Planning Committee: 10 November 2015 **Item Number: 9**

Application No: W 15 / 1091

Registration Date: 22/07/15
Town/Parish Council: Warwick **Expiry Date:** 16/09/15
Case Officer: Emma Spandley
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St Nicholas Park, Banbury Road, Warwick, CV34 4QY
Formation of a new pathway FOR Warwick District Council

This application is being presented to Committee due to the number of objections having been received.

RECOMMENDATION

Planning Committee are recommended to grant the application, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application is for the formation of a new leg of pathway to link the focal point of the existing paths to the centre of the grassed open area. The focal point is on the main pathway near the locations of the park cafe, toilets and children's play area. The path will be of a tarmac finish measuring 4 metres in width and extending to a length of 52 metres. The routing of the path will result in the removal of two trees.

THE SITE AND ITS LOCATION

The application site is located within the grounds of Saint Nicholas's Park, Warwick, located off the Banbury Road with the River Avon to the south. The whole of the park is situated within the Warwick Conservation Area. There are no listed buildings within the vicinity of the area of the park subject of this application.

PLANNING HISTORY

There is a lengthy planning history relating to the Park, none of which is directly relevant to the consideration of this application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

Historic England - No objection

WCC Ecology - No objection

Health and Community Protection: No objection

Contract Services (Green Space): No objection

Warwick Horticultural Society: Objection. Concerned that the footpath will dissect an area traditionally used for the annual show, making it difficult in the future.

Public Response: 4 letters of objection have been received on the following grounds: The proposed path would cut a grassed area in half; would lose two healthy trees; this area is used for the annual horticultural show and the path would prevent this area from being used for future events; there is no need for the symmetry of the path; the money would be better spent resurfacing the Riverside Walk between Tesco and Picard Street/Charter Bridge.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

The impact on the character and appearance of the Conservation Area

The impact on trees & ecology

Drainage

The impact on the character and appearance of the Conservation Area

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The formation of a new length of pathway requires the felling of two semi-mature trees and the removal of an area of grass, however, these changes are considered to result in less than substantial harm to the significance of the Park and the Conservation Area. In this instance Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
St Nicholas' Park is open recreational ground for use by the general public. The formation of the footpath will better integrate the existing services to the network and allow greater access to the park from the cafe area, particularly for people with disabilities. The removal of the trees is required to accommodate the path and will open up a view of the park from the cafe area in order to encourage greater use of the park.
Objections have been received relating to the bisecting of the grassed area by the formation of the path and the future problems this could cause for the use of the area for the annual horticultural show and these are noted. However, the existence of the path is not considered to prohibit the use of the area for the show in the future and additionally there alternative areas of land within the park that could be used.
The Council's Conservation Officer and Historic England have raised no objections to the proposed pathway and therefore it is considered that the proposed pathway will not appear as an incongruous addition within St Nicholas's Park. The proposals clearly represent a public benefit that is considered to outweigh the less than substantial harm which results from the proposals and it is therefore considered to comply with the requirements of the NPPF.

The impact on trees & Ecology

As part of the proposal two Cherry Plum trees will be removed. The trees are semi mature specimens of an ornamental species which have a limited life expectancy and would therefore be unlikley to be TPO'd. The removal of the trees is not considered to have a detrimental impact on the appearance of the park in this location but will have the benefit of opening up views of the park from the cafe area, encouraging a greater use of this area.

The trees show a negligible potential for roosting bats and therefore County Ecology have recommended that the trees, when felled should not be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows should be carefully lowered to the ground and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord. This can be controlled by a suitably worded condition.

Drainage

While the proposed surface will be formed from tarmac it will drain to porous land adjacent and therefore the proposal is considered to accord with Policy DP11 of the Local Plan.

Summary/Conclusion

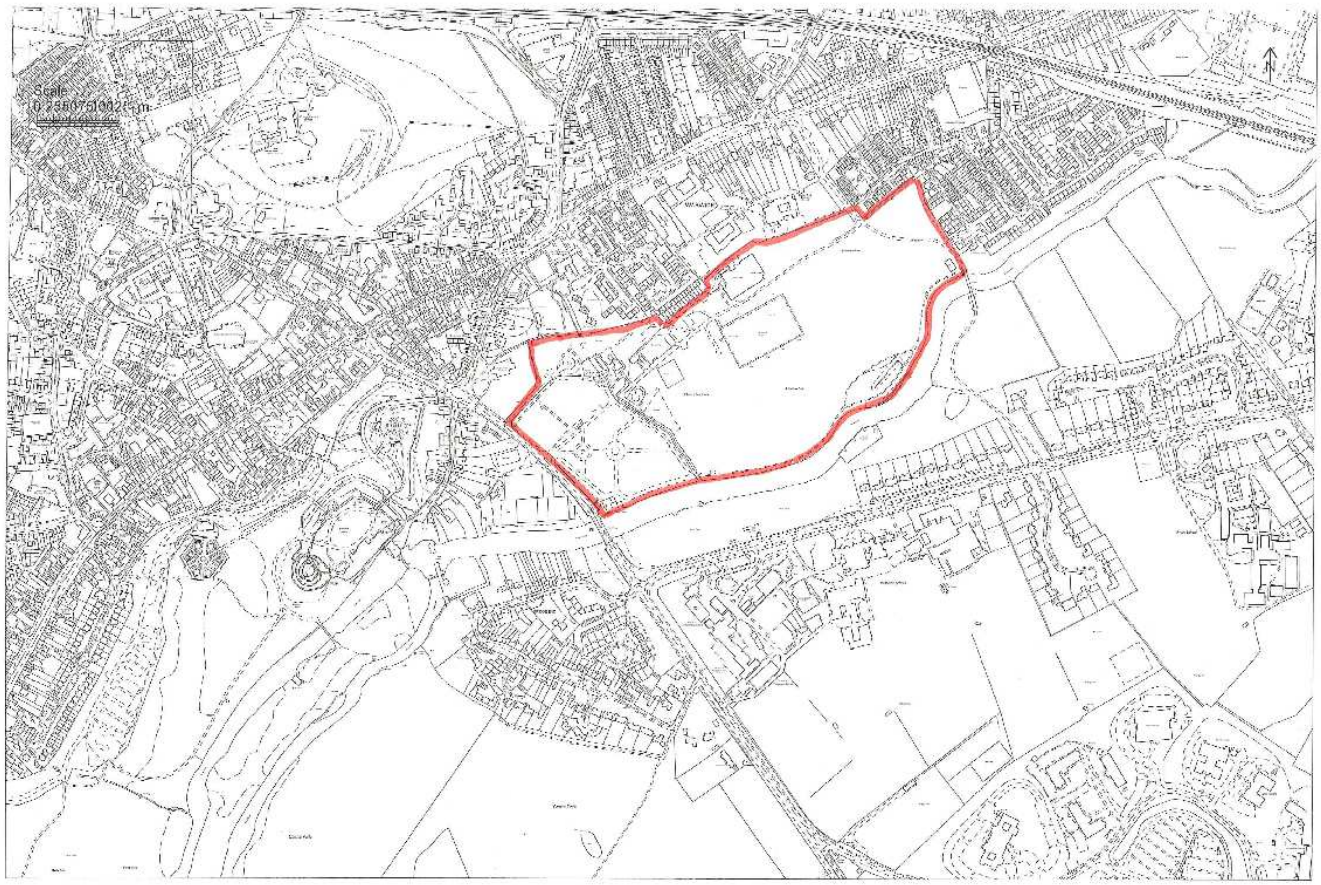
The proposal is considered to be in accordance with paragraphs 132 and 134 of the NPPF, the public benefits outweighing the less than substantial harm resulting from the proposed path, on this basis the application is considered acceptable and recommended for approval.

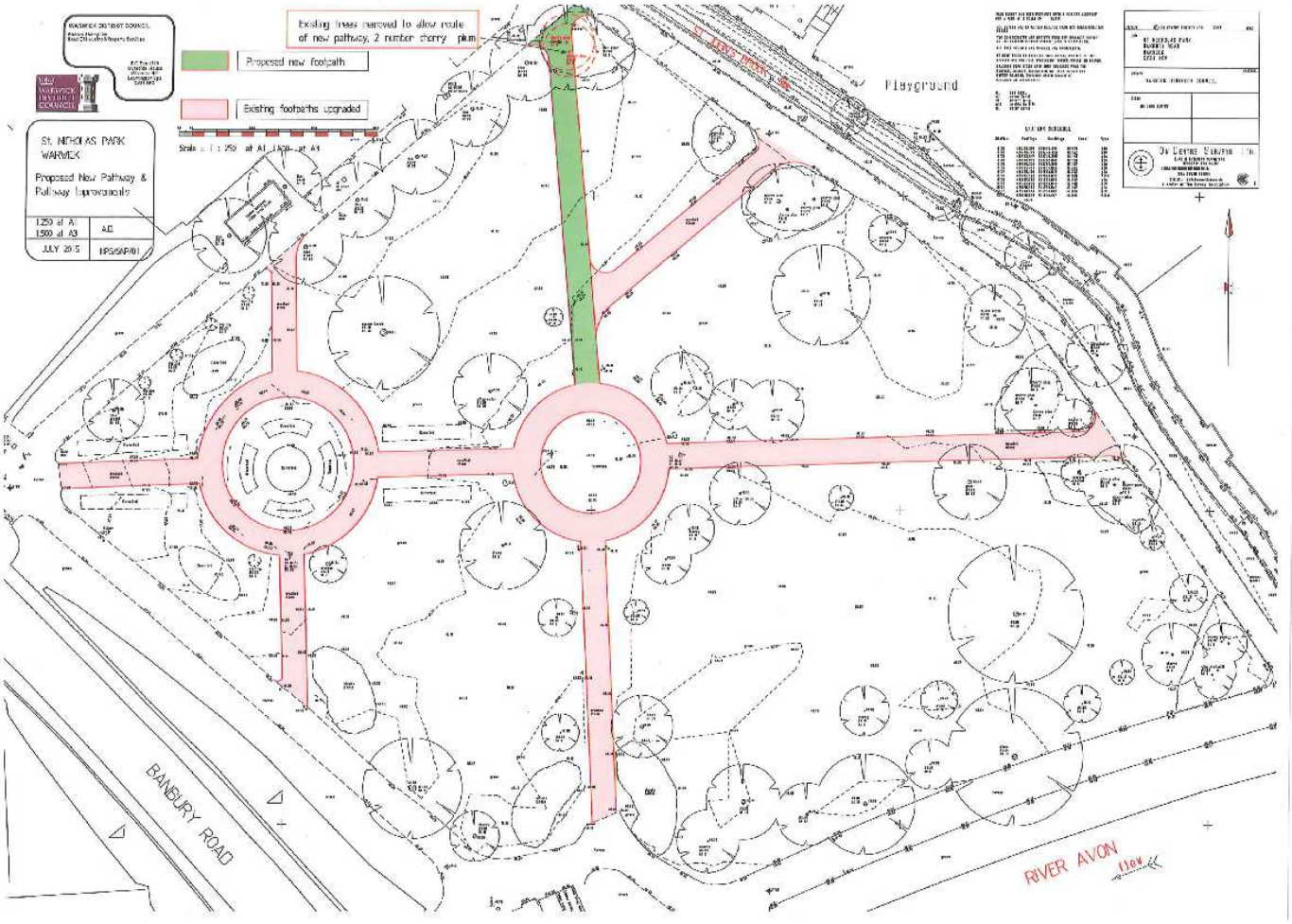
CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing HPS/SNP/01 & HPS/SNP/02, and specification contained therein, submitted on 9th July 2015. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The Cherry Plum trees to be removed shall not be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows should be carefully lowered to the ground and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.




Existing trees removed to allow route of new pathway, 2 number cherry plum
Proposed new footpath
Existing footpaths upgraded
Scale = 1 : 250 at A1, 1:500 at A3
St. NICHOLAS PARK WARWICK
Proposed New Pathway & Pathway Improvements
1:250 at A1
1:500 at A3
AD
JULY 2015
NPS/SAP/01
Playground
BANBURY ROAD
RIVER AVON