

DECISION DATE 8 January 2007	APPLICATION NO. 06/01370/DPA A16	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED CONSTRUCTION OF SHARED USE CYCLEWAY / FOOTWAY		SITE ADDRESS FOOTPATH 31 KNOWLYS ROAD HEYSHAM LANCASHIRE
APPLICANT: Lancaster City Council Town Hall Dalton Square Lancaster LA1 1PJ		AGENT: Engineering Manager

REASON FOR DELAY

N/A

PARISH NOTIFICATION

None to date, any comments will be reported directly to the Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Designated as Key Urban Landscape and part of the Strategic Cycle Network. Adjacent to the Heysham village Conservation Area.

STATUTORY CONSULTATIONS

County Highways - Views awaited

Economic Development (Cycling Officer) - Views awaited

OTHER OBSERVATIONS RECEIVED

Councillor Knight has received several objections to the scheme. The main concerns appear to be:-

The inevitable danger posed to pedestrians (mainly the elderly & children) on both the footpath and adjoining Play Area due to cyclists gaining high speeds when descending (freewheeling) the steep gradient from the cliff top footpath.

The danger posed to toddlers and the very young on bikes when descending the path to the Play Area - deviation from the path could lead to serious injury or even a fatality due to the openness and sheer drop to the lower concrete seawall footpath.

By introducing cycling there will be the loss of amenity of a tranquil cliff top footpath with unsurpassed views.

The loss of a mature coastal hawthorn tree simply to widen a footpath across a field that has been used by locals and visitors for centuries.

An inappropriate location for a cycle path as the lower seawall footpath which is dry, flat and of good width will easily take cyclists straight to the heart of Heysham village - thereby completing a flat promenade cycle route from one end of the promenade to the other, eliminating any difficult gradients.

Widening the footpath may encourage access to electric scooters on what is a potentially dangerous section of footpath, possibly opening up night time access to a Play Area which is already suffering from severe juvenile nuisance and vandalism.

A neighbouring landowner has raised a query as to whether he enjoys rights and is a party to an agreement in 1946 that allowed the development of a footpath link from Knowlys Road to the cliff top path. This agreement was between the original owners of the land and the local authority of the time. The neighbouring landowner is of the opinion that his consent is required for any works to the footpath link. However, following discussion with Property Services it is the opinion of the local authority that this particular landowner does not have any rights in respect of the land involved with the application and only the landowner which is party to the agreement has been fully consulted.

A petition of forty five names has been received from local residents. The main comments relate to the possible conflict of cyclists with pedestrians on the hill leading to the children's playground. Concern is also raised that this end of the promenade is quiet and scenic and should not be disturbed by the development of the cycle route.

A letter of support has also been received by a local resident, praising the current works along the promenade and the development of safe, pleasurable cycle routes.

REPORT

Members will recall that this application was initially presented to the Planning Committee at the meeting held on 18 December 2006 where it was deferred to enable a site visit to be undertaken.

Site and its Surroundings

The application site is located between Knowlys Road and the Promenade close to the Old Bay Cottages, Heysham. The site partially occupies the line of public footpath No. 31 which links Knowlys Road to the high level footpath running from Old Bay Cottages to Bailey Lane. The remaining part of the site is part of an agricultural field immediately to the south of the existing footway.

The Proposal

The current proposal seeks to develop a shared cycle/pedestrian link between Knowlys Road and the Promenade. The link comprises a 3.0m wide tarmac route with 0.5m wide grass verges to either side. The southern boundary to the link alongside the agricultural land will be formed with a new stock proof fence 1.4m in height.

The link is partially constructed on the line of an existing public right of way. This section is currently 2.0m wide and will be widened to 4.0m overall. The widening of the route will involve the loss of one hawthorn and the trimming back of several trees which currently overhang the route. The remaining section linking the promenade to the higher levels is to be constructed as a segregated section within the neighbouring agricultural land. A widening of the existing footpath over this rising section was considered but determined to be unsafe given the close proximity to existing steep drops and the use of the link by cyclists.

Planning History

The site has no related planning history.

Planning Policy

The site falls within an area designated as Key Urban Landscape, planning policy E31 seeks to conserve the features of the land and only permits development which preserves the open nature of the land together with its character and appearance. The adjoining pathway is also identified as part of the Strategic Cycle Network (Policy T24) within the Lancaster District Local Plan. The policy seeks to protect the route from development which could prejudice the route. It also seeks to encourage the creation of links to the network.

Comments

The proposal has generated a number of concerns over both its development and rights enjoyed by certain parties/landowners. It is considered that part of the concerns raised by residents letters and petition have been addressed in the design of the cycle route, as indicated earlier in the report the steeply rising/falling section of the cycle route has been designed as a segregated route in order to address the potential for conflict on the steeper section and for cyclists safety, keeping them away from the edge of the cliff. This approach will keep the existing cliff path open to only pedestrians as cyclists will be directed onto the separate route. It is acknowledged that the level section will be shared but this section will have less potential for conflict and will be segregated by the introduction of a lined lane as is common on the other cycle routes within the District.

The tree to be lost is an elder and a poor specimen, the neighbouring boundary to the existing route is lined with mature hawthorns and will remain unaffected by the proposal other than localised trimming where the branches are overhanging the route, a situation which already occurs and needs to be addressed.

The lower seawall path may well be available but is wholly impractical as a cycle route as it ends with a flight of steps leading up to a limited width footpath. A route which should not be encouraged for use by cyclists.

Byelaws relating to the promenade have recently been amended to permit cycling along the full length of the promenade to reflect the designation of the route as part of the strategic Cycle Route. This proposal will develop a link from the main designated route into Heysham village. This link is one of a number currently being developed within the District in line with the aims of the Local Plan and as part of the targets set within the Cycling Demonstration Town Project to which Lancaster City Council has received funding.

It is acknowledged that the creation of the cycle route will have a small take up of agricultural land designated as Key Urban Landscape. However, the land take is small and by its nature the land will remain open. In addition, this form of proposal is encouraged in the transport policies, developing the Strategic Cycle Network. Overall, it is considered that the development accords with the aims of local planning policy and should be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to following conditions: -

1. Standard time limit.
2. Development to be built in accordance with the approved plans.
3. As may be required by the consultees.