

**DELEGATED**

**AGENDA NO.**

**REPORT TO PLANNING COMMITTEE**

**DATE: 15 MARCH 2006**

**REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES**

**06/0167/FUL**

**THE OVAL, WYNYARD**

**RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF FOOTPATH TO  
CRICKET GROUND AND TEMPORARY ACCESS ROAD**

**EXPIRY DATE: 15<sup>TH</sup> MARCH 2006**

**SUMMARY**

The application site is a designated Cricket Ground located at The Oval, Wynyard. It is situated centrally within a residential area of the Wynyard estate. The applicant is seeking retrospective planning permission for the construction of footpath to an existing footpath to the cricket ground and a temporary access road. The applicants are Bellway Homes (NE) Limited.

This application involves a continuation of an existing footpath, which runs in front of existing properties located at The Granary, The Stables and The Oval, Wynyard.

Prior to construction, the footpath was in a horseshoe design, which ended at No.2 The Oval and No.47 The Granary. The gap between these properties is open field, separated by the boundary treatment of the Cricket Ground, which comprises of a 1.50m high metal post and rail fence.

The current development has now linked this gap with one continuous footpath, around the full perimeter of the Cricket Ground.

The temporary access road was created to enable the works for the construction of the footpath to be carried out. On completion of the footpath, steps have been taken to reinstate the area in question, back to its original appearance.

**RECOMMENDATION**

***Recommended that planning application 06/0167/FUL be approved with  
Conditions subject to:***

***The development hereby approved shall accord with the following approve  
plan(s); unless otherwise agreed in writing with the Local Planning Authority.***

**Drawing Number(s) :- SBC 0001**

**Reason: To define the consent.**

**The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below.**

**Stockton on Tees Local Plan policies GP 1.**

## **PROPOSAL**

1. The application is for retrospective planning permission for the construction of footpath to the existing cricket ground and a temporary access road.
2. This development is to continue an existing footpath, which is in a horseshoe design, which begins at No.2 The Oval, Wynyard and ends at No.47 The Granary, Wynyard. The development will create a continuous footpath around the full perimeter of the Cricket Ground, Wynyard.
3. The temporary access road is for the sole purpose to enable the works to be carried out for the construction of the footpath. The applicants, Bellway Homes have also stated in writing "when the works are completed, the roadway surfacing will be removed and the land reinstated and grassed".

## **CONSULTATIONS**

The following Consultations were notified and any comments they made are below: \_

### **Landscape Architects**

I have no objections or comments to make, in respect of this application.

### **Engineers and Transportation**

I have no adverse comment to make regarding this application.

### **Councillor S Parry**

No comments received

### **Grindon Parish Council**

Grindon Parish Council does not object to this plan, but does wish to register its concern that Bellway Homes carried out this work without planning permission. This should not be allowed to set a precedent.

## **Neighbours**

The neighbour consultation period expired on the 10<sup>th</sup> February 2006.

7 Letters of objection have been received from No.1, 3, 4, The Oval, Wynyard, No.46 The Granary and No.3 Park Avenue, Wynyard. No.1 produced two separate letters raising two issues and No.46 produced two identical letters objecting to the proposal.

The comments made can be summarised as follows: -

- the temporary access could lead to further developments on the open area and affect privacy issues and character of area.
- Not happy with works being carried out without planning permission.
- Raising issues regarding why the footpath has been extended after a long time
- were advised by Bellway Homes (NE) Ltd, that there would no further construction to the Cricket field.
- Privacy and overlooking issues with regard to extension to footpath to properties at The Oval.
- would like reassurance that temporary access road be reinstated back to original state.
- the footpath will create noise and disturbance issues by youngsters using the it as a cycle track and particularly if they use 'motorised' cycles.
- Enquiring if street lighting is proposed in the application, as it would create light pollution issues for residents.
- The footpath has been built to close to residential properties, the path serves no purpose other than for dog walkers and does not link to any route of access to shops, pubs, etc., reduces security issues and allows trespassers easy access into properties.
- The proposal has been alleged to being carried out after direct pressure from Sir John Hall to Bellway Homes without consultation from local residents.

## **PLANNING POLICY CONSIDERATIONS**

7. Policy GP1 of the adopted Stockton on Tees Local Plan & is relevant to this application and Policy S12 from the Stockton-On-Tees Adopted Local Plan- Alteration number 1.

### Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

### **MATERIAL PLANNING CONSIDERATIONS**

- 8.** The application site is a designated Cricket Ground located at The Oval, Wynyard. It is situated centrally within a residential area of the Wynyard estate.
- 9.** The Cricket Ground is included in the original master plan for Wynyard and shown in the Stockton On Tees adopted Local Plan 1997. **(APPENDIX 1)**
- 10.** The Cricket Ground is surrounded by residential properties to the North (The Stables), to the East (The Granary) and to the West (The Oval) and Open fields to the South.
- 11.** The approved application for the original residential development around the Cricket Ground and associated footpath was approved in 1994 (94/1906/P) and the substitution of house types for the properties at No.1, 2, 3 & 4 The Oval were approved in 1999 (99/0779). **(APPENDIX 2)**
- 12.** The applicant has stated that the reason why the footpath was constructed before obtaining planning approval, was that they assumed from the original approved plans indicating a continuous footpath around the Cricket Ground had planning permission and assumed that all residents and the Local Planning authority were aware of this.
- 13.** After further investigations with the enforcement section and the case officer, it was confirmed, that the approved plans (94/1906/P) and (99/0779/P), show a footpath continuing past No.4 The Oval and No.47 The Granary, but only shows an approved red line, around the existing horse shoe design footpath and not the continuous footpath, therefore, confirming it was never approved in the original applications
- 14.** The main planning considerations in relation to this application are the visual and amenity effects on the surrounding properties and the character of the area.

- 15.** The existing footpath currently borders closely to the residential properties to the North, East and west and the current proposal mirrors the existing situation, with its close proximity to properties to the South West and South East.
- 16.** The new footpath matches the existing footpath in appearance in that of comprising of a black bit Mac path, with a 1.5m high metal post and rail fence around its perimeter.
- 17.** The residential properties that the development most impacts upon are No.3, 4, The Oval and No.47, 46, 45 The Granary, Wynyard. Prior to the construction of the new footpath, these properties faced directly onto the Cricket Ground.
- 18.** The temporary access road which runs from the South West point of the application site to the boundary of No.4 The Oval, was for the solely for the contractors to carry out the works for the footpath, without affecting the existing access points located at The Granary and The Stables.
- 19.** The main objections raised by the neighbouring residents, are the loss of privacy, state of temporary access road and site, retrospective works being carried out without planning permission
- 20.** With regards to the temporary access road, Bellways, have stated that 'the surfacing of the Oval path has been completed and the temporary access road has been grubbed up and topsoil has been laid, giving a bare muddy soil appearance. The intention is to await the appropriate seeding time which is April and further grade, rake and grass seed the area'. This deemed reasonable and addresses the objector's issues.
- 21.** The issue raised with regard to loss of privacy to the neighbouring residents by the development and the properties in question Nos.1, 3 and No.4 The Oval and No.47, 46 & 45 The Granary are already adjacent to an open Cricket Ground and the implementation of the footpath is not considered to worsen an already existing situation with loss of privacy and loss of amenity to the residents.
- 22.** The issue of the footpath being out of character of the area and the footpath having no purpose is not accepted. The development is considered to be in keeping with the character of the surrounding area and the existing footpath providing a development, which is accessible to everyone in the estate from a point of access. Therefore meeting the criteria of Policy GP1 of the adopted Stockton On Tees Local Plan.
- 23.** With regard to the query about proposed street lighting, the applicant has confirmed that there will be no street lighting to the area in question and no details have been submitted in the application for approval for street lighting.
- 24.** The remaining issues raised regarding the residents not being advised of further developments in the area by Sales Representatives when purchasing their properties and direct pressure from Sir John Hall to the applicants for the proposal are not a material planning consideration and cannot be taken into consideration, in determining this application.

## **CONCLUSIONS AND RECOMMENDATION**

20. It is considered that the new footpath will not create a detrimental impact to the amenity of residents and is keeping with the character of the area and therefore recommended for approval subject to conditions.

**Corporate Director of Development and Regeneration**

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**Financial Implications – N/A**

**Environmental Implications – N/A**

**Community Safety Implications – N/A**

**Background Papers - Stockton on Tees Local Plan**

**Human Rights Implications –** The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

**Ward – Northern Parishes**

**Ward Councillor – Cllr S.W.D Parry**