

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

15 JANUARY 2013

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

13/2932/FUL

**From Mount Leven Road to Glaisdale Road Cutting Across Lingfield Road, Yarm,
Application for construction of 3 m wide segregated footpath/cycleway on existing public
open space.**

Expiry Date 17 January 2014

SUMMARY

This application seeks consent for a 3 metres wide segregated footpath/cycleway running north to south along a former pylon corridor through the Levendale Estate. The footpath and cycleway will provide a link between the existing footpath/cycleway at Glaisdale Road and Mount Leven Road.

The development is located on an area of open space that lies in between residential properties and to the west of Levendale Primary School. The proposed cycleway/footpath will cut across Lingfield Road and Mount Leven Road.

The scheme provides three new footpath accesses created from the proposed cycleway/footpath to link in with the existing footpaths at Rudby Close/Angrove Close, Netherby Close and Levendale Primary School.

The existing trees within the site will be retained with additional tree and shrub planting along both sides of the proposed cycleway/footpath.

The proposal includes widening the existing footpath which exists between Valley Drive, Leven Road junction and Glaisdale Road. The widening of the existing footpath is classed as permitted development and does not require planning permission and has not therefore been considered as part of the application.

Four letters of objection to the proposed development have been received from neighbours on the grounds that it is unnecessary, ill-conceived and extremely dangerous and will lead to further anti-social behaviour. No objections have been received from Sport England or Technical Services.

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

The proposal is considered to be acceptable in policy terms and accords 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 Yarm area of the borough.

The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning application 13/2932/FUL be approved subject to the following conditions and informatives-

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

Plan Reference Number	Date on Plan
SBC/11/5-F	22 November 2013
TS/D1/300/03/100 REV O	6 January 2014
TS/D1/300/PA/102	22 November 2013
TS/D1/300/PA/100	22 November 2013
EPV8000-002	18 December 2013

Reason: To define the consent.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

BACKGROUND

1. The Council was approached in November 2012 by Sustrans, the sustainable transport charity to put forward expressions of interest for their 2013/14 links to Schools and Communities Fund.
2. Five schemes were submitted with two being chosen to be taken forward for full appraisal process; a new cycleway/footpath in west Hartburn and a new cycleway/footpath in Levendale.
3. The Levendale cycleway/footpath link scheme was approved by Sustrans Linking Schools and Communities Board in February 2013 and funding of £75,000 and £150,000 awarded on the basis of 50% match, which is to be provided through the 2013/14 Local Transport Plan Settlement. The estimated total cost of the proposed measures will be £163,350.
4. The initial scheme provided for the cycleway/footpath route running north-south along the former pylon corridor, the widening of the existing footpath between Valley Drive/Leven Road junction and Glaisdale Road and the implementation of a 20mph speed limit. The implementation of the 20mph limit has been removed from the submitted scheme as following speed surveys along Glaisdale Road and Lingfield Road the average speed limit was already within the recommended 24mph and 20mph limit without the introduction of additional 20mph physical traffic calming measures.
5. The proposal includes a 'raised table' crossing at Lingfield Road for the footpath/cycleway, with priority being given for the pedestrian and cycle traffic and a dropped kern crossing at Mount Leven Road.
6. The proposal was presented to Yarm Ward Councillors in April 2013. Consultation letters and plans were sent to all properties within the Levendale estate, totalling just over 600 addresses. A public consultation event was held at Levendale Primary School on the 11th July. In total 27% responses were received with 75% supporting the cycleway proposal and 67% supporting the 20mph speed limit.

SITE AND SURROUNDINGS

7. The application site is an area of open space located in the centre of the Leven residential estate which was a former pylon corridor. The open space corridor runs north to south through the estate crossing Lingfield Road and Mount Leven Road. The northern end of the cycleway/footpath will link into Mount Leven Road. The southern end of the proposed footpath/cycleway will link into the existing footpath route which runs east to west between Glaisdale Road and Valley Drive.
8. Residential properties are located to the west and east of the open space corridor with Levendale Primary School located to the east.

PROPOSAL

9. This application seeks permission for the installation of a 3.0 metre wide segregated footpath/cycleway within the Leven residential estate in Yarm. The proposed route will lead from the existing footpath between Glaisdale Road and Valley Drive and run north to link with Mount Leven Road. The footpath/cycleway will cross Lingfield Road and Mount Leven Road. A 6 metre speed table will be placed across Lingfield Road and a dropped crossing will be placed across Mount Leven Road.
10. Three new footpath links will be created from the footpath/cycleway to Rudby Close/ Angrove Close and Levendale Primary School and Netherby Close.
11. The scheme will involve minimum earthworks with only the steeper gradients located between Foxton and Stevenson Close heading south to Mount Leven Road being removed to facilitate the footpath/cycleway. There will be no major earthworks undertaken to level the section parallel to the school.
12. The existing trees will remain with additional trees located along either side of the footpath/cycleway (drawing EPV800-002 REV A). The additional tree planting will be located a minimum of 3 metres from the footpath/cycleway.
13. The footpath/cycleway will provide a spinal traffic-free route through the Levendale estate linking to the existing Leven Park cycle network and the highway network.
14. The application includes the widening of the existing footpath which runs west to east between Valley Drive and Glaisdale Road. This element of the application is permitted development and does not require planning permission.

CONSULTATIONS

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

Head of Technical Services

Highways Comments

There are no highway objections.

Landscape & Visual Comments

The development is broadly supported in landscape terms and the information received as regards the hard and soft landscaping for the scheme is acceptable

Sport England

Sport England does not wish to comment on this particular application

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 4 letters of objection were received and the details are set out below:-

Mr Thomas Walker

1 Mount Leven Road Yarm

I think that this proposal is a complete waste of council tax payer's money. The section between the two parts of Mount Leven Road serves no use at all since the northern end of it stops at a field and people cycling from this area will find it shorter to use the two halves of Mount Leven Road, which is not very heavy with traffic, rather than use the cycle track.

The other end of the track finishes at the pedestrian walkway which used to be Leven Road and is now the most popular dog walking track in the area. Bicycles and dogs DO NOT MIX.

I think this scheme is unnecessary, ill-conceived and extremely dangerous.

Mr N and Mrs E Stewart

19 Stevenson Close

Our feeling on the proposed cycle way is that it will change the ambience of the green belt from peaceful & quiet to contact cycle traffic mainly due to young children playing up & down on it rather than it being used as a route for genuine cyclists getting from A to B. Another concern is that the green belt is currently frequented by dog walkers. The combination of dogs with cyclists could be a dangerous mix.

Andrew Burns

6 Netherby Close

I feel this proposal will lead to further anti-social behaviour occurring outside Levendale School. I live opposite and suffer this on a regular basis, youths congregating in cars, leaving litter causing disturbance, playing football.

This proposed track will allow them to use it to kick a football outside my home and as they congregate in cars & provide a track for them to drive on (they recently drove along the grassed area that currently exists. I have contacted the anti-social behaviour team on numerous occasions and this will no doubt increase.

Mr Steve Fishenden
4 Rudby Close, Yarm

- 1) There does not appear to be a need for an isolated stretch of cycleway which may possibly bring antisocial behaviour.
- 2) The proposed table top crossing on Lingfield Road will reduce parking for the drop off and collection of children. Parents/carers already park in Rudby and Levendale Closes often with no regard for residents wanting to enter or leave their driveways.
- 3) The plan to have two different crossing points on a short stretch of cycleway is potentially dangerous. A lapse in concentration by cyclists or pedestrians could result in an accident.
- 4) The area of grass corridor is prone to waterlogging. Could tarmac and landscaping make matters worse?

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 with this proposal 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

15. The proposed footpath/cycleway forms part of the wider cycleway initiative within the Leven valley area of Yarm. The proposed footpath/cycleway will link into the existing Leven Park cycle route with the aim to provide and encourage a traffic free route through the Levendale Estate. Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel promotes the improvement and accessibility of transport choices with footpaths and cycleways to be fully integrated into existing networks to provide alternatives to the use of private vehicles and to promote healthier lifestyles.
16. The proposed footpath/cycleway will link into the existing footpath link between Glaisdale Road and Valley Drive. The creation of three new footpaths from the proposed footpath/cycleway to Rudby Close/ Angrove Close and Netherby Close and Levendale Primary School will provide additional pedestrian and cycle access through the residential estate.
17. The provision of a segregated cycleway/footpath accords with the provisions of Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel Paragraph 1 in that accessibility will be improved and transport choice widened by the provision of a footpath and cycle route, The proposal is also in accordance 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 Yarm area of the borough.
18. The development is therefore considered to be acceptable in principle.

Visual Impact

19. The Council's Landscape Architects have commented they support the scheme and the hard and soft landscaping is considered acceptable.

Residential Amenity

20. The segregated footpath/cycleway has been located within the central area of the open space corridor to ensure it is kept away from the rear gardens of the residential properties within the estate. There will be a minimum separation distance of 6 metres between proposed footpath/cycleway and the neighbouring properties. The location of the footpath/cycleway to the centre of the open space area and the existing and proposed tree planting located on both sides of the footpath/cycleway means the proposal is not considered to have a detrimental impact on the amenity of the neighbouring properties or the character of the area.
21. The proposal includes the creation of a new footpath link between the segregated footpath/cycleway to the footpath which currently exists to the front of the properties along Netherby Close. The creation of the additional footpath link will generate additional footfall and cycle traffic along the existing footpath to the front of these properties, however the impact of the proposed footpath link is not considered to have any additional impact in terms of noise and disturbance than the existing situation.
22. An additional footpath link will be created between the segregated footpath/cycleway and Rudby Close/Angrove Close. The footpath link will be located to the side of the residential gardens at 38 Angrove Close and 28 Rudby Close. Currently there is no boundary treatment between the open space corridor and the existing footpath which links Rudby Close and Angrove Close. The creation of a formal footpath link between the segregated

footpath/cycleway is not considered to have any additional impact in terms of noise and disturbance than the existing situation.

23. With regard to the objection comments regarding the existing and potential increase in anti-social behaviour generated by the cycleway/footpath. The Police Crime Prevention Design Advisor has commented that that cycle and pedestrian routes should be designed to ensure that they are visually open, direct and well used and that the route should be as straight as possible, at least 3 metres 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 Transport Officer has confirmed that the development will be in accordance with these requirements and therefore the proposed cycleway/footpath is not considered to have any additional impact in terms of potential anti-social behaviour.

Highway Safety

24. One objection from 4 Rudby Close relates to the proposed table top crossing on Lingfield Road will reduce parking for the drop off and collection of children. Parents/carers already park in Rudby and Levendale Closes often with no regard for residents wanting to enter or leave their driveways. Also that the plan to have two different crossing points on a short stretch of cycleway is potentially dangerous in that a lapse in concentration by cyclists or pedestrians could result in an accident.
25. Two objections from 1 Mount Leven Road and 19 Stevenson Close are that the proposed development will create a hazard for dog walkers and cyclists.
26. The Head of Technical Services has commented that he has no objections to the proposed scheme and the proposal is considered to be acceptable in terms of highway safety. The Head of Technical Services has considered these objections from local residents and still considers the proposal is acceptable in terms of highway safety.

Residual matters

27. An objection comment from 1 Mount Leven Road Yarm has been received regarding the funding of the footpath/cycleway being a waste of taxpayer's money. This is not a material planning consideration.
28. With regard to the objection comment from 4 Rudby Close that the area of grass corridor is prone to waterlogging and tarmac and landscaping would make matters worse, the ground conditions would be taken into account in the construction of the footpath/cycleway to ensure it and the surrounding area remain useable.

CONCLUSION

29. The provision of a segregated cycleway/footpath accords with the provisions of Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel Paragraph 1 in that accessibility will be improved and transport choice widened by the provision of a footpath and cycle route.
30. It is considered that the principle of the development is acceptable, and the proposal will not give rise to unacceptable impacts on visual amenity, residential amenity or highway safety.
31. It is recommended that the planning application be approved with conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714**

WARD AND WARD COUNCILLORS

**Ward Yarm
Ward Councillor Councillor A B L Sherris**

**Ward Yarm
Ward Councillor Councillor Mark Chatburn**

**Ward Yarm
Ward Councillor Councillor Ben Houchen**

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.