

# CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- **24th April 2009**

Agenda Item No:-

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**Public**

**Operational**

**Delegated: No**

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## Accompanying Comments and Statements

**Required**

**Included**

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 AT TURNSTONE PARK, CARLISLE**

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

Report reference:- **DS.32/09**

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## Summary:-

This Report is brought before Members of the Development Control Committee following a request by the developer and local residents to remove a proposed footpath link from the development to Engine Lonning.

## 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 to the occupier of the neighbouring property.

**Alan Eales**

Head of Planning and Housing Services

**Contact Officer:** Richard Maunsell

**Ext:** 7174

**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 Introduction**

- 1.1 Outline planning permission for the redevelopment of private playing fields and associated changing accommodation to provide approximately 125 no. 2, 3 and 4 bed dwellings with related road layout and public open space was granted on 8th November 2005 (application 04/0275). Subsequently, on 16th March 2006, Reserved Matters approval was granted for residential development of 97no. three and four bedroom houses and 24no. two bedroom apartments with related roads and public open space. Since that time, there have been several further applications that have sought variations to the building type and layout on individual plots.
- 1.2 The Reserved Matters application granted consent for the layout of the site. This involved a central spine road through the site from north to south with a cul-de-sac to the east and west and culminating in a cul-de-sac adjacent to the northern boundary. Within this layout, a footpath link is proposed to link the development in the north-east corner of the site, adjacent to properties which are now known as Merlin Court, and Engine Lonning which runs parallel with the eastern boundary of the site. It is this footpath link, which is subject of this report.
- 1.3 The footpath, which has not actually been opened but is intended to connect through from the development to Engine Lonning and the riverside path system beyond, is located in the north-east corner of the development. This is indicated on the site location plan appended to this report.

## **2.0 Background Information**

- 2.1 The provision of a network of footpaths within the development accords with Local Plan Policies DP1, H1 and CP16 which, cumulatively, are geared at promoting better pedestrian access, encouraging less reliance on use of the motor car, particularly for short journeys, and encouraging better recreational use of rural footpaths. That said, subsequent to the development being undertaken, there have been a number of reported incidents where criminal or anti-social behaviour has occurred. Ward Members and residents have raised these incidents and report a perception that the footpath system will exacerbate these actions in the future.
- 2.2 Accordingly, following approaches by some local residents and Councillor Mrs Luckley, Story Homes has written to formally request that the footpath is dispensed with and the land over which it is intended to be formed, is conveyed by the developer to the occupiers of the adjacent property, 8 Merlin Court, to absorb within their garden.
- 2.3 Since the footpath is an element of the approved layout and given the Ward Member and public's comments on this matter, consideration as to whether the path should not be provided and the layout modified accordingly, is a matter for Members of the Development Control Committee.

### 3.0 Consultation

- 3.1 Following the request to omit the footpath from the approved layout, the views of Cumbria Constabulary, the Highway Authority and the Green Spaces Manager have been sought and the responses are set out in full below:

#### Cumbria Constabulary

*I have carried out a search of reported incidents on Turnstone Park since 1 Jan 2007.*

*15 incidents over this time. Several relate to intrusions to the site compound when construction commenced. 1 male was arrested in April 08 for burglary and theft of copper from the site compound.*

*7 incidents relate to reported nuisance and disorder by older youngsters in play park. (I am trying to establish from local officers if these youths actually live locally or are non-residents).*

*3 incidents relate to complaint regarding dogs being allowed into park area. Most recent incident (11th March) relates to complaint of motorcycles in Engine Lonning, causing annoyance. I expect to see a rise in the number of these types of complaints as we approach Spring/Summer.*

*Application 04/0275 was approved, with the intention of maintaining a footpath link to Engine Lonning. At that time, I highlighted the problems experienced in Engine Lonning and immediate area in respect of the nuisance use of motorcycles. I was concerned that the proposed link might form a favoured route for persons involved in this activity to short-cut across the site to reach Engine Lonning, which may have a direct impact on the quality of life or residents nearby. These issues were discussed with Story Homes prior to the application being submitted.*

*I attach a copy of my communication to Story Homes dated 19th June 2006. Please refer to page 2 "Vehicle and Pedestrian Access".*

*Story Homes submitted an application for 'Secured by Design' accreditation for this development and it was agreed that I would be consulted on the manner in which the link would be formalised, with regard to deterring access for motorcycles.*

*However, from a security perspective, dispensing with the proposed link would prevent unauthorised or unwelcome access to this site and would contribute to a more secure development.*

#### Green Spaces Manager

*Undoubtedly is it an important aspect of building a new housing development to allow residents access to open green space to enjoy the benefits that it brings. However these benefits need to be weighed up against the risk of antisocial behaviour blighting the lives of the Turnstone Park residents. As the manager of Engine Lonning I therefore have a good insight into these issues. So I would therefore support the residents view that the access point should not be put in place for the following reasons :*

- *Motorbikes have been a real problem over the years and a lot of efforts and resources have been put into blocking off areas where motorbikes can access the site. This would create another access point , and another 'bolt hole' for motorbikes to access , and escape the site when the police are called.*
- *Antisocial behaviour is a bad problem within Engine Lonning and it would be a concern that antisocial behaviour would 'spill out' into the housing estate. Stone throwing at residents windows and graffiti are already a problem and I would be concerned that this would escalate into the new development.*

#### Highway Authority

*Comments awaited.*

## **4.0 Options**

- 4.1 This matter inevitably requires Members to reconcile conflicting objectives of Planning Policy: those which seek to encourage more sustainable opportunities for personal travel, encourage better recreational use of footpaths and cycleways and assist in providing a healthier society on one hand, against policy initiatives to provide safer communities, design out opportunities for crime or the perception of vulnerability to crime, vandalism or anti-social behaviour.
- 4.2 The fact that the path has not been opened and hence “tested”, does not disguise the genuine concerns of immediate residents that its existence and use would make their homes and personal possessions more vulnerable to criminal activity or anti-social behaviour. Section 17 of the Crime and Disorder Act 1998 and Policy CP17 of the Carlisle District Local Plan 2001-2016 place a statutory responsibility on Local Planning Authorities to consider crime and the fear of crime as material when dealing with planning matters.
- 4.3 It is, thus, unsurprising that the pressure for the permanent closure of the path has come from residents in the vicinity of the footpath whose current “self-contained” status would be breached by the path connection. At present, all entry and exit is via the access road and its footways but there is anxiety that the opening of an uncontrolled connection, albeit for pedestrians/ cyclists, would expose those properties to greater risk of criminal behaviour or disorder. It is also the view of residents that there is an alternative for residents wishing to access the rural path system by walking along Turnstone Drive, then Harvey Street and Engine Lonning.
- 4.4 There are essentially three options open to Members:
- To reject the request outright and insist that the path is opened but that further measures (such as off-set fencing) are incorporated to prevent vehicle use and/ or deter motor cycle access;
  - As i. above but that this be for a temporary period which will be reviewed after a specific period of time (such as 1 year) following which Members can consider any factual evidence of mis-use, criminal activity or anti-social behaviour that is recorded and is directly attributable to the path; or
  - Accept the request, agree allow Story Homes to sell/ transfer the land occupied by the path to the residents of the adjacent property.

4.5 Members are asked to consider these and to determine which Option is considered appropriate under the circumstances so that Officers may initiate such actions as are required to effect changes that may be needed.

**5.0 Recommendation**

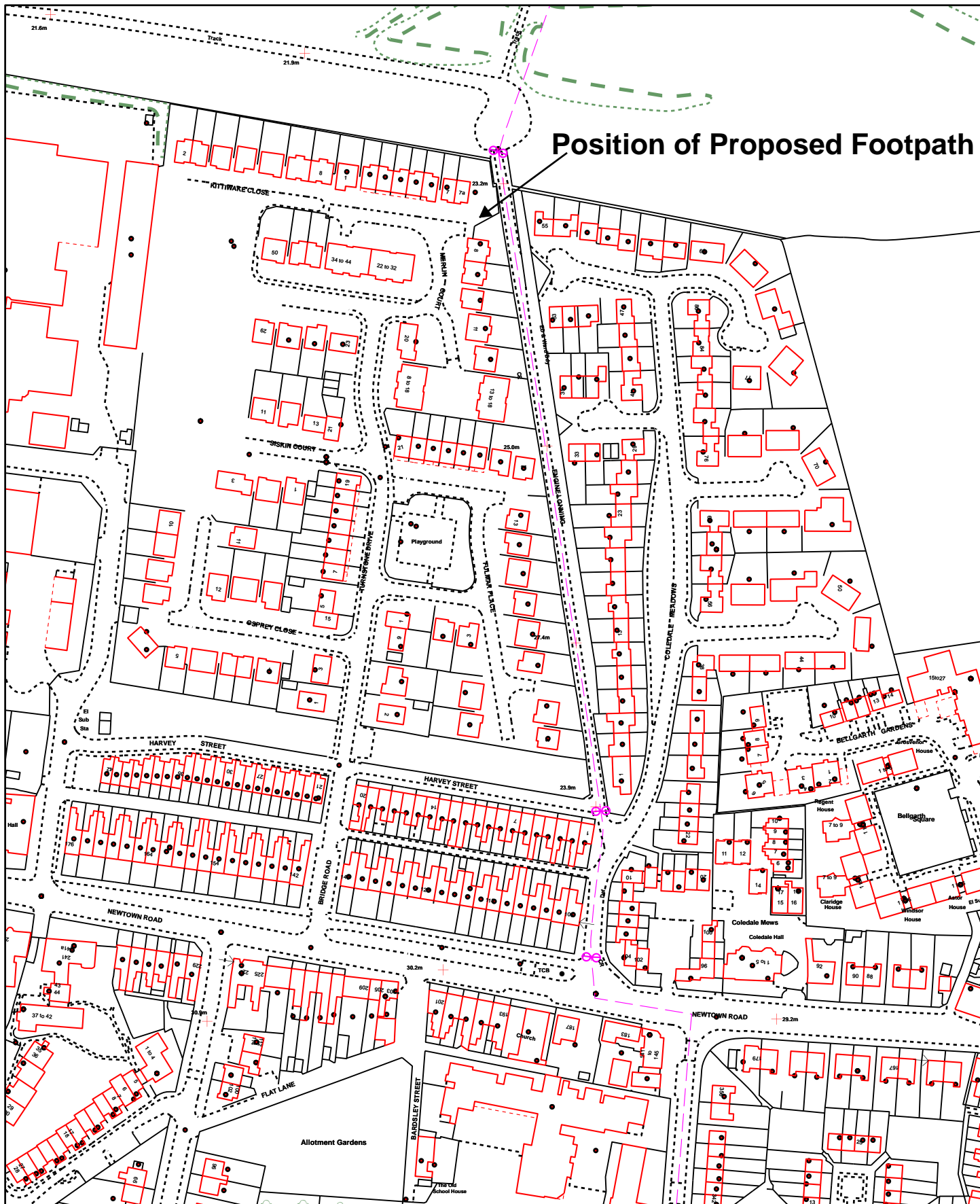
5.1 That Members consider the options that are set out and determine which course of action they wish Officers to take.

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

**Contact Officer:** Richard Maunsell

**Ext:** 7174

## Appendix 1



**Position of Proposed Footpath**

## Turnstone Park, Carlisle

Scale: 1:2,000

Date: 14/04/2009

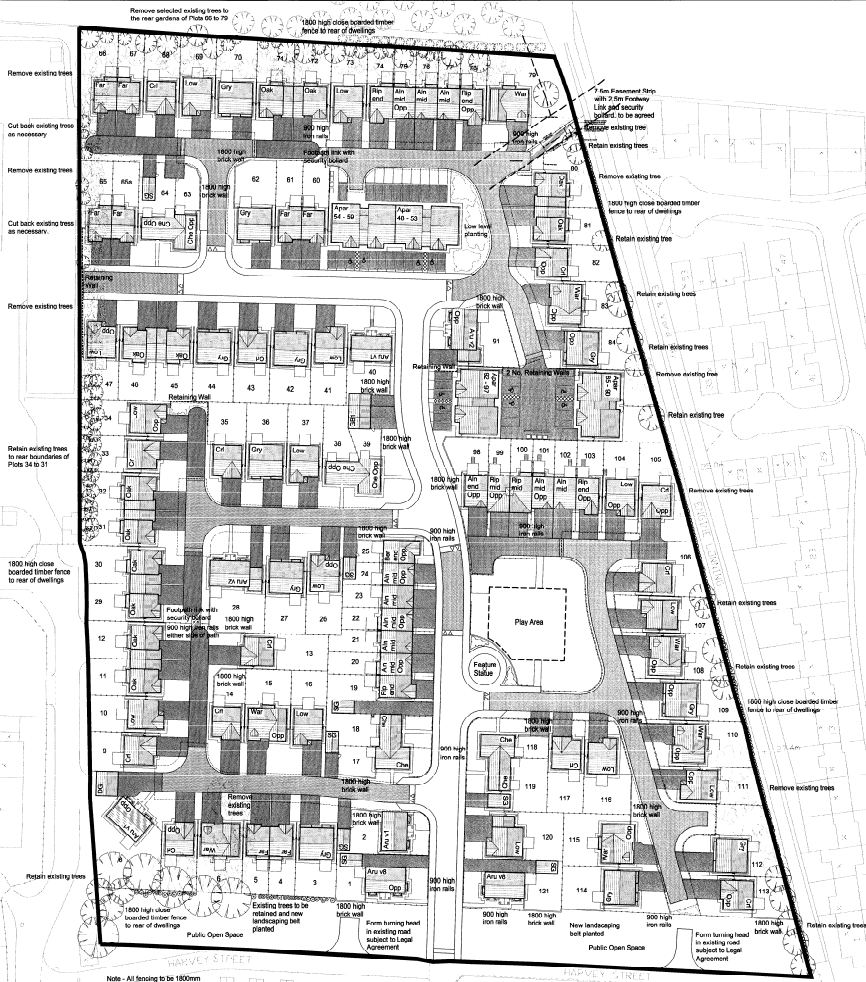
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**CARLISLE**  
 CITY COUNCIL



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

**Civic Centre**  
**RickerGate**  
**Carlisle**  
**CA3 8QG**



Remove selected existing trees to the rear gardens of Plots 65 to 79

1800 high close boarded timber fence to rear of dwellings

Remove existing trees

Cut back existing trees as necessary

Remove existing trees

Cut back existing trees as necessary

Remove existing trees

Retain existing trees to rear boundaries of Plots 34 to 31

1800 high close boarded timber fence to rear of dwellings

Retain existing trees

1800 high close boarded timber fence to rear of dwellings

Existing trees to be retained and new landscaping to be planted

1800 high brick wall

From burning ban subject to Legal Agreement

Note: All fencing to be 1800mm high timber fence unless stated

7.5m Fencing line with 2.5m Frontage Line and Security board to be agreed. Remove existing trees

Remove existing tree

1800 high close boarded timber fence to rear of dwellings

Retain existing trees

Retain existing trees

Remove existing tree

Retain existing tree

Remove existing trees

Retain existing trees

Retain existing trees

1800 high close boarded timber fence to rear of dwellings

Remove existing trees

From burning ban subject to Legal Agreement

Retain existing trees

1800 high brick wall

New landscaping to be planted

From burning ban subject to Legal Agreement

Public Open Space

Play Area

Feature Statue

500 high iron rails

1800 high brick wall

500 high iron rails

1800 high brick wall

500 high iron rails