

Application Number: 1/08/17/00062
Date Registered: 23/03/2017
Parish: Bridgwater Town Council
District: Sedgemoor District Council
Member Division: Bridgwater & Central
Local Member: Cllr David Loveridge
Case Officer: Frances Gully
Contact Details: FCGully@somerset.gov.uk
(01823) 359168

Description of Application: **CONSTRUCTION OF A FOOTWAY AND CYCLEWAY BETWEEN CRANLEIGH GARDENS AND LIBERTY PLACE, THROUGH EASTOVER PARK, BRIDGWATER, SOMERSET.**

Grid Reference: 330281 - 136851

Applicant: Somerset County Council – Operations

Location: The application site is located within Bridgwater to the East of the River Parrett and South West of the town centre.

1. Summary of Key Issues and Recommendation(s)

1.1 The key issues for Members to consider are:-

- Accordance with the Development Plan and the NPPF
- Accordance with the Transport Plan and Future Transport Strategy;
- Improving Sustainable Transport networks in Bridgwater;
- Residential Amenity;
- Development within a playing field
- Development in Flood Zone 3a
- Impact upon the character of the area and Protection of existing trees

1.2 **It is recommended that planning permission be GRANTED subject to the imposition of the conditions in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.**

2. Description of the Site

- 2.1 The site is located in the centre of Bridgwater, to the East of the River Parrett and Salmon Parade and South West of St Johns Road.
- 2.2 The proposed route runs along an existing well defined desire line across Eastover Park, between Cranleigh Gardens and St. Johns Road. The area covered by the scheme comprises mainly of public open space known as Eastover Park, Bridgwater.

3. Site History

- 3.1 The park is the former Salmon Lane Brick and Tile works which operated until about 100 years ago, and was subsequently changed into a local park. The footpath alongside Cranleigh Gardens is separated from the public highway by an avenue of mature trees. The footpath is not highway land but is on land in the ownership of Sedgemoor District Council and the Medical Centre.

- 3.2 A previous application was submitted (no.01/08/16/074) and granted on 12th April 2017 for the formation of a segregated footway and cycleway across the same route in Eastover Park connecting Cranleigh Gardens and Liberty Place in Bridgwater.

- 3.3 The difference between the existing permission and the proposed application are that the cycleway/footway is designed to be combined rather than segregated, and due to this it is one metre narrower than the existing permission at 2.5m wide rather than 3.5m.

- 3.4 This previous application has planning permission and in the event that permission is not granted for this application the previous one can still be carried out.

4. The Proposal

- 4.1 This proposal is for the construction of a new footway and cycleway linking Cranleigh Gardens and Liberty Place. This section of proposed footway and cycleway would complete a network of walking and cycling facilities being delivered under the 'Bridgwater Way' programme.
- 4.2 The shared footway/cycleway will generally be 2.5m wide, there will be verges on either side of the footway/cycleway grading back into the adjacent grass of Eastover Park. A linear soakaway will be provided along the section of the route which cuts across the Park. This will collect surface water from this section of path and allow it to soak away into the sub soil.
- 4.3 The proposal includes lighting and drainage to provide 280 metres of new footway/cycleway covering 700sq m (280m in length x 2.5m in width) of public open space across a park where there is currently a well-used informal walkway across the grass.

- 4.4 Lighting is proposed as part of this development and would comprise 5 metre high street lights with LED lighting spaced at approx. 25m intervals along the length of the footpath. There will be 14 columns in total.
- 4.5 There is one small section of physical barrier in the form of a knee rail wooden fence, approx. 65cm high, to be installed to deter people using the 'desire line' close to the medical centre.
- 4.6 The Footpath is orientated roughly east/west from Cranleigh Gardens at the western end and Liberty Place on the eastern side of Eastover Park. There will be verges on either side grading back into the adjacent Eastover Park, soiled and grass seeded.
- 4.7 A linear soakaway will be provided along the section of the route which cuts across the Park. This will collect surface water from this section of path and allow it to soak away into the sub soil.
- 4.8 The permitted application (no.01/08/16/074) and this proposal represent the final part of a larger implemented scheme. The wider scheme seeks to provide a continuous route for pedestrians and cyclists between Bridgwater town centre and the train station away from roads with heavy traffic. This scheme forms part of the 'Bridgwater way' programme and Bridgwater celebration mile CY19 (Bridgwater, Taunton and Wellington Future Transport Strategy) and is supported by the Future Transport Plan (FTP).
- 4.9 **Environmental Impact Assessment:** The proposal does not require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as the proposed development is not development of a description mentioned in either Schedule 1 or Schedule 2 of the Regulations.

4.10 **Documents submitted with the application**

The following documents have been submitted with the application:

Document/Drawing Name	Reference/File Number
Document and Drawing Register	SCC/MJ004038/25/001 Rev 2.0
Design and Access Statement	SCC/MJ004038/25/002 Rev 2.0
Planning Supporting Statement	SCC/MJ004038/25/003 rev 2.0
Flood Risk Assessment	SCC/MJ004038/25/004 rev 2.0
Landfill Statement	SCC/MJ004038/25/005
Heritage Statement	SCC/MJ004038/25/006 Rev 2.0
Playing Field Statement	SCC/MJ004038/25/007
Site Location Plan	MJ004038-PL-001-Rev-
Planning Application Red Line and Highway Boundary Plan	MJ004038-PL-002-Rev-
General Arrangement	MJ004038-PL-003-Rev- B
Long Section	MJ004038-PL-004-Rev-
Cross Sections	MJ004038-PL-005-Rev-
Cross Sections	MJ004038-PL-006-Rev-

Cross Sections	MJ004038-PL-007-Rev-
Cross Sections	MJ004038-PL-008-Rev-
Cross Sections	MJ004038-PL-009-Rev-
Typical Sections	MJ004038-PL-010-Rev-
General Arrangement (lighting)	MJ004038-HW-001 Rev A
Street Lighting Contour Plan	MJ004038-SK-004

5. Consultation Responses Received

- 5.1 **Sedgemoor District Council:** No objection. Sedgemoor District Council provided a response from their Parks and Open spaces team who state that Option 1 which reflects the existing used desire line is the preference of the team and that there would be no implications on the active sports pitches; or have any impact on the seasonal rotation or goal mouth areas. The Parks and Open spaces team welcome the permanent solution to the current informal walkway which is only convenient in the summer months and dry periods. The council do require the development to have appropriate bollards in place to prevent vehicle access on to the park which was a concern.
- 5.2 **Bridgwater Town Council:** No comment, however they are providing funding for this scheme therefore are in support of it.
- 5.3 **Rights of Way Officer:** It is confirmed that there are no recorded PROWs across the park.

6. Comments of the Service Manager - Planning Control, Enforcement & Compliance.

- 6.1 The key issues for Members to consider when determining this application are:-

- Accordance with the Development Plan and the NPPF
- Accordance with the Transport Plan and Future Transport Strategy;
- Improving Sustainable Transport networks in Bridgwater;
- Residential Amenity;
- Development within a playing field
- Development in Flood Zone 3a
- Impact upon the character of the area and Protection of existing trees

6.2 Accordance with The Development Plan and the NPPF

Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material considerations indicate otherwise. In this case the development plan and material considerations consist of:

- Sedgemoor Core Strategy 2006-2027, Adopted September 2011 (SCS);
- National Planning Policy Framework published March 2012 (NPPF);

- 6.3 This proposed development is in accordance with the Sedgemoor Core Strategy. In particular Policy D9 (Sustainable Transport and Movement) which encourages sustainable transport, and supports developments which contribute to

sustainable transport and movement, and Policy P1 (Bridgwater and Bridgwater Vision Transformational projects) which supports proposals that contribute to the delivery of integrated transport strategies that have an emphasis on walking and cycling including elements of Celebration mile and it provides an opportunity to improve accessibility and the use of the Bridgwater Railway Station, being an important off-road link to do this.

6.4 Policy D2 of the Sedgemoor Core Strategy requires that proposals for development are safe and accessible for all. Chapter 7 of the NPPF (requiring good design) in paragraph 58 says that development amongst other things must secure the creation of safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The route accords with a number of crime reduction principles. These include that the path is well lit, the route is as straight as possible to allow good visibility along the full length, and is devoid of potential hiding places.

6.5 **Accordance with the Transport Plan and Future Transport Strategy**

- This scheme forms part of the 'Bridgwater way' programme and Bridgwater celebration mile CY19 within the Bridgwater, Taunton and Wellington Future Transport Strategy
- The overall scheme is supported by The Somerset Future Transport Plan (FTP)2011-2026

6.6 **Improving Sustainable Transport networks in Bridgwater**

The overarching objective of the scheme as part of the Bridgwater Way is to provide a safe off road cycle and pedestrian facility through an existing open public space. Therefore, the safety of the route's users is a key priority.

6.7 The proposed footpath and cycle path would provide a section of safe sustainable travel from the town centre to the railway station connecting Cranleigh Gardens and Liberty Place. The new footpath and cycle way would help to encourage people to use sustainable modes of transport to make their journeys. This could help to reduce the number of vehicles on Bridgwater's roads and ultimately reduce congestion and emissions.

6.8 **Residential Amenity**

Policy D16 of the Sedgemoor Core Strategy gives consideration to the potential pollution impacts of development and protecting residential amenity. A local resident has objected to this proposal based on the following points and potential for light pollution entering their property and the subsequent impact on the enjoyment of their property.

- 1) they feel that there is no need for the new route as there has been a reduction in the use of the desire line and cyclists can go elsewhere
- 2) lighting is inappropriate and will be too bright
- 3) The height and route of path would segregate the park and prevent activities
- 4) Park usage and transport surveys need to be updated
- 5) There was inadequate notification of the application
- 6) Safer transport routes should be developed elsewhere

6.9 The response to the objectors' issues are as follows;

- **The need for the new route:** As the application site is within Bridgwater there is already an assumption in favour of development. Also the route is the final part of a wider scheme to seek to provide a continuous route for pedestrians, mobility impaired users and cyclists between Bridgwater town centre, Salmon Parade and the train station away from roads with heavy traffic. This scheme forms part of the 'Bridgwater way' programme and Bridgwater celebration mile CY19 (Bridgwater, Taunton and Wellington Future transport Strategy) and is supported by the Future Transport Plan (FTP).
- **Lighting:** Additional plans were submitted to show lighting effects which indicate limited spread of light. The lighting for the new section of path will be the same as the lighting scheme which is currently approved on the existing permission ref. 1/08/16/074. The lighting scheme was forwarded to the objector, and at a later date an email was sent to attempt to overcome the issues raised. There has been no response or withdrawal of his objection.
- **Height and route of path:** the path will be set into the grass generally at or just above existing ground level and there will be no fence along its length within the main park, therefore it will not cause any restriction to park users at any time of year for any activity. There is only one small section of knee rail fence close to the medical centre in-between the trees to guide users onto the path.
- **Use of the desire line:** There is extensive evidence that many people use the path at all times of the year which can be seen by the worn desire line which is permanently in the grass, and the path is shown on all maps as existing. The entrance to the park from Liberty Place will be changed to bollards to encourage all users so that cyclists and mobility impaired users and families with pushchairs will have easy access to the park and therefore the desire line if they wish,
 - as the current access is restrictive and therefore unsatisfactory.
- **Surveys:** I have no evidence of surveys taken regarding the use of the park or the particular path and they have not been submitted with this application.
- **Notification of application:** The home owner at number 8 Liberty Place received a consultation letter regarding the application as the property is opposite the entrance. All other home owners in the cul-de-sac had the opportunity to see the site notice as the objector has done, which was placed in accordance with our statutory requirements.
- **Safe transport routes:** The park is a safe place and that is one of the reasons why increasing the access to this area would be preferable to users than using heavily trafficked areas. However other transport schemes for areas of Bridgwater which require safer transport routes are also being delivered. This scheme would not influence those coming forward.
- **Use of the Park:** Eastover will remain a recreational park for all types of user, football players, walkers, cyclists, children's play and dog walkers and the summer fetes. Sport England and the parks and open spaces team in Sedgemoor DC are supportive of the application.

6.10 **Development within a playing field**

There is no impact on the use of the playing field which has been confirmed by Sport England and the Parks and Open spaces team from Sedgemoor District Council

6.11 **Development in Flood Zone 3a**

Policy D1 managing flood risk, indicates that development will only be permitted in the flood zones where the sequential test is passed unless;

- The site allocated or identified for development of the same type, scale and character in this Core Strategy or any subsequent document of the Local Development Framework as that proposed

In this case the works proposed will be at or near existing ground level and is therefore considered to have little to no impact on flooding. During times of flooding alternative routes are available should this off road route be flooded, and the proposed is of the same type, scale and character as the previously granted application.

6.12 **Impact upon the character of the area and protection of existing trees**

The NPPF states that valued landscapes should be protected and enhanced. Whilst this street may or may not be considered a valued landscape, the trees give the streetscape a strong sense of place and are an important feature within it. The street has local historic interest with terraced housing in the Brunel style. It does not form part of a conservation area nor are the trees protected by a TPO. The proposed crown lifting to 2.7m to provide sufficient safety headroom will require some work to some trees but should not impinge on their appearance. The depth of works required to construct the footway/cycleway are not considered to have an adverse effect on the trees. However, it is recommended that the protection of existing trees during the construction period is conditioned as part of the permission. Visibility is slightly limited by a single tree which is an instantaneous obstruction more than 300mm wide. This means that additional warning pavers will be required on the bend to slow cyclists.

6.13 **Other Considerations:**

The present well-used desire line is not accessible to all users because of the existing guard railing at the entrance from Liberty place. The existence of this desire line (even shown on the OS map as a path) is an indication of the popularity of the route to local residents particularly accessing education and community facilities, and is therefore a logical route to use for providing a more substantial path/cycleway that will serve residents better. The suitable surfacing of the route for both pedestrians and cyclists and the replacement of the metal guard railings (which limit access) with two bollards will make this route more accessible.

The footway/cycleway will be lit at approx. 25m intervals by 5m column street lighting which will mean the route can be used outside daylight hours. The lighting is, in general, sufficiently far away from residential properties to have limited impact upon them.

7. Conclusion

7.1 This proposal accords with the policies within the Sedgemoor Core Strategy and the NPPF as well as Somerset's FTP and the Future Transport Strategy (Bridgwater, Taunton & Wellington). The proposed footway and cycleway would provide a valuable link between the Town Centre and the train station, improving the sustainable transport network in Bridgwater

7.2 The route would help to encourage more sustainable patterns of transport and active transport helping to lead to healthier lifestyles and less congestion on Bridgwater's roads. It is proposed that this section of footpath would be adopted by Somerset County Council and would link with wider walking and cycling routes as part of the Bridgwater Way.

- 7.3
- The proposal will make an already well used route accessible to all without any compromise to the safety of all users.
 - The proposal does not directly affect the playing field and the use of the pitches
 - The proposal does not conflict with the Flood zone and measures are proposed to mitigate against additional surface water run-off
 - The proposal is designed to protect existing trees and the landscape character of the locality
 - The proposal has a negligible impact, if any, on the amenity of nearby residential property or businesses.
 - There are no other relevant material considerations that Members need consider when determining this matter.

7.4 Recommendation

As this proposal accords with the Sedgemoor Core Strategy in relation to the provision of sustainable transport infrastructure and has the potential to increase active travel and improve healthy lifestyles, without detriment to the local area, it is recommended that **planning permission be GRANTED** subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.

8. Conditions

1) Time Limit (3 Year Implementation)

The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2) Completion in accordance with the approved details

The development hereby permitted shall be carried out in strict accordance with the approved plans and drawing numbers:-

General Arrangement	MJ004038-PL-003-Rev- B
Long Section	MJ004038-PL-004-Rev-
Cross Sections	MJ004038-PL-005-Rev-
Cross Sections	MJ004038-PL-006-Rev-
Cross Sections	MJ004038-PL-007-Rev-
Cross Sections	MJ004038-PL-008-Rev-
Cross Sections	MJ004038-PL-009-Rev-
Typical Sections	MJ004038-PL-010-Rev-
General Arrangement (lighting)	MJ004038-HW-001 Rev A
Street Lighting Contour Plan	MJ004038-SK-004

And with any scheme, working programme or other details submitted to and approved in writing by the County Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the County Planning Authority to deal promptly with any development not in accordance with the approved plans

3)

Tree Protection

- (i) Before the commencement of the development hereby permitted a scheme (in accordance with BS5837:2005) to safeguard against damage or injury being caused during construction works to any tree to be retained on the site, or any tree whose root structure may extend into the site, shall be submitted to and approved in writing by the County Planning Authority. In particular the scheme shall provide that no excavations, site works, trenches or channels shall be cut, or other works carried out in such a way as to cause damage or injury to the trees (by interference with their root structure) and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to trees.
- (ii) The approved scheme shall be fully implemented prior to any other site operations and at least two working days' notice shall be given to the County Planning Authority that it has been undertaken.
- (iii) Any trees that die as a result of the development shall be replaced within the first available planting season following such occurrence with trees of a similar species.

Reason: To protect existing trees adjacent to the proposed development

4) **Construction Environment Management Plan**

Before the commencement of the development hereby permitted a 'Construction Environmental Management Plan' (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall set out how adverse impacts on the local environment and local community will be minimised and provide for: -

- Time restrictions and routing of construction delivery and other traffic;
- The parking of vehicles for construction workers and visitors;
- Provision for loading and unloading of plant and materials and turning space within the site;
- Construction compound including storage of plant and materials used in constructing the development;
- Wheel and vehicle cleaning facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Site Security;
- Fuel oil storage, bunding, delivery and use;
- How both minor and major spillage will be dealt with;
- Containment of silt/soil contaminated run off;
- Disposal of contaminated drainage, including water pumped from excavations;
- Site induction for workforce highlighting pollution prevention and awareness.

The approved CEMP shall be adhered to throughout the construction period.

Reason: To protect the amenity of nearby residents and the use of the medical facility adjacent and to protect the users of the adjacent playing pitches and play facilities.

8.1 Informative Notes

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath for the use of cyclists and pedestrians. Following adoption, SCC will be responsible for keeping the route in a condition suitable for those members of the public entitled to use it however it is damaged.

Relevant Development Plan Policies

The following is a summary of the reasons for the County Council's decision to grant planning permission.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in the:

- Sedgemoor Core Strategy 2006-2027 (Adopted September 2011);

The policies in this Plan particularly relevant to the proposed development are:-

Policy

D2	Health and Social Care	This proposal accords with this policy in that the proposed development promotes a new facility which is safe and accessible for all, enjoyable to use and encourages healthy lifestyles. The design and layout of the footpath has shown consideration to reducing the opportunity for crime and antisocial behaviour. The proposed footpath would be well lit at night to ensure personal safety when using the route and is as straight as possible to allow good visibility along the route.
D9	Bridgwater	In accordance with this policy this proposal would enhance the facilities for pedestrians and cyclists. The inclusion of a new dedicated footpath and cycleway would enable safe sustainable travel which could reduce congestion in this section from the town centre to the train station.
P1	Bridgwater Urban Area	The proposal conforms strongly with this policy particularly as it provides an opportunity to improve accessibility and the use of Bridgwater Railway Station, being an important off-road link to do this.

- D1 In accordance with the policy Managing Flood risk, this type of development does not change the use of the park, and will not increase flood risk compared to the current situation or from the existing planning permission.
- D16 This policy gives consideration to the potential pollution impacts of development and protecting residential amenity.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.