

<b>APPLICATION NUMBER:</b>	<b>P/2024/0070/FP3</b>
<b>PROPOSAL:</b>	<b>Construction of 3.5m wide footway and cycleway facility, from Elderflower Road to Bishop Road, installation of litter bins, lighting columns, chicane barrier/bollards, cycle parking, and associated landscaping works</b>
<b>LOCATION:</b>	<b>Bishop Road Playing Field, Bishop Road St Helens</b>
<b>WARD:</b>	<b>Windle Ward</b>
<b>APPLICANT:</b>	<b>Mr Christopher Dick</b>
<b>CASE OFFICER:</b>	<b>Miss Kim Vo</b>
<b>REASON BEFORE MEMBERS:</b>	<b>Council application</b>
<b>RECOMMENDATION:</b>	<b>Grant Planning Permission Subject to Conditions</b>

## 1. APPLICATION SITE

- 1.1 The application relates to land at Bishop Road Playing Fields, which can be accessed from Elderflower Road to the north and Bishop Road to the south. The application site is currently comprised of grassland, with existing playing field pitches located to the east and the Windleshaw Sports Club and its associated playing field pitch to the west. The Unison Sports and Social Club and the Bishop Road Police Club are located to the south of the site, with existing residential dwellings adjacent along Elderflower Road to the north and Bishop Road to the south. There is an existing Public Right of Way (PROW) footpath (no. 515) adjoining the site to the north from Tennis Street North to Gamble Avenue.
- 1.2 The application site forms part of an outdoor sports and recreation facility that is allocated as an area of Open Space, as defined by Policy LPC05, and shown on the Policies Map of the Local Plan.

## 2. PROPOSAL

- 1.1. The proposal seeks to construct a new 3.5m wide shared use footway and cycleway facility through Bishop Road Playing Field, from Elderflower Road to Bishop Road. It would be finished in bituminous footway surfacing. The proposal includes the installation of two steel litter bins; lighting columns; bollards with signage to the north access at Elderflower Road; a chicane barrier with signage to the south access at Bishop Road; tree planting; and a cycle parking area with five stands. The proposal will also include the removal of 10m existing native hedge along Bishop Road and compensatory hedgerow planting to mitigate this loss.
- 1.2. Some of these elements have been amended in response to public representations, seating has been removed, lighting columns have been re-orientated, and the applicants advise timer functionality would be included within the lighting proposed. It is not considered reasonable or necessary to control the timing of the lighting through a planning condition as the Council would control the lighting in future and this would allow flexibility to alter the timings depending on the time of year and need.
- 1.3. The proposal forms part of the By Ours Cowley Hill Liveable Neighbourhood community project. Informed by a series of public consultation workshops and surveys, asking the community about current issues and what they would like to see

in their streets and spaces, the project identified a list of proposed infrastructure improvements following that include the proposed new footway and cycleway facility under this planning application.

- 1.4. The description of the development has been updated to include the installation of the litter bins, lighting columns, chicane barrier/bollard, cycle parking, and associated landscaping works, as these works have been specified on the proposed plans.

### 3. CONSULTATIONS

- 1.5. Sport England (07.03.2024): No objection. The proposal is considered to meet exception 3 of the Playing Fields Policy and would accord with Paragraph 103 of the NPPF.
- 1.6. Environmental Health Officer for Contamination (06.03.2024): No objection.
- 1.7. Trees and Woodlands Officer (21.02.2024): No objections, subject to a condition in relation to landscaping. The impacts are relatively low as the site is mainly intensely managed amenity grassland and the scheme will have integrated tree planting that will create a strong landscape feature as it matures.
- 1.8. Environmental Health Officer for Noise (21.02.2024): No objections, subject to a condition restricting construction work outside the hours of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.
- 1.9. The Coal Authority (20.02.2024): It does not appear that the proposed footway and cycleway facility will require substantial foundations or earthworks. On this basis, it is not considered that a Coal Mining Risk Assessment would be required or would be proportionate to the scale and nature of the development proposed in this particular case. However, an informative is recommended should planning permission be granted.
- 1.10. Public Rights of Way Officer (27.02.2024 and 28.02.2024): No objection following further information provided by the applicant.
- 1.11. Highways (06.03.2024 and 02.04.2024): Removes previous highways objection following the submission of revised plans which demonstrate that the spacing between the chicane barriers has been increased to 3.5m, with a minimum clearance of 1.5m alongside the barriers for access. Whilst this would encourage cyclists to reduce their speed on approach to the footway it would not act as a barrier to cyclists on non-standard bicycles.
- 1.12. Environmental Health Officer for Air Quality (26.02.2024 and 18.03.2024): No objections to the proposed methodology within the submitted Dust Mitigation Strategy on grounds of air quality. However, it is still requested that a final report is submitted of the specific measures to minimise the spread of air-borne dust from the site during the construction period.
- 1.13. MEAS (08.03.2024, 28.03.2024 and 05.04.2024): The proposed plan shows that a 10m length of native hedgerow will be removed and it is advised that compensation for this loss will be required and the details of this shown on an amended plan prior to determination. A condition is recommended to ensure that no hedgerow removal is

undertaken during the bird breeding season. Following review of the Street Lighting Design Plan, the lux contours show that the proposed lighting is unlikely to have an adverse impact on bats. Following review of the Proposed Hedgerow Compensation Plan, the proposed species of Beech (*Fagus sylvatica*) is non-native, and it is advised that this is replaced with a combination (i.e. 3 or 4) of the following species - hawthorn, holly, hazel, dog rose, elder, blackthorn, and honeysuckle.

- 1.14. Designing Out Crime Officer for Merseyside Police (28.03.2024): Does not consider, based on the current levels of crime, that the proposal would have a negative impact on crime within the area, providing that the recommendations are considered.

#### **4. REPRESENTATIONS**

- 1.15. The application was publicised by way of a site notice (posted on 22.02.2024) and neighbour notification letters.

- 1.16. 1no. letter of support was received and can be summarised as follows:

- Rivington Primary School comprises children from surrounding areas and pupils are encouraged to walk or cycle to school;
- At school pick up/drop off times, the school is very congested and having a safe foot and cycle path will alleviate traffic;
- The proposal will support the school's Bikeability lessons and provide safer commutes.

- 1.17. 3 no. letters of objections were received and can be summarised as follows:

- The proposed benches and lighting to be used beyond 4pm are unnecessary and are not required to meet the objectives of the project, which is focused on schools;
- The proposal will encourage people to congregate on the new footpath, which will result in increased crime and anti-social behaviour and reduce community safety;
- The proposal will result in increased noise and disturbance;
- The proposal will result in increased littering;
- The proposed lighting and its height will result in disturbance to neighbouring properties;
- The proposed tree planting will result in loss of sunlight to neighbouring properties when they are fully mature;
- The playing field has previous issues with users on quad bikes/motorbikes and the proposal must include measures to prevent access to these vehicles;
- Access should also be prevented from Bishop Road Playing Field to Windleshaw Road;
- Enforcement needs to be undertaken during school pick up/drop off hours at Rivington Primary School.

#### **5. SITE HISTORY**

- 1.18. None relevant.

## 6. POLICY

### National Planning Policy Framework

- 1.19. Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 1.20. Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.21. Development Plan  
The adopted development plan for St Helens is the St Helens Borough Local Plan to 2037; and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

Policy LPA01: Spatial Strategy  
Policy LPA02: Development Principles  
Policy LPA08: Green Infrastructure  
Policy LPA06: Transport and Travel  
Policy LPA12: Health and Wellbeing  
Policy LPC05: Open Space  
Policy LPC06: Biodiversity and Geological Conservation  
Policy LPC09: Landscape Protection and Enhancement  
Policy LPC10: Trees and Woodland  
Policy LPD01: Ensuring Quality Development

- 1.22. Supplementary Planning Documents  
Trees and Development SPD (June 2008)  
Ensuring a Choice of Travel (June 2010)

### Other Considerations

- 1.23. The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 1.24. This application has been considered in relation to Section 17 of The Crime and Disorder Act.

- 1.25. The application has been considered in accordance with the St Helens Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **7. ASSESSMENT**

- 1.26. The key matters for consideration are:

- Principle of Development
- Design, Appearance and Visual Amenity
- Impact upon Neighbouring/Residential Amenities
- Crime and Community Safety
- Impact upon Parking, Highway Safety and Access
- Trees and Landscaping
- Ecology
- Other Matters

### **Principle of Development**

- 1.27. The application site is located within the defined settlement boundary of the St Helens Core Area and is therefore sustainably and appropriately located in accordance with Policy LPA01 of the Local Plan. The proposal seeks to construct a new 3.5m wide shared use footway and cycleway facility through Bishop Road Playing Fields. The proposed works are, therefore, considered to maintain and enhance the function of the existing outdoor sports and recreation facility, which is defined as an Open Space and Green Infrastructure, in accordance with Policy LPA08, and LPC05 of the Local Plan.

- 1.28. The proposal would also provide a new physical infrastructure that would serve the needs of the community through improved access and walking/cycling routes, in accordance with Policy LPA07 and LPA12 of the Local Plan and Paragraph 96 of the NPPF. Moreover, Sport England have raised no objection, noting that whilst the proposal would result in a minor loss of playing field, the location is on part of the field which is not considered capable of forming a pitch. As such, the proposal would meet exception 3 of the Playing Fields Policy and would accord with Paragraph 103 of the NPPF. The principle of the development would therefore be acceptable.

### **Design, Appearance and Visual Amenity**

- 1.29. Policy LPA02 of the Local Plan states that new development will be required to contribute to a high quality built and natural environment by securing high quality design in all development.
- 1.30. Policy LPD01 of the Local Plan requires all proposals for development to maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and need regeneration. For example, with regard to the siting, layout, massing, scale, design, and materials used in any building work, the building-to-plot ratio and landscaping.
- 1.31. Paragraph 135 of the NPPF requires planning policies and decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and establish or maintain a

strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.

- 1.32. The proposal is considered to be appropriately designed for its purpose as a new footway and would include new tree plantings along the eastern perimeter, which would provide landscape definition to the path and separation with the existing playing field pitches to the east. The proposed width of 3.5m is also considered to be small scale and the proposed installation of bins, lighting columns, and cycle parking would all contribute to the function of the public footway as a new active travel route. The footway is also deemed to be suitably located along the boundary between the Windleshaw Sports Club and the Bishop Road Playing Field and would utilise an existing access point at Elderflower Road. Accordingly, it is considered that the proposed development would be acceptable in terms of its design and impact upon visual amenity, in accordance with Policy LPA02 and LPD01 of the Local Plan and paragraph 135 of the NPPF.

### **Impact upon Neighbouring/Residential Amenities**

- 1.33. Policy LPA02 of the Local Plan and paragraph 135 of the NPPF states that new development will be required to contribute to a high quality built and natural environment by securing a high standard of amenity for all existing and future occupants of land and buildings. Policy LPD01 of the Local Plan states that all proposals for development will be expected to avoid causing unacceptable harm to the amenities of the local area and surrounding residential and other land uses and occupiers.
- 1.34. There are existing residential dwellings adjacent to the application site along Elderflower Road to the north and Bishop Road to the south. The proposal will result in increased activity and comings and goings due to the nature of its use as a footway and there are also lighting columns proposed along the full length of the path. This has also been noted in neighbouring objections which have stated that the proposal will result in increased noise and disturbance and that the proposed lighting and its height will impact upon neighbouring properties.
- 1.35. Whilst it is acknowledged that the proposal would likely result in increased activity, the impact of this is not considered to be to a significant, harmful degree in regard to noise or other amenity impacts. The footway is to be used as a travel route and therefore, its users will be transient. The benches have been removed from the proposal but can be installed by the Local Authority without requiring planning permission, should seating be required in future. The impact of the proposal is also not considered to be any greater than the existing highway to the front of the neighbouring properties. It is also noted that access onto the Bishop Road Playing Fields is currently unrestricted to the public through Elderflower Road and that there is a Public Right of Way (PROW) footpath directly adjoining to the rear of the dwellings at Elderflower Road. As such, there is already a level of activity and pedestrian movement created by the existing access points and routes surrounding these dwellings. The Environmental Health Officer for Noise has also raised no objections, subject to a condition restricting construction work outside the hours of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.
- 1.36. It is further noted that the proposed lighting columns will result in increased lighting at the application site. However, a proposed lighting plan has been provided which demonstrates that the spread of the light from the new lighting columns within the site, will not extend to the neighbouring residential dwellings. The lighting columns

titled 'LC01' and 'LC09' as shown on the submitted plans, which are closest to dwellings at Elderflower Road and Bishop Road will also have rear shields installed to help reduce the rear light spill. As such, the impact in terms of light nuisance as a result of the proposed lighting is considered to be minimal. Moreover, the proposed lighting will include a timer functionality and it would be within the Council's control as to whether this function will be utilised. However, given that the proposed lighting is considered to be acceptable, it is not considered necessary or reasonable for this function to be conditioned.

- 1.37. Neighbouring representations have also stated that the proposed tree planting will result in loss of sunlight to neighbouring properties when they are fully mature. The trees to be planted include a 50/50 mix of "Quercus robur (Fastigiata Group) 'Koster'" and "Tilia cordata 'Greenspire'". These trees can grow to ultimate heights of approximately 20m and 15m respectively. However, the nearest tree planting would be distanced over 26m away from the dwellings at Elderflower Road and there is also existing mature planting along the rear boundaries of these properties, which are considered to result in a higher degree of overshadowing than the proposed tree planting. Accordingly, the impact of the proposal in terms of loss of light is not considered to be detrimental.
- 1.38. Given the leisure and recreational uses of the adjacent Windleshaw Sports Club, The Unison Sports and Social Club, and the Bishop Road Police Club, the proposal is considered to have an acceptable relationship with these neighbouring facilities. The existing boundary treatments that currently separate the Bishop Road Playing Field to these buildings would also be retained and would provide screening from the proposed footway facility.
- 1.39. The proposed development is therefore considered to have an acceptable impact on the amenity of the occupiers of the existing residential and neighbouring properties surrounding the application site. Accordingly, the proposed development is considered to comply with Policy LPA02 and LPD01 of the Local Plan and the NPPF.

### **Crime and Community Safety**

- 1.40. Paragraph 96 of the NPPF seeks development that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion e.g. through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.
- 1.41. Fear of crime is a material consideration in planning decisions, although relevant case law indicates that the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur from the development proposed.
- 1.42. Objections have been received stating that the proposed benches and lighting are unnecessary, with concerns expressing that the proposal will encourage people to congregate on the new footpath. Objectors are also concerned that the proposal will reduce community safety. It is appreciated that there are genuine fears regarding increased incidents of crime and anti-social behaviour resulting from the new proposed travel route. However, no assumptions can be made about how users of the proposed footway would behave, and it is not possible to attribute the proposed footway and its users to any future incidents of crime, as there is no evidence to support these assumptions. The proposal is also considered to result in a well-

designed, clear, and legible pedestrian and cycle route through the Bishop Road Playing Field, which would improve natural surveillance and encourage the active and continual use of this public space. Seating has been removed from the proposal however, the provision of public seating and lampstands falls under as permitted development under Part 12, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subsequently, if the design or arrangement of lighting requires future alterations, these can be undertaken and provided without any planning permission, as can the installation of seating should this be required in the future.

- 1.43. The Designing Out Crime Officer for Merseyside Police has reviewed the proposal and considers that, based on the current levels of crime in the area, the proposal would not have an adverse negative impact on crime. The Designing Out Crime Officer also notes that by opening access from Bishop Road, this will increase the Bishop Road Playing Field's usage and increasing overall footfall to this area can have a protective effect on surrounding properties. From a 'Secured by Design' perspective, public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings. However, the area to the rear of Elderflower Road is already accessed from an existing path/entry. The Designing Out Crime Officer has provided guidance for the footpath and the Local Planning Authority considers that the proposal would accord with majority of these, as the footway facility will be straight, is of an appropriate width, and would be well lit. Guidance has also been provided for the proposed seating and these recommendations will be included as a planning informative, should seating be installed in the future. The proposal is, therefore, considered to be acceptable in accordance with the Paragraph 96 of the NPPF.

#### **Impact upon Parking, Highway Safety and Access**

- 1.44. Policy LPA06 of the Local Plan seeks to secure the delivery of new or improved road, rail, walking, cycling, and / or bus infrastructure where required. New development will only be permitted if it would enable good levels of accessibility by walking and cycling between homes, jobs, and services. The objectives of the Ensuring a Choice of Travel SPD seek to enable the provision of a balanced transport infrastructure which will provide access to employment, leisure, retail and other facilities for all residents and visitors. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 1.45. The proposal would provide new infrastructure that would allow for improved access through Elderflower Road and Bishop Road and there are also cycle parking spaces proposed. Highways have been consulted and notes that the proposed bituminous surfacing would be appropriate and the proposed lighting along the route is welcomed. Moreover, amended plans have been provided in response to Highways previous concerns to increase the spacing between the chicane barriers to 3.5m, with a 1.5m clearance alongside the barriers for access. Highways have reviewed the revised plans and state that there are now no outstanding highways concerns, noting that whilst the chicane barriers will encourage cyclists to reduce their speed on approach to the footway, it would not act as a barrier to cyclists on non-standard bicycles. The proposal is, therefore, considered to be acceptable in terms of highway safety and access, in accordance with Policy LPA06 of the Local Plan, the Ensuring a Choice of Travel SPD and the NPPF.

#### **Trees and Landscaping**



- 1.46. Policy LPC10 of the Local Plan states that new development, as appropriate having regard to its scale and nature, will be required to include the planting of new trees.
- 1.47. The proposed footway would be finished in bituminous footway surfacing. The hard landscaping materials proposed are therefore considered to be appropriate for the function of the footway. Tree planting is proposed along the full length of the facility and the Council's Trees and Woodlands Officer notes that the impacts of the proposal are relatively low, as the site is mainly intensely managed amenity grassland, and that integrated tree planting is included into the scheme that will create a strong landscape feature as it matures. The tree species chosen are large when mature but are species that have narrower crown forms and so reduce overhang of the sports pitch areas. The Council's Trees and Woodlands Officer has, therefore, raised no objection and recommends for a condition for all landscaping and tree planting to be fully implemented. Accordingly, subject to the above planning condition, the proposal is considered to have an acceptable impact upon trees and landscaping, in accordance with Policy LPC09 and LPC10 of the Local Plan and Paragraph 135 and 136 of the NPPF.

### **Ecology**

- 1.48. Policy LPC06 of the Local Plan requires the Council to protect and manage species and habitats by requiring developers to ensure harm to protected species is avoided and where appropriate incorporate habitat features. Development proposals that would affect a nationally or locally designated nature conservation site, Priority Habitat(s), legally protected species, or Priority Species must be supported by an Ecological Appraisal and include details of any necessary avoidance, mitigation and / or compensation proposals, and of any proposed management measures.
- 1.49. Paragraph 180 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186 states that when determining applications, local planning authorities should refuse permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.
- 1.50. Merseyside Environmental Advisory Service (MEAS) have been consulted and noted that the initially proposed plan showed that a 10m length of native hedgerow would be removed and advised that compensation for this loss would be required and the details of this shown on an amended plan prior to determination. Merseyside Environmental Advisory Service (MEAS) have been consulted and noted that the initially proposed plan showed that a 10m length of native hedgerow be removed and advised that compensation for this loss would be required and the details of this shown on an amended plan prior to determination. A Proposed Hedgerow Compensation Plan has since been provided to show that a new 10m length of hedgerow will be provided to the southwest. Following review of this plan, MEAS noted that the proposed species of Beech (*Fagus sylvatica*) is non-native, and advised that this is replaced with a combination (i.e. 3 or 4) of the following species - hawthorn, holly, hazel, dog rose, elder, blackthorn, and honeysuckle. The applicant has since provided an amended plan to demonstrate that the proposed new hedgerow will be formed of Hawthorn, Holly and Hazel and the Local Planning Authority are satisfied that this addresses MEAS' comments.

- 1.51. MEAS have also recommended for a planning condition to ensure that no hedgerow removal is undertaken during the bird breeding season. A planning condition was also recommended for a lighting scheme to be provided to demonstrate it has been designed to protect ecology and does not result in excessive light spill. The applicant has since provided a Proposed Lighting Plan which MEAS have reviewed and confirms that the lux contours demonstrate that the proposed lighting is unlikely to have an adverse impact on foraging and commuting bats. Accordingly, subject to the above planning conditions, it is considered that the proposal would have an acceptable impact upon ecology, habitats and protected species, the tree and hedgerow species would ensure net gain for biodiversity is achieved in accordance with Policy LPC06 of the Local Plan and the NPPF.

### **Other Matters**

- 7.26 The Environmental Health Officer for Contaminated Land has reviewed the application and raised no objections regarding potential contaminated land matters as the proposed works are relatively small scale. Accordingly, it is considered that the proposal would have an acceptable impact in terms of land contamination, in accordance with Policy LPD01 of the Local Plan and Paragraph 189 of the NPPF.
- 1.27. The Environmental Health Officer for Air Quality has reviewed the application and has requested a pre-commencement condition for a program of measures to be submitted to minimise the spread of air-borne dust from the site during the construction period. In response to this, the applicant has submitted a Dust Mitigation Strategy and the Environmental Health Officer for Air Quality has raised no objection to this document. However, it is still requested for a final report to be submitted, with details of the specific measures to be used to minimise the spread of air-borne dust and this will be attached as a planning condition. Subject to this planning condition, the proposal is considered acceptable in terms of air quality, in accordance with Policy LPD01 of the Local Plan.
- 1.28. The Coal Authority have been consulted and confirms that the application site falls partly within the defined Development High Risk Area. However, it does not appear that the proposed footway and cycleway facility will require substantial foundations or earthworks. On this basis, it is not considered that a Coal Mining Risk Assessment would be required or would be proportionate to the scale and nature of the development proposed in this particular case. However, an informative is recommended to advise the applicant of the potential hazards arising from former coal mining activity.

### **Observations on Representations**

- 1.29. The majority of the points of objection have been addressed in the above analysis, those not previously addressed are detailed below:
- 1.30. Neighbouring objections have raised a concern stating that the proposal will result in increased littering. However, the proposed footway includes the installation of litter bins, and it cannot be assumed that the proposal would directly result in increased litter. Objectors have also stated that the playing field has had previous issues with users on quad bikes/motorbikes and the proposal must include measures to prevent access to these vehicles. Whilst it is acknowledged that such issues have occurred, the open access onto the field from Elderflower Road is an existing situation and this open access will be maintained. Furthermore, the proposal will include a chicane barrier to the new access point at Bishop Road that would prevent access onto the pathway to larger vehicles. An objector has stated that access should also be

prevented from Bishop Road Playing Fields to Windleshaw Road; however, no access is being provided to this road, with the main access points being from Elderflower Road and Bishop Road. Additionally, a neighbouring objection has expressed that enforcement needs to be undertaken during school pick up/drop off hours at Rivington Primary School; however, any issues relating to the school would be outside the scope and consideration of this application.

## **8. CONCLUSION**

- 1.31. The principle of the development is acceptable as the proposal would provide a new shared use footway and cycleway facility which would maintain and enhance the function of the existing outdoor sports and recreation facility, which is defined as an Open Space and Green Infrastructure. The proposal would also provide new physical infrastructure which would serve the needs of the community through improved access and walking/cycling routes. The proposed development would have an acceptable impact in terms of design and appearance; crime and community safety; highway safety, access and parking; and trees and landscaping. Any harmful impacts upon residential amenity, ecology and air quality would be mitigated by conditions. On this basis the proposal complies with all relevant local and national planning policies and guidance.

## **9. RECOMMENDATION**

- 1.32. Grant Planning Permission Subject to the following conditions, with authority delegated to the Head of Planning Services to add, amend, or remove conditions as they deem necessary:
1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
  2. The development shall be carried out in accordance with the following application drawings/documents:
    - Location Plan (dwg no. 23-3002-01-003)
    - Bishop Road Playing Field, Planning Submission General Arrangement (dwg no. 23-3002-01-002) received 04.04.2024
    - Proposed Plan (Chicane Barrier and Access Distances)
    - Street Lighting Design (dwg no. SHD1287-SHD-HLG-COWL-DR-EO-Lighting Layout-R1 – Rev. R1)
    - Bishop Road Playing Field, Planning Submission Hedgerow Re-planting (dwg no. 23-3002-01-004) received 05.04.2024
  3. Prior to any above ground works taking place, a final report with details of the specific measures to minimise the spread of air-borne dust from the site during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
  4. All soft landscaping and proposed tree and hedgerow planting as shown on the approved plans shall be fully implemented prior to the first use of the footway facility or the first planting and seeding season post use of the footway facility if first use occurs outside of the planting season. Any trees, hedgerow, plants, or grassed areas which within a period of 5 years from the date of planting die, are

removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

5. No site preparation, delivery of materials or construction works shall place outside the hours of 08.00am - 18.00pm hours Monday to Friday, 08.00am - 13.00pm hours Saturday and not at all on Sundays/Public Holidays.
6. No hedgerow removal or works that may affect nesting birds on the development site shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive. If it is necessary to undertake works during the bird breeding season, then all hedgerow is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If found to be present, details of how they will be protected are required to be submitted and approved in writing by the Local Planning Authority.

10. IMAGES



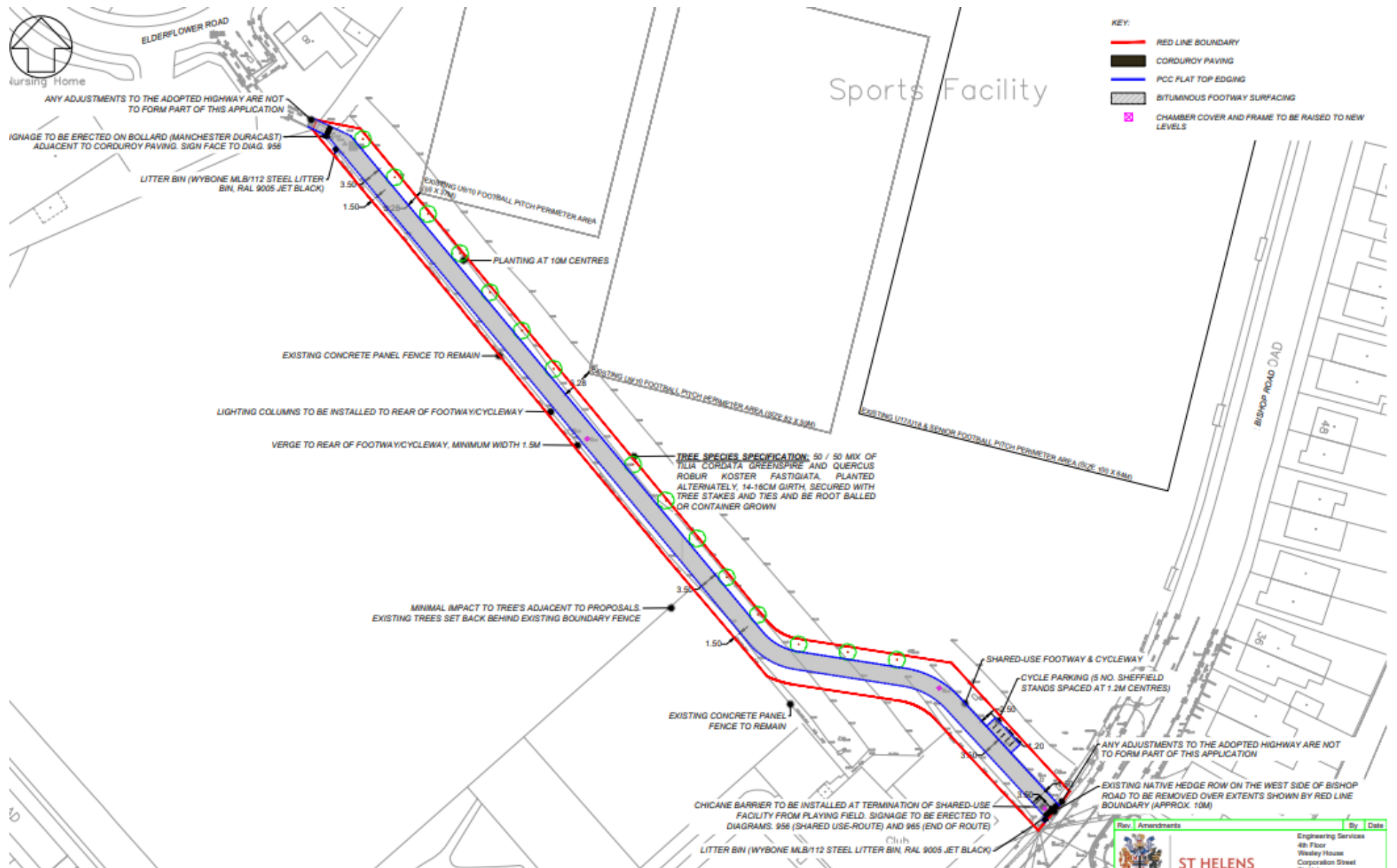


Figure 3. Bishop Road Playing Field



Figure 4. Area of proposed new access point at Bishop Road

11. PLANS



Rev	Amendments	By	Date
1			

Engineering Services  
 4th Floor  
 Wesley House  
 Corporation Street