

<b>Application Number:</b>	2012/0043	<b>Application Type:</b>	Full
<b>Proposal:</b>	Creation of new boundary path and widening of foot bridge	<b>Location:</b>	Stacksteads Riverside Park, Off Blackwood Road, Stacksteads
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	20 March 2012
<b>Applicant:</b>	Ms Gill Knowles	<b>Determination Expiry Date:</b>	27 March 2012
<b>Agent:</b>	Proffitts CIC		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input checked="" type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input type="checkbox"/>
<b>Other (please state):</b>	<b>Council Owned Land</b>

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That the application be permitted, subject to the conditions set out in Section 11.

## 2. SITE

The application relates to Stacksteads Riverside Park, which is a Council owned and maintained park to the rear of properties fronting Newchurch Road that include the Rose & Bowl and the Commercial public houses.

The park can be accessed via a number of routes including access ways from Blackwood Road and a Public Footpath cutting between properties from Newchurch Road before bridging over the

River Irwell, the principal landscape feature of the park. Although still well-used by dog walkers, etc, the existing riverside path has become overgrown and narrow in parts.

The park also possesses a multi-use games area (MUGA) and areas of woodland, through which other paths run.

The park lies largely within the Countryside, just to the south of the Urban Boundary of Stacksteads. A Valley Way runs through the site, following the course of the river.

### **3. RELEVANT PLANNING HISTORY**

No relevant planning history

### **4. THE PROPOSAL**

The applicant proposes to create a new path running from west to east across the site, following the general line of the River Irwell. The path would be designed for multi-user purposes to enable walkers, cyclists and horse riders to use it. The path would be 2.5m wide and surfaced with a bound material with coloured chippings.

To the far east of the site the existing footbridge would be widened and resurfaced to create a safer crossing point. For safety reasons, on either side of the bridge there would be a timber post and rail fence and extending eastwards from it. This bridge is to the east of Public Footpath FP651.

There would be a new crossing point sited towards the south of the site to enable a safe crossing point over an existing ditch; the structure would be 1m long and 1.2m wide with timber post and rail fence to each side.

There would be new collapsible bollards installed at the entrance from Blackwood Road replacing the existing gate. The applicant states this is to allow safer access for horses.

As part of the wider scheme there would be a new kissing-gate installed just off Blackwood Road, repair to existing boundary treatments, provision of additional seating areas and repairs to flag stone walling. These works are considered to be permitted development and not for consideration as part of this planning application.

The application is accompanied by a Statement of Community Involvement setting out the consultations undertaken in formulating the scheme with specific user groups (including cyclists and horse riders), local residents and ward Councillors, LCC and the Environment Agency.

### **5. POLICY CONTEXT**

#### **National Planning Guidance**

- PPS1 Sustainable Development
- PPS7 Rural Development
- PPS9 Biodiversity and Geological Conservation
- PPS25 Flood Risk
- PPG13 Transport
- PPG17 Open space, Sport and Recreation

#### **Development Plan**

**Regional Spatial Strategy for the NW of England (2008)**

DP1	Spatial Principles
RDF1	Spatial Priorities
RDF2	Rural Areas
L 1	Health, Sport, Recreation, Cultural & Education Services Provision
RT1	Integrated Transport Networks
RT2	Managing Travel Demand
RT9	Walking and Cycling
EM1	Environmental Assets
EM3	Green Infrastructure

Rossendale Core Strategy DPD (2011)

Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

**6. CONSULTATION RESPONSES**

LCC (Highways)

The kissing gate off Blackwood Road should be set back 5m from the edge of the highway.

Suggest the collapsible bollards are brought forward to the building line of Blackwood Road to prevent vehicle that would obstruct access for riders and pedestrians. The bollards should have a reflective strip around the top to highlight them during the hours of darkness.

LCC (Public Rights of Way)

No objection to the scheme but request a standard note on the Decision Notice to ensure no obstruction occurs to any public right of way during the construction works or subsequently.

It also refers to an application it has received recently to record a number of public bridleways on the Definitive Map of Public Rights of Way which affects the site of the planning application : it indicates that it may be "some time" before a decision has been made in respect of its application, but if it is determined that the bridleway through the site being claimed is formalised the collapsible bollards proposed could not be retained if in a form obstructing this Right of Way.

**7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on the 08/02/12 and 18 neighbours were consulted by letter on the 07/02/12.

No neighbour comments received.

**8. ASSESSMENT**

The main issues to be considered in the determination of this application are :

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking

## Principle

Those works for which permission is required, and the other minor works and repairs that do not in themselves require the grant of permission, are all consistent with the continued use of Stacksteads Riverside Park as such. Indeed, they are intended to enhance the recreational facilities and appeal of the park for multi-use recreation, including walking, cycling and horse riding. Nor will the works unduly affect the character or openness of the Countryside.

The scheme is therefore considered acceptable in principle.

## Visual Amenity

The scheme will have relatively limited impact visually on the site due to the nature and scale of the works. A bridge over the river will be widened, but not repositioned, using complementary materials and would not result in a dramatic change to the appearance. As the bridge is over a main river a condition is recommended to ensure fuller details of it are submitted and agreed in writing by the LPA. It will also require the consent of the Environment Agency.

The path to follow the course of the river is on a natural line on the ground, and the materials for its construction will blend-in with the natural environment, to have a buff-coloured chipping surface over a tarmac base.

Likewise, the new crossing-point over an existing ditch towards the south of the site, to create a safe and easy route into the woodland is relatively small in scale and to be constructed of wood.

On this basis the scheme is considered acceptable in terms of visual amenity.

## Neighbour Amenity

The scheme would not unduly impact on sunlight, outlook or privacy experienced by occupiers of neighbouring properties as the use of the site is not changing and the location of the paths is well away from residential properties and buffered by trees/woodland. The scheme is considered acceptable in terms of neighbour amenity.

## Access/Parking

The scheme would not require additional parking or reduce the available parking provision on site. LCC (Highways) has requested the bollards at the access from Blackwood Road are positioned closer to the road to prevent members of the public parking in front of them and thereby obstructing others wishing to enter/leave the park. A condition is recommended to ensure that the bollards are in the most appropriate location/form.

LCC (Public Rights of Way) has no objection to the proposal, but has flagged-up that they are currently considering an application for formal designation of bridleway routes through the park. In respect of this matter the Agent has advised that :

*“The proposals to name this route as an official bridleway will not affect the plans that I have submitted to Rossendale Borough Council as the aim is for a multi user route. We have incorporated improvements to the existing stone path for the horses.....as well as a wider bridge suitable for horses. We have consulted with the Bridleways Association and local horseriders throughout the process as well on proposals.”*

I do not consider the proposed scheme and application to LCC for formalisation of bridleways inconsistent, subject to the Conditions regarding submission of fuller details of the bridge and location/form of the bollards to be erected.

## 10. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle in the Countryside and, subject to the proposed conditions, would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development accords with PPS1/PPS9/PPG13/PPG17, Policies RDF2/L1/EM1/EM3 of the Regional Spatial Strategy and Policies 1 / 9 / 17 / 18 / 24 of the Council's adopted Core Strategy DPD.

## 11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the drawings numbered 086/SK01 Rev D, 086/D01 Rev A, 086/D02 and 086/L02 Rev A and date stamped 31/01/12 as well as the design and access statement and information about trees on site both date stamped 31/01/12, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policy 18 & 24 of the Council's adopted Core Strategy DPD.

3. Notwithstanding what is shown on the approved drawings, prior to the commencement of the works hereby permitted full details shall be submitted to and approved in writing by the Local Planning Authority of :

- A) the proposed bridge over the River Irwell; &
- B) the proposed bollards at the Blackwood Road entrance.

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the scheme would not result in increased flood risk, risk to highway safety or conflict between pedestrians/cyclists/horse-riders, in accordance with PPG13 / PPS25, Policies L1 / EM3 of the Regional Spatial Strategy and Policies 1 / 9 / 17 / 24 of the Council's adopted Core Strategy DPD.

4. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the Council's adopted Core Strategy DPD.