

Application Number:	2013/131	Application Type:	Full
Proposal:	Creation of a multi user route (a cycleway, bridleway and footpath) including engineering operations to alter land levels in some places, fencing and drainage	Location:	Section of disused Railway Line, off Blackwood Road, Stacksteads
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	28 May 2013
Applicant:	Proffitts CIC	Determination Expiry Date:	5 June 2013
Agent:			

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

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 Permission be granted subject to the Conditions set out in Section 10.

2. SITE

The application relates to a length of disused railway line running through Stacksteads and designated as a Valley Way in the Rossendale District Local Plan.

The application proposal is intended to link-up the recently approved multi-user path at Stacksteads Riverside Park (approved under Application 2012/0043) and is part of a larger scheme to create an off-road cycleway between Rawtenstall and Rochdale, utilising existing sections of disused railway line.

The site presently comprises a muddy “path” that is prone to water logging and flooding. The route has self seeded overhanging trees and existing signage is old and rotten along its length. The existing fencing that borders the site in places is also rotten and in need of repair.

The site is in multiple ownership and is identified as Greenlands, and is within the Urban Boundary as defined by Policy 1 of the Core Strategy DPD (2011).

3. RELEVANT PLANNING HISTORY

2012/0043 Creation of a path – Riverside Park, Stacksteads
Approved 21/03/2012

4. THE PROPOSAL

It is proposed to create a multi-user route along the length of the disused railway for use by pedestrians, horse riders and cyclists; the line of the existing path is to be abandoned.

The proposed new route will be approximately 580m in length and 3m wide, with a bitmac top course over a hardcore stone base. The applicant intends to incorporate land drainage where required along its length.

Sections of the site that are steep are to be cut and filled to create a cycleway that has a gradient of 1:20, as far as possible. To encourage and cater for as many users as possible it be better surfaced and give a more direct route through the site than the existing path.

The applicant comments *“It is proposed to undertake some cut and fill and crown lifting of existing self-seeded trees/saplings and clearance of overgrown brambles and weeds....(where possible) to create habitat piles. The existing timber stock fence will be removed and replaced to ensure the path is safe for users. Information boards are proposed as part of the project to encourage more user activity of the site.”*

5. POLICY CONTEXT

National Planning Policy

National Planning Policy Framework (2012)

Section 4 Promoting sustainable transport

Section 7 Requiring Good Design

Section 8 Promoting healthy communities

Section 11 Conserving and enhancing the natural environment

Development Plan

RBC Core Strategy DPD (2011)

AVP 2 - Strategy for Bacup, Stacksteads, Britannia and Weir

Policy 1 - General Development Locations and Principles

Policy 8 - Transport

Policy 23 - Promoting High Quality Design and Spaces

6. CONSULTATION RESPONSES

LCC Highways

Comments awaited

Tunstead Residents Association

No comments

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 12/04/13 and 37 neighbours were notified by letter on 11/04/13.

Four letters have been received, two in support and two objecting to the application. The objectors refer to the following:

- Loss of privacy due to land levels and gradients too steep
- Increased litter
- Increased traffic without appropriate footway
- Potential for increased antisocial behaviour/vandalism

8. ASSESSMENT

The main considerations of the application are : 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

Principle

The application site is within the Urban Boundary, and allocated as an area of Greenlands. Policy 17 of the Core Strategy supports the protection of Greenlands and their improvement for sustainable and active tourism.

Accordingly, the application is acceptable in policy terms.

Visual Amenity

The works would result in the formation of a hard surfaced macadam path, with alteration in places to levels, planting, fencing and drainage.

The scheme will have relatively limited impact visually on the site due to the nature and scale of the work and would not result in a dramatic change to the appearance of the surrounding area.

The path is intended to roughly follow the line of the former railway and the materials for its construction will blend-in with the natural environment, being a mix of bitmac surfaced path adjacent to a grass verge, with fencing and hedging to the site boundary.

Likewise, the new ramped crossing-point towards the centre of the site, to create a safe and easy route to cross Rakehead Lane and back into the woodland is relatively small in scale and utilises fill generated from works elsewhere within the site.

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

Neighbour Amenity

Two letters of support have been received and two letters of objection. The route is located south of the objector's properties, which stand approximately 12m from the site.

The topography of the application site would result in a degree of loss of privacy to rear habitable rooms and gardens of dwellings on Brandwood Park that are adjacent to the site,, but to a lesser degree to the occupiers of properties at Brandwood Farm Cottages arising from existing tree cover.

As part of the application, the route is to have a new native hedgerow planted on its boundary and a screen fence of 2m in height, which would satisfactorily address the issues for the affected properties.

I consider a refusal on the basis of the harm for the amenities of these neighbours could not be substantiated on appeal, subject to a condition to ensure appropriate boundary treatment.

Access/Parking

I do not consider the proposal to give rise to the need for parking provision. Committee will be advised of any comments received from LCC Highways in relation to points of connection of the new route with existing roads and paths.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle as it will not unduly erode the essentially open and rural character of Greenlands and, subject to the conditions, will not result in unacceptable detriment in terms of visual and neighbour amenity or highway safety. It is considered that the proposed development accords with Policies 4,7,8 & 11 of the National Planning Policy Framework (2012) and Policies 1 / 8 / 24 of the Council's Core Strategy.

10. RECOMMENDATION

Approval

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 drawing no 129/L01, 129/L02 Rev A, 129/L03 and the illustrated drawings annotated as Map 2 & 3 dated 10/04/2013, unless otherwise required to comply with the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and avoids undue harm to visual or neighbour amenity, in accordance with Policy 24 of the Council's Core Strategy DPD (2011).
3. All proposed fencing shall be stained dark-brown and the boundary with residential properties as indicated by the blue edge on plan 129/L02 Rev A shall be planted in the first planting season thereafter with a hedge predominantly of hawthorn whips, to be planted not more than 0.5m apart, unless a variation is otherwise first agreed in writing by the Local Planning Authority. Any of the plants which then die are removed or become seriously damaged or diseased within 5 years of planting shall be

replaced by others of the same size and species in the following planting season, unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will not unduly detract from visual and neighbour amenity, in accordance with Policy 24 of the Council's Core Strategy DPD (2011).