

<b>Planning Reference No:</b>	09/3905N
<b>Application Address:</b>	Footway to Queens Park, Wistaston Green Road, Wistaston, Crewe
<b>Proposal:</b>	Application for a New Greenway from Wistaston Green Road to Queens Park Crewe. Proposal Includes a 3 Metre Wide Surfaced Path Together with Associated Engineering and Landscaping Works
<b>Applicant:</b>	Cheshire East Council
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	368106 355518
<b>Ward:</b>	Crewe West
<b>Earliest Determination Date:</b>	3 <sup>rd</sup> February 2010
<b>Expiry Dated:</b>	23 <sup>rd</sup> February 2010
<b>Date of Officer's Site Visit:</b>	8 <sup>th</sup> January 2010
<b>Date Report Prepared:</b>	29 <sup>th</sup> January 2010
<b>Constraints:</b>	Flood Risk Zone, Open Countryside, Green Gap, Sites of Local Importance for Nature Conservation & Protection of Open Space with Recreational or Amenity Value

## **SUMMARY RECOMMENDATION**

**Approve With Conditions**

## **MAIN ISSUES**

**Impact of the development on:-**

- The impact upon the character and appearance of the area
- Protected Species
- Highways implications

## **1. REASON FOR REFERRAL**

This application is referred to the Southern Area Planning Committee as it involves development that exceeds 1000sq.m.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is an area of land which extends from Queens Park to Wistaston Green Road. The majority of the site lies within the Crewe Settlement Boundary although a small proportion to the west is located within the Green Gap. The path runs around the King George V playing fields and to the west of Queens Park Golf Course before following Valley Brook to Wistaston Green Road.

## **3. DETAILS OF PROPOSAL**

This is a full planning application for the construction of a new 3 metre wide surfaced path linking Queens Park, Coppenhall Lane and Victoria Avenue with Wistaston Green Road.

#### **4. RELEVANT HISTORY**

The site has no relevant planning history

#### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant development plan policies are:

##### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

DP9 – Reduce Emissions and Adapt to Climate Change

RDF2 – Rural Areas

RT2 – Managing Travel Demand

RT9 – Walking and Cycling

EM1 (B) – Natural Environment

EM1 (D) – Trees, Woodlands and Forests

EM3 – Green Infrastructure

MCR4 – South Cheshire

##### **Local Plan Policy**

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.21 – Hazardous Installations

NE.2 – Open Countryside

NE.4 – Green Gaps

NE.5 – Nature Conservation and Habitats

NE.8 – Sites of Local Importance for Nature Conservation

NE.9 – Protected Species

NE.20 – Flood Prevention

RT.1 – Protection of Open Spaces with Recreational or Amenity Value

##### **Other Material Considerations**

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Statement 25 (Development and Flood Risk)

#### **6. CONSULTATIONS (External to Planning)**

**Sustrans:** Sustrans is working with Cheshire East on the planning of the Connect2 scheme to provide a greenway between Queens Park and Nantwich riverside avoiding Middlewich Road. Sustrans are very pleased to see this application by the Council for the first phase. In particular Sustrans support the specification for the surface of the route, at 3 metre width with a machine laid bitmac finish and that maximum gradients should be 1:15. This is to

ensure that pedestrians and cyclists can share the route and the maintenance requirement is kept to a minimum in future years.

**Sport England:** Will not be able to make a full assessment of the application without a site layout plan for the King George V playing fields which shows existing pitch markings for the football pitches in relation to the new cycle route. This will need to include safety margins and run-offs for the pitches.

**Environment Agency:** Initially objected due to the lack of a Water Vole and Otter survey. Following receipt of this additional information this objection has been removed and the Environment Agency has now made the following comments; Parts of this section of the proposed Crewe to Nantwich Greenway route are in the vicinity of Valley and Wistaston Brooks. The Environment Agency's Flood Maps show that the relatively low-lying land adjacent to the brooks is at risk of fluvial flooding. Parts of the path are located adjacent to Valley Brook. It is recommended that this is moved back away from the Brook to prevent the path being undermined/eroded. Two informatives are requested to be attached to any decision notice.

**Ecology:** Initially raised objection to the application due to the lack of a Water Vole and Otter survey. Amended comments are that the Otter and water Vole survey is acceptable. No evidence of either species was recorded and so these two protected species do not present a constraint on the proposed development.

**Public Rights of Way:** The public rights of way team at Cheshire East Council are in full support of the proposal to create an off-road, multi-user route between Nantwich and Crewe, of which the proposal will form a crucial section. The route will offer a safe alternative for walkers and cyclists travelling between the two towns, with associated health and environmental benefits. The concept was identified through the former Cheshire County Council's Rights of Way Improvement Plan, a statutory document assessing the rights of way network of the time and the aspirations of the public for that network in the future. The proposal will also offer residents an improved path network for leisure purposes in their local area.

**Mid Cheshire Footpaths:** No comments received at the time of writing this report

**Open Space Society:** No comments received at the time of writing this report

**Ramblers Association:** No comments received at the time of writing this report

**Disability Resource Exchange:** No comments received at the time of writing this report

## **7. VIEWS OF THE PARISH COUNCIL**

**Minshull Vernon & District Parish Council:** No comments received at the time of writing this report

**Wistaston Parish Council:** The Council agree to the above application in principle, however, consideration needs to be given to the provision of litter bins and dog dirt bins.

## **8. OTHER REPRESENTATIONS:**

One letter of representation received from the occupants of 140 Queens Park Gardens raising the following point;

- It is unclear what will happen to the old car park to the rear of Queens Park Gardens. Will this be retained or will it be turned into a public footpath?

## **9. APPLICANT'S SUPPORTING INFORMATION**

### **Extended Phase 1 Habitat Survey produced by TEP**

- Potential constraints to the three bridge crossings covered by this survey are largely limited to the potential for Water Vole burrows to be present within and adjacent to the working areas. We therefore recommend that a Water Vole survey of the watercourses (50m upstream and 50m downstream) is carried out. This survey should also include a search for otter field signs and holts
- There is a potential for some trees to support roosting bats. It appears that trees are unlikely to be removed during the bridge crossing works but if any tree removal is required then an inspection by a licensed bat ecologist will be required
- The watercourses have large areas of Himalayan Balsam, which is a non native invasive species. Control of this plant is recommended as part of improvements to the river habitat. However given the current spread of the plant it is unlikely that any localised control associated with the bridge works would have any impact on the overall spread of Himalayan Balsam within the survey area

### **Ecological Assessment produced by TEP**

- A Water Vole and Otter survey of three 100m stretches of brook associated with the three crossing points was undertaken in early August 2009. No seasonal constraints affected survey, although vegetation was dense in places. No evidence of water vole or otter use or passage along the watercourses was identified during inspection of the crossing points or the extended upstream and downstream survey areas. There is very little marginal vegetation most favoured by water voles, so food availability within the surveyed stretches of brook is very limited. Dog accessibility, primarily at Crossings 2 & 3, will create a disturbance effect, which will reduce the suitability of the crossing points and adjacent habitats for otter use (particularly for breeding but also for resting and laying up).
- The proposed works are not likely to have a significant impact on the watercourses, as the existing bridges will be lifted and a new bridge will be placed from bank top to bank top with anchor points up on the bank top. At Crossing 1, the new bridge will be placed similarly from top of bank to top of bank, creating negligible impact upon the profile or character of the watercourse.
- There are no obligations or implications with respect to Water Vole or Otter for the crossing works. Given the relatively poor vegetation present along the brooks within the surveyed areas, it is considered that there is only a low risk of Water Voles colonising this section of the brooks. However, best practice measures are recommended, given the known presence of Water Vole and Otter in the wider area. At least 1 week prior to the onset of the bridge works, vegetation on the bank face and bank tops should be trimmed to 150mm above ground level within the footprints of the works and creating a minimum 5m buffer around the works. Following the vegetation cut, the bank tops and bank face within the works and buffer areas should be re-inspected for any evidence of colonisation by water vole (or otter).
- The watercourses within the survey areas are generally dominated by Himalayan Balsam, which is a non-native invasive species. This reduces the biodiversity value of the watercourses for water voles and many other riverine and aquatic species such as birds

and invertebrates. Control of this invasive plant is recommended. However, given the current spread of this plant, it is unlikely that any localised control associated with the bridge works alone would have any significant impact on the overall spread of Himalayan balsam within the survey area. Control measures are therefore recommended to be implemented on a wider scale, as part of improvements to the riverine habitats within the overall Greenway project area. Himalayan balsam is an annual and spreads by seed. Eradication is normally carried out by cutting the plant down before it seeds, ideally in May or June when the plant is in flower and easily recognisable. Cutting should also be carried out each season for a few years following the first cut, to ensure that the plant

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site extends across a large area of land and parts of the site are located within the Crewe settlement Boundary, the Open Countryside, Green Gap, and Flood Zones 2 and 3. The site is also in close proximity to a Site of Local Importance for Nature Conservation and a number of sports playing pitches at King George V Playing Fields.

This is the first phase of a scheme that would result in the creation of a cycle/pedestrian link between Queens Park, Crewe and Nantwich Riverside which avoids Middlewich Road. The proposal is considered to be acceptable in principle and accords with Local and Regional Policy as the development would create a link that would be accessed via sustainable modes of transport.

### **Design and impact upon the character and appearance of the area**

The proposal would mainly follow existing footpaths which would be widened and re-surfaced. Given the scale of the proposal it is not considered that the proposal would have a detrimental impact upon the character and appearance of the area or Open Countryside.

A small section of the proposed development would be located within the Green Gap and the proposal could result in an erosion of the physical gaps between the built up areas (Nantwich and Willaston). However the proposal would be limited and it is not considered that there is a suitable alternative location. It should also be noted that the development would result in benefits such as a sustainable transport link between Crewe and Nantwich and an improved cycle link that would help to tackle obesity and increase participation in recreational activities.

### **Amenity**

There are a numerous residential properties that back onto the application site. However it is not considered that the proposed development would have a detrimental impact upon residential amenity as the application site and surrounding land is an existing area of open space which is used for recreational uses. The proposed development would not have such a greater impact upon residential amenity in terms of noise and disturbance as to warrant the refusal of this application.

## **Ecological issues**

The main species that could be affected by the proposed development would be Otter and Water Voles and objections were originally received from the Councils Ecologist and the Environment Agency in relation to the lack of a survey in relation to these species.

The Protected Species Survey which was produced identified took place over three 100 metre stretches of the brook associated with the 3 new crossing points. This survey found no evidence of water vole or otter use and as a result the development. As a result the objection from the Environment Agency has been withdrawn and further comments are awaited from the Councils own Ecologist. It is anticipated that this objection will also be withdrawn and as a result the development is considered to be acceptable in terms of the impact upon protected species. A condition will be attached to ensure that if protected species are found works should stop and an Ecologist should be contacted.

A Site of Local Importance for Nature Conservation is located within close proximity of the site. However it is not considered that this would be affected by the proposed development as the footway would pass on the opposite side of Valley Brook at this point.

## **Impact upon Open Spaces with Recreational or Amenity Value**

The site runs around the King George V playing fields and to the west of the Queens Park Golf Course. It is considered that the proposed development affects only land that is incapable of forming part of a playing pitch and does not result in a loss of or inability to make use of any playing pitch and as a result the development would not conflict with Policy RT.1. Sport England has requested further information in terms of the layout of the playing pitches and any additional comments in relation to this issue will be reported as part of the Update Report.

## **Flood Risk**

Part of the site is located within a Flood Risk Area and given that the Environment Agency has not objected to the application, it is considered that the development is acceptable in terms of flood risk issues.

## **Trees**

The route also encompasses two TPOs, TPO88 Old Gorse Covert and TPO 106 Penbrook Close, Old Gorse Farm. Although protected trees may be adjacent to the works in a number of situations, no trees should be under threat of removal from the works. Conditions will be attached regarding tree protection measures to ensure that the trees are protected as part of the proposed development.

## **11. CONCLUSIONS**

The proposed development is considered to be acceptable in principal and would not have a detrimental impact upon the Open Countryside, Green Gap, residential amenity or protected species. However at the time of writing this report negotiations were continuing over the impact upon the King George V playing fields, it is not considered that this issue would result in the refusal of this application and the results of the ongoing discussions regarding this issue will be reported as part of the late report.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

**1 Standard**

**2 Plans**

**3 Tree protection**

**4 Works to stop if protected species found**

# Location Plan

