

# CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- **14<sup>th</sup> November 2008**

Agenda Item No:-

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<b>Public</b>	<b>Policy</b>	<b>Delegated: Yes</b>	
<b>Accompanying Comments and Statements</b>		<b>Required</b>	<b>Included</b>
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
Financial Comments:		No	No
Legal Comments:		No	No
Personnel Comments:		No	No

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**Title:-** **REQUEST FOR VARIATION OF LAYOUT TO OMIT FOOTPATH LINK: GARLANDS ESTATE, CARLISLE**

**Report of:-** **Director of Development Services**

**Report reference:-** **DS.143/08**

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## **Summary:-**

Following consideration of a Report on the above in November 2007 and the bringing into use of the footpath link in late August/early September, the matter is brought back to Committee to review whether, in light of experience of its use and impact, it should remain open or be closed.

## **Recommendation:-**

That the Committee indicates whether it wishes the path to be retained or wishes Officers to pursue its permanent closure coupled with transference of it and land on either side to the immediate residents.

**Alan Eales**

Head of Planning & Housing Services

**Contact Officer:** Alan Taylor

**Ext:** 7171

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

## **1.0 BACKGROUND**

- 1.1 Some Members of the Committee will recall that, following a Site Visit and having regard to observations made by local residents, Parish Council, Ward Councillors, the Highway Authority, Police and Green Spaces Manager regarding the desirability of the footpath link being provided, a Report was considered by the Development Control Committee on 9<sup>th</sup> November 2007.
- 1.2 The Report identified that the short link, from Parklands Avenue to the rural path system to the south-east of Garlands Estate, had always been intended to be provided from the initial structural layout of the development but had, at that time not been opened as a result of pressures from residents who were concerned about the risk of criminal and/or anti-social behaviour.
- 1.3 The Committee considered the desirability of the fencing that had been erected to preclude access along the link being removed and the path opened up, with appropriate barrier control to prevent abuse by motor cyclists and /or vehicles, so that the matter could be fully evaluated and monitored. Accordingly it was resolved that:
1. The footpath link be opened (by the removal of the section of fencing) until such time as the footpath is referred to the Highway Authority for formal adoption, following which the Committee would review the matter if necessary; and
  2. Further measures (such as off-set barriers) be incorporated to prevent vehicle and/or deter motor cycle access.

## **2.0 PRESENT POSITION**

- 2.1 The developer of this part of the Estate (Story Homes) was advised of the Committee's decision and was requested to arrange for the installation of a barrier, the design of which was to be modelled on a similar off-set barrier that had been previously installed in Keenan Park and which had been regarded as successful in preventing access to open space by motor vehicles, including motor cycles.
- 2.2 That took some time as the barrier was a "bespoke" structure rather than being supplied from a manufacture's catalogue but it has now been installed, the fence

panels that formerly sealed the path have been removed and it has been opened since, approximately, late August or the early part of September.

- 2.3 An Item included in “The Carleton Directory”, reported on the path being opened and encouraged residents to log any issues or incidents arising from its use and pass these on to the City Council Planning Department or via Ward Councillors. This led to initial comments being received (one in a letter and the other via an e-mail) from local residents who welcomed the path being opened but were concerned about obstruction of it being caused by parked vehicles and traffic cones at the “field” end.
- 2.4 However, distinct from those views, a number of letters have been forwarded to Ward Councillors from nearby residents who have referred to problems arising from mis-use of it. Some incidents might appear to be relatively minor matters (such as uprooting of flowers or dog fouling on adjacent gardens) but others have been much more serious matters of criminal and/or threatening behaviour. The concerns raised have been repeated by St Cuthbert Without Parish Council
- 2.5 Officers have also spoken with the Police and both the Crime Prevention Officer and the Community Police Officer for the area have made reference to detailed evidence of increased mis-behaviour in the locality and, of greater concern, have identified the seriousness of some incidents. The latter has supplied, in confidence, details of incident logs identifying that between 25<sup>th</sup> August and 18<sup>th</sup> September the Police investigated 9 instances where the residents of the cul-de-sac, through which the path link is located, reported anti-social or criminal behaviour. These ranged from burglary, theft or criminal damage through to 5 occurrences of anti-social behaviour that required Police investigation. One, very alarming incident involved a male forcing entry into a dwelling occupied at the time by two female teenagers. It is unclear from the logs what role the link played in some of the reported incidents but there seems little doubt that it was central to the burglary and forced entry.
- 2.6 The issue of the footpath was included in the Agenda of the most recent meeting of the Dalston & Cummersdale Neighbourhood Forum, held on 20<sup>th</sup> October. Councillor Allison has subsequently written to advise of the discussions that took place on that occasion, of the general feeling shared by those in attendance that the path was a problem (a view supported by the Community Police Officer at the meeting). Arising from the correspondence he has received, and the comments made at the Forum, Cllr Allison has requested that the Development Control Committee reviews the situation in the light of the concerns that have been

identified. He has also asked that he be permitted to address the Committee on this matter.

2.7 Members should also note that the road and sewer system in this part of the Estate has not yet been adopted. It is, therefore, opportune to consider the matter again, particularly now that there is some factual evidence about the impact of the link whereas, previously, there was only speculation.

### **3.0 CONCLUSION**

3.1 Unsurprisingly, this matter has highlighted both a feeling within the wider community that the path link is worthwhile and useful (albeit some concern about apparent deliberate obstruction to deter its use) but also a clear and firm concern, from those living most closely to it that it, that its presence has led to a significant increase in criminal and anti-social behaviour.

3.2 The most serious incidences have been particularly troubling and extremely traumatic for the family concerned. Whilst a re-occurrence of the forced entry might seem highly unlikely, that is no consolation or assurance for the family affected and their request that the path be permanently closed, to avoid even the slightest possibility of it happening again, is fully understandable.

### **4.0 RECOMMENDATION**

4.1 Members are requested to consider the situation in the light of the information within the Report and the attachments to it and to advise whether they wish Officers to pursue the closure of the path and the transference of it, and the land alongside it, to the immediate adjacent occupiers.

Alan Eales  
**Head of Planning & Housing Services**

**Contact Officer:** Alan Taylor

**Ext:** 7171



Alan Taylor  
Development Control Manager  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	
24 OCT 2008	
RECORDED	AN
SCANNED	
PASSED TO	AMK
ACTION	

From Councillor:  
**Trevor Allison**  
17 Gilbert Road  
Cummersdale  
Carlisle CA2 6BJ  
Telephone: 01228 523923  
**City Councillor for:**  
Dalston

21<sup>st</sup> October 2008

Dear Mr Taylor,

**Kissing gate at Parkland Avenue.**

As ward Councillor I chaired the Dalston and Cummersdale Neighbourhood Forum meeting last night. Given the background to the above subject, a significant number of people attended to express their views. The majority were against the kissing gate, but one person expressed the opposite view.

Both my colleague Steven Tweedie and I, having discussed this issue with residents and the Police, wish this matter to be referred back to the Development Control Committee. Our considered view is that the kissing gate should be removed and the fence restored. The evidence suggests that the opening of the fence has seriously compromised the security of the houses in that area. You may be aware that some time ago, there had been a number of incidents of garden sheds being burgled, due to that fact that the original low fence had been left in place immediately in front of the new boundary fence. The original low fence was being used as a 'step ladder' to gain access. When it was taken away these incidence stopped. By installing the kissing gates, access from the fields is even easier, with the resulting recorded increase in incidents, and loss of confidence by the residents.

Enclosed are the letters I have been given relating to the kissing gate, including one from the lady whose house had been entered by an intruder. She was also subsequently burgled! She included with her letter a copy of Schedule 6 of the Countryside and Rights of Way 2000, which came into force in 2003(copy enclosed). This enables local Highways Authorities 'to divert or close Rights of Way where it is necessary to prevent crime'. I have also included two press reports on this issue.

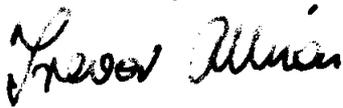
PC Lewis Powell spoke on this subject at the Neighbourhood Forum in support of the residents' view. As you will see on the enclosed email, you will by now have the amended version his Incident Logs.

However, we recognise that there are at least two letters of support and that there will be genuine walkers who appreciate having access to the fields. As one of the letters points out, another kissing gate at the entrance to the farm track was installed last year and is only a few minutes walk away. Councillor Tweedie suggests that should the new kissing gate be removed, we would be willing to fund the provision of appropriate signage directing walkers to the other gate, from the Councillors' Small Scale Community Projects Fund.

I assume that in due course you will receive the minutes and recommendations of the Neighbourhood Forum relating to this issue.

As I understand it from our previous discussions, this matter will be going before the Development Control Committee with a report including a recommendation. I would appreciate it if I could reserve the Right to Speak on this issue. The residents hope that this could come before the Committee, at the Planning meeting on 14<sup>th</sup> November.

Yours sincerely,



Cc: Cllr Steven Tweedie, Cllr John Collier, Cllr Nicola Clarke.  
Encs: letters from residents and email from PC Powell.

**Alan Taylor**

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**From:** Hunton, Andrew [andrew.hunton@cumbria.pnn.police.uk]  
**Sent:** 09 October 2008 11:23  
**To:** Alan Taylor  
**Subject:** RE: Footpath at Parklands Avenue: Garlands Estate

Alan

I understand you have recently met with one of the Local Policing Team officer, Lewis Powell. He has noted a disproportionate increase in reported criminal and anti-social activity in this cul-de-sac since the link was opened.

I include a list of incidents reported in Parkland Avenue/Drive.

25th Aug 12.30pm Burglary & theft of pedal cycle from a garage  
4th Sept 9.15pm Youths causing annoyance (bins tipped over and door bell ringing)  
7th Sept 9.45am Youths found tampering with motor vehicle wheels  
12th Sept 5.30am Report of male and female shining torch into parked vehicles  
14th Sept 8.40am Damage to motor vehicle  
14th Sept 3.45pm Motor cycle being ridden on road and footpath  
15th Sept 10.30 Burg and theft of purse, laptop and mobile phone \*\*\*  
18th Sept 8.25pm Youths pulled up shrub from garden

\*\*\* The aggrieved for this offence is the same as for the incident reported on 9th Sept (5.30pm) when male forced entry to dwelling occupied by two female teenagers. This male was arrested on susp of burglary but was later released into care of Mental Health team. First officer on scene was a Road Traffic patrol who had earlier been dispatched to reports of male seen wandering on motorway hardshoulder in this vicinity. I am informed there will be no criminal proceedings against this individual.

Lewis is of the opinion that the opening of the cut has contributed to the level of activity noted, which I suggest bears out my earlier opinion that opening the cut will increase the amount of footfall through the cul-de-sac by non-residents. As has been demonstrated elsewhere, unrestricted pedestrian access through housing developments can lead to increases in crime and ASB.

I trust this is of value.

Best regards

Andy Hunton  
Crime Prevention/Architectural Liaison Officer  
North Area Community Safety Unit  
Citadel Buildings  
English Street  
Carlisle  
CA3 8SQ  
Direct Tel. 01228 558251

Facsimile: 01228 522864  
Telephone: 0845 33 00 247 (switchboard)  
01228 546469 (direct dial)  
07980747426 (work mobile)

Please ask for: PC1908 POWELL  
lewis.powell2@cumbria.police.uk

My Reference:  
Your Reference:

Chief Constable:  
Craig Mackey

PLANNING & HOUSING SERVICES	
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Cumbria Constabulary  
Citadel Chambers  
Carlisle  
Cumbria  
CA3 8LU



CUMBRIA  
CONSTABULARY  
SAFER STRONGER CUMBRIA

8<sup>th</sup> October 2008

Mr Alan Taylor  
Planning Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Mr Taylor,

I wish to write regarding my concerns in relation to the recent opening of the footpath on Parkland Avenue, Carlisle. This footpath now runs between numbers 22 and 24 on the estate, and opened up what was once a closed cul-de-sac.

I am the Community Police Officer for the area, and have been monitoring police incidents in the affected cul-de-sac since its opening.

From the 1<sup>st</sup> August 2008 to the present day, there have been nine reports to the police directly in relation to the affected cul-de-sac. The area being monitored has been limited to a small area of the estate, in order for a comparison to be made to the period prior to when the footpath was opened.

The nine police logs refer to: 1 x burglary, 1x theft, 1 x criminal damage, 5 x anti-social behaviour, and 1 x suspicious incident. I have enclosed copies of the nine relevant police logs for your information. I have removed all personal details from these logs. These logs are to be referred to only in relation to the footpath, and the finer details included in the logs are not to be made available to the general public.

Prior to the footpath being opened there were no issues in relation to anti-social behaviour in the affected cul-de-sac. The incidents that were reported to the police from the estate, generally referred to the main road of the estate. Since the opening of the footpath, I have witnessed a large increase in police related incidents and general anti-social behaviour on the estate. This is especially in and around the area of the new footpath.

I enclose this information for your consideration, following our meeting with Mr Trevor Allison on the 7<sup>th</sup> October 2008.

Thank you for your assistance in this matter, and if you have any queries regarding the paperwork and incidents, please feel free to contact me.

Kind regards

PC1908 Lewis POWELL