

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**13 NOVEMBER 2013**

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

**13/2397/FUL**

**Land to the East and South Of, Holy Trinity Church, Upsall Grove  
Application for construction of 3 m wide segregated footpath/cycleway on existing public  
open space.**

**Expiry Date 18 November 2013**

### **SUMMARY**

This application seeks consent for the installation of a 3.0m wide segregated footpath/cycleway within West Hartburn. The cycleway/footpath will link Killinghall Grove and Sawley Grove with Greens Lane via an existing crossing on Upsall Grove. This development is part of a wider scheme in West Hartburn to improve cycleway and footway links.

The development is located on public open space and is largely away from residential property boundaries however there are two links to existing accesses from Killinghall Grove and Sawley Grove and these existing accesses are located between residential properties.

Two letter of support have been received from residents and one letter stating no objection to the scheme. No objections have been raised by Technical Services or Sport England.

Under the Council's Scheme of Delegation, the application is put forward for determination by the Planning Committee as the scheme does not constitute minor development.

Overall, it is considered that due to the nature of the works there will be no significant detrimental visual impact subject to replanting requirements and due to the cycleway/footpath linking to existing footpath accesses on Killinghall Grove and Sawley Grove it is considered the proposal will not significantly increase the existing impact from the use of the public open space area on residential amenity. The proposal is considered to be acceptable in policy terms and also fits with the aims and objectives of the Local Transport Plan, the Sustainable Travel Strategy and the Green Infrastructure Strategy as it will contribute to the improvement of the cycling and walking network within the central area of the borough.

The application is therefore recommended for approval subject to conditions.

### **RECOMMENDATION**

**That planning application 13/2397/FUL be approved subject to the following conditions and  
informatives below;**

**01 The development hereby approved shall be in accordance with the following approved plan(s);**

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>SBC/11/5-F</b>	<b>23 September 2013</b>
<b>TS/D1/298/01/101</b>	<b>23 September 2013</b>

**Reason: To define the consent.**

**Conditions to be implemented**

**02. Notwithstanding the proposals detailed in the application, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.**

**Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.**

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

**The Local Planning Authority have implemented the requirements of the National Planning Policy Framework**

### **BACKGROUND**

1. In December 2012 Technical Services were invited by Sustrans to put forward bids to the Department for Transport Links to Schools and Communities 2013/14 allocation, managed by Sustrans.
2. A total of five outline schemes were submitted with two being chosen to be taken forward to the full appraisal process; a new cycleway/footpath in Levendale and a new set of cycleway/footway links in west Hartburn.
3. Both schemes were successful in receiving funding and this application relates to part of the scheme for west Hartburn.

## **SITE AND SURROUNDINGS**

4. The proposed cycleway/footpath will be located on existing public open space located to the south and east of Holy Trinity Church. The proposed route will follow the southern boundary of Ian Ramsey School. The western most part of the cycleway/footpath links to existing accesses onto Killinghall Grove and Sawley Grove.

## **PROPOSAL**

5. This application seeks permission for the installation of a 3.0m wide segregated footpath/cycleway within west Hartburn. The route will lead from Killinghall Grove to Upsall Grove and via the existing crossing on Upsall Grove across to Green's Lane just to the south of Ian Ramsey School site.
6. The cycleway/footpath is part of a wider scheme that will provide traffic-free and low traffic routes linking the west of Hartburn to the former Castle Eden walkway, national cycle route 14 at Laneside Road.

## **CONSULTATIONS**

The following Consultees were notified and comments received are set out below:-

### Head of Technical Services

#### General Summary

Subject to the comments below the Head of Technical Services raises no objections.

#### Highways Comments

There are no highway objections.

#### Landscape & Visual Comments

The development is supported in principle. In order to accommodate the existing site levels and landform the footpath/cycleway has to follow level ground that will involve the removal of a number of trees and small sections of hedgerow. There is no objection to this provided replacement native trees and shrubs are planted nearby to allow for this loss. All re planting works must be in line with the condition wording at the end of this memo in the informative section.

#### Flood Risk Management

A Flood Risk Assessment has not been undertaken and Technical Services do not undertake a flood risk review on minor planning applications. The applicant is therefore advised to make their own enquiries.

#### Informative

### UDLV06 LANDSCAPING - SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall

not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

### Sport England

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies."

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The line of the footpath / cycleway is such that it largely skirts the playing fields along its route, and even where it does cross onto them it follows a peripheral route.

In light of the above it is considered that the proposal meets the following exceptional circumstance;

E3 - Only affects land incapable of forming a pitch

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 and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

### Ward Councillors

No comments received

### Stockton Police Station - Eddie Lincoln

Cycle and pedestrian routes should be designed to ensure that they are visually open, direct and well used. They should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through an area, thereby encouraging their use, and in doing so enhancing the feeling of safety.

Routes for pedestrians and cyclists should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should also be avoided.

The cycle way should be:

'As straight as possible

'At least 3m wide (to allow people to pass without infringing personal space)

'A minimum 2 metre verge on either side.

'Devoid of potential hiding places.

If planting is to be considered adjacent to the cycleway, the 2m buffer either side should be adhered to. Careful selection of plant species is critical in order not to impede natural surveillance and to avoid an unnecessarily high maintenance requirement.

Physical barriers may also have to be put in place where 'desire' lines (unsanctioned direct routes) place pedestrians in danger, such as at busy road junctions. It is important that the pedestrian has good visibility along the route of the footpath.

### **PUBLICITY**

Neighbours were notified and comments received are set out below:-

#### Mrs Emma Pattison

##### 24 Sawley Grove Stockton

I think this is a great idea. The field is practically inaccessible in winter from Sawley Grove and a SAFE and direct route through to Holy Trinity and the Ian Ramsey School for local children and parents would be wonderful. Currently for those of us living in the west of Hartburn, getting our children to the schools is long winded, indirect and at times, unsafe. We very much welcome a safe foot and cycle path away from traffic.

#### Sarah Mubeen

##### 21 Killinghall Grove Stockton-on-Tees

No objection

#### Mr Alan Tomlinson

##### 13 Green's Lane Stockton-on-Tees

In essence, I support the application. A firm pathway/cycleway between Upsall Grove and Greens Lane would be an improvement on the present route which can be muddy and slippy, especially in the winter months. It would also compliment the growing network of cycle routes around the town.

### **PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The following planning policies are considered to be relevant to the consideration of this application:-

#### National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

#### Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;

- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

## **MATERIAL PLANNING CONSIDERATIONS**

The main considerations of this application are the principle of the development, the visual impact of the development, the impact on residential amenity and the impact on highway safety.

### **Principle of development**

7. The cycleway/footpath is part of a wider scheme that will provide traffic-free and low traffic routes linking the west of Hartburn to the former Castle Eden walkway, national cycle route 14 at Laneside Road. Core Strategy Policy 2 - Sustainable Transport and Travel provides support for provision of alternatives to the use of all private vehicles and promote healthier lifestyles. The provision of a segregated cycleway/footpath also fits with the aims and objectives of the Local Transport Plan, the Sustainable Travel Strategy and the Green Infrastructure Strategy as it will contribute to the improvement of the cycling and walking network within the central area of the borough.

8. Sport England has also provided comments on the application and has no objection to the development.

9. The development is therefore considered to be acceptable in principle.

### **Visual Impact**

10. The Head of Technical Services has provided landscape and visual comments on the proposal and the development is supported in principle. In order to accommodate the existing site levels and landform the footpath/cycleway has to follow level ground that will involve the removal of a number of trees and small sections of hedgerow. There is no objection to this provided replacement native trees and shrubs are planted nearby to allow for this loss. Replacement landscaping will be submitted and agreed as requested in the condition outlined earlier in this report.

11. The cycleway/footpath will not be enclosed and the only other structures will be a gate in the boundary fence of Ian Ramsey School in the southern boundary and there will be an access control on the existing footpath that provides access to Killinghall Grove which is outside the application site.

12. It is considered that due to the nature of the development, the limited amount of above ground structures and satisfactory replacement planting there will be an acceptable visual impact.

### **Impact on residential amenity**

13. The proposed cycleway/footpath has intentionally been kept away from the rear of the majority of properties and instead routed through the centre of the green space. The route will link to an existing footpath giving access to Killinghall Grove and a link is to be provided to an existing footpath from Sawley Grove. At these two points the route will be close to residential properties.

14. The link to Killinghall Grove runs between No's 19 and 21 Killinghall Grove. It is acknowledged that the provision of the cycleway/footpath may lead to an increase in footfall along the existing footpath that runs between No's 19 and 21 Killinghall Grove. There could therefore be increased noise and disturbance, however, it is considered that the proposed cycleway/footpath would not significantly worsen the existing situation and the increase in footfall could potentially contribute to a decrease in any anti-social behaviour as there would be more surveillance of the area.

15. With regard to the link to the existing access from Sawley Grove it is also considered that the provision of the link would not significantly worsen the existing situation in terms of noise and disturbance for neighbouring residents.

16. The Police Crime Prevention Design Advisor has commented that cycle and pedestrian routes should be designed to ensure that they are visually open, direct and well used and the route should be as straight as possible, at least 3m wide (to allow people to pass without infringing personal space), have a minimum 2 metre verge on either side and be devoid of potential hiding places. The Council's Sustainable Travel Officer has confirmed that the development will be in accordance with these requirements.

### **Impact on Highway Safety**

17. The Head of Technical Services has raised no highway objections to the scheme and the proposal is therefore considered to be acceptable in highway safety terms.

### **CONCLUSION**

18. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

### **WARD AND WARD COUNCILLORS**

**Ward Hartburn**  
**Ward Councillor Councillor Laing**

**Ward Hartburn**  
**Ward Councillor Councillor K.A. Lupton**

### **IMPLICATIONS**



**Financial Implications:** N/A

**Legal Implications:** N/A

**Environmental Implications:** As identified in the report

**Human Rights Implications:**

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

**Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.