to respond to these Officers' request for measures to minimise root damage and compaction, stating only that *"all trees will be monitored to assess any adverse effects of woodland use and remedial actions taken"* and *"if damage to any high-quality broad-leaved tree proves to be irreversible, a new tree will be planted as replacements for each damaged tree."*

This would not mitigate the harm that the Authority's Tree Conservation Officer has previously advised would be likely to arise from the development – it would only react to harm after it had occurred. The Management Plan does not offer protection to the existing mature trees. As noted previously, 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 increase the visual impact of the play equipment. 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, and because the Woodland Management Plan fails to demonstrate that the impacts on trees would be mitigated, Officers still consider that the proposal is contrary to policies L1 and LC4.

Ecological impacts

When commenting on the proposal ahead of the April 2017 committee meeting the Authority's Ecologist advised that the submitted report records a number of woodland indicator species within the site. The ecologist therefore advised that the report should be updated to consider mitigation measures to ensure that these plants are not trampled upon and destroyed as a result of the development.

Following Members' instruction from the April 2017 committee to secure a Woodland Management Plan the Authority's Ecologist has advised the applicant as to what such a plan needs to include to protect any significant ecology in the woodland. This advice sought to ensure that the plan provided enhancement and long term management measures – particularly to the western half of the site – to try and offset the impacts that are expected to trees, plants, and wildlife throughout the woodland but particularly at the eastern end of the site where the play equipment would be positioned.

Regrettably, the final Woodland Management Plan has not responded to that advice, stating only that *"there are no relevant ecological considerations for the area of woodland to be used as a play park"* and that *"the 'natural play' area will be left undisturbed by the present development preserving any present plant species and natural habitats as identified by the Peak National Park Authority Ecologist"*.

Consequently it is not considered that the proposed plan adequately protects or mitigates for the ecological harm that the development is likely to result in, and the application therefore remains contrary to policies L2 and LC17.

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 objected to the proposal initially, considering it to jeopardise the use of the sports field, but since the application was last presented to committee in April 2017 the applicant and sports club have reached an agreement in relation to the provision of moveable boundary fencing to protect woodland users during games/matches, and a number of other precautionary measures. The use (and appearance) of the movable boundary fencing would need to be subject to a legal agreement between the applicant, the Authority and the Sports Club. As its use would require control of land beyond the red line, outside of the control of the applicant, to ensure the movable boundary fencing use was implemented by the Sports Club it is considered that this cannot be controlled by condition.

On the basis that this mitigation is provided, Sport England has removed their objection.

Highway impacts

The proposed development does not include any parking provision. Contrary to the applicants statement in the Design and Access statement, 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 pedestrian 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 is already a pelican crossing nearby for the sports field making it more easily accessible on foot or cycle for local people.

The Highway Authority has noted that there is space within the woodland that could be given over to parking but this does not form part of the proposal (and would compound the impacts of the proposal). Even without the parking in the woodland, the Highways Authority comments that it is unlikely that the parking associated with the development would impact unacceptably on the adjacent public highways. 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 but have consistently expressed concerns about the impacts of such a facility on tree and ecological interests in this particular location and when previously recommending

refusal of this application.

Officers responded to the Member request to work with the applicant to develop a Woodland Management Plan that would ensure the suitable protection and management of the woodland. This has been undertaken, but regrettably the final plan has not responded to the advice and concerns of the Authority's ecologist and tree officer in terms of its scope and is not therefore considered to provide any significant mitigation of the adverse impacts identified. The application therefore remains contrary to policies L1, L2, LC4 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