

**County Council Development
East Devon District: Provision of a New Cycle/Walkway as part of the Stop Line Way,
Consisting of a 3 Metre Wide Tarmac Path with Associated Fencing and Drainage at
Land Between Seaton and Colyford on the Western Side of the River Axe
Application No. 11/1304/CM**

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission be granted in accordance with the conditions set out in Appendix II to this Report.

1. Summary

- 1.1 This Report relates to a planning application for the provision of a new cycle/walkway between the north of Seaton at the Underfleet and the south of Colyford, accessing onto Seaton Road. The cycleway would form part of the new National Cycle Network (NCN) Route 33, 'The Stop Line Way' running between Seaton and Burnham-on-Sea.
- 1.2 It is considered that the key considerations in the determination of the application are the impact on nature conservation interests, impacts on the amenity of neighbouring residential properties, visual impact, historic environment implications, flooding impacts, highway safety impacts and planning policy considerations

2. Background/Proposal

- 2.1 In a regional context the Stop Line Way aims to provide a largely traffic free long distance leisure and recreational facility, where the route follows the approximate line of World War II defences built to delay any enemy advance from the landings made in the West Country.
- 2.2 Within Devon, the route has been split into sections to allow for ease of delivery. Members will recall dealing with a planning application for the section of cycleway running from Cloakham Lawn, near Axminster, to Weycroft Bridge at the County boundary with Dorset. Report EEC/10/137/HQ considered at the 21 July 2010 Development Management Committee refers. It is understood that construction of this section is scheduled to commence in September 2011.
- 2.3 The section subject of the current planning application would provide a largely traffic free footway/cycleway link from the Sea Front at Seaton to Colyton on the western side of the Axe Valley. In addition to the route being part of the leisure use as part of the NCN Route 33 it also provides a traffic free link between Seaton and Colyford, allowing for shopping, work and school trips between the communities.
- 2.4 The section between the Seaton Sea Front and the Tramway Station/Visitor Centre development in the main car park comprises of an on-road road for which planning permission is not required. A new length of cycle/walkway would be provided on the

eastern side of The Underfleet, before sharing the eastern footway, then turning onto the existing track running at the rear of the properties on Fleet Court. Here the existing track would be widened and re-graded to make it suitable for cycle use and forms part of this planning application. The cycle/walkway then continues north along the existing track running at the rear of existing properties, then between the football ground and sewage works. As this section is along an existing track planning permission is not required.

- 2.5 New path construction re-commences at the rear of residential properties located on The Saltings, running north, before veering west and running parallel with Colyford Road towards the cemetery at Marsh Lane, connecting to a section of path previously constructed by East Devon District Council, running north east, to serve the publicly accessible wetlands reserve. The path then runs north-west with a new bridge taking the path across Stafford Brook before connecting with an existing track and continuing onto a junction onto Seaton Road immediately to the south of Colyford.
- 2.6 The length of the scheme is approximately 1.9 km in length and the new and improved sections subject of the planning application would vary between 2.5 to 3 m in width, surfaced with tarmac. The route is designed to follow existing natural features where possible and is generally constructed on existing ground level. Some excavation is required at the rear of The Saltings to achieve an acceptable gradient. Ramped embankment would be provided to achieve sufficient headroom for the crossing of the Stafford Brook, and the bridge would be of a simple two span open sided timber design and this would replace an existing footbridge.
- 2.7 After the application site the cycle route continues on-road. From the cycle/walkway junction with Seaton Road the route runs north along Seaton Road, then east through Colyford on the A3052, before leaving Colyford and turning north on the minor road, Cownhayne Lane. Along this section highway improvements are proposed but these do not require specific planning permission as such works are permitted development and therefore do not form part of this planning application.

3. Consultation Responses

- 3.1 East Devon District Council – supports the application considering that the cycle/walkway will provide support and stimulus for further tourism growth alongside the regeneration programme in Seaton and fit well alongside the recent extension to the nature reserves in this part of the lower Axe valley and proposals for the new tourism and Jurassic Coast information Centre. The District Council requires that the existing route to the nature reserve from Merchants Lane be retained for use as a vehicular access to the existing marsh and requests that additional screening and fencing be provided between the path and the nature reserve to minimise the disruption to wildlife from users of the path. The District Council requests that that it be involved with the detailed design including fencing, signage/interpretation panels, provision of cycle racks and dog and rubbish bins. It also comments that car parking spaces lost as part of the proposal ought to be replaced and neighbouring properties ought to be consulted regarding proposed screening measures from properties.
- 3.2 Environment Agency – no objection provided that the development is carried out in accordance with the Flood Risk Assessment dated August 2011.
- 3.3 Seaton Town Council – no objection but comments that the fencing should be such to ensure that dogs are not accessible to the marshes.

- 3.4 Colyton Parish Council – comments that the section of this application under discussion goes across open pasture land where cattle are grazed and it is not clear from these plans if the whole section of the path will be fenced with stock proof fencing. The exit onto Seaton Road needs to encourage cyclist to dismount and split barriers should be in place.

It comments that whilst it agrees with the principle of the Stop Line Way extending from Seaton to Cownhayne Lane, it does not agree that it should be routed via Seaton Road, Colyford, and the A3052 past the White Hart Bridge, and tram level crossing. The signage and visibility at that road junction with the proposed cycle way and Seaton Rd needs to be improved and traffic calming measure looked at. In the Council's opinion it is an accident waiting to happen. It considers that every effort should be made by DCC to eliminate the on-road section through Colyford, for the same reasons, by making the exit almost opposite to Cownhayne Lane. However, if this is not an option, then the Parish Council cannot support the planning application until the re-designed on-road section from the Popes Lane exit through Colyford to Cownhayne Lane is fully detailed by DCC and agreed by the Parish Council.

- 3.5 Ancient Borough of Colyford – is concerned about the safety impacts of the on-road section through Colyford where cyclists would be directly along the A3052. It is concerned that the increased numbers of cyclists and pedestrians using the route in both directions, increased car parking and resulting traffic would lead to conditions of danger and increased congestion.

4. Advertisement/Representations

- 4.1 The application was advertised by means of notices on site and individual neighbour notification. Prior to submitting the application the applicant also carried out a series of public exhibitions. As a result of the statutory publicity arrangements 17 letters of representation have been received. Of these 6 support the application, 9 object to application and 2 request clarifications of aspects of the scheme.
- 4.2 Of the objections 4 are solely on the basis on the safety implications of additional pedestrian and cycle traffic using the on-road section of the route.
- 4.3 Of the other 5 letters of objection concerns are also raised about the safety implications of the use of the existing on-road sections of the route, as well as objections to the planning application. The objections relate to:
- The cost of building the scheme;
 - The ongoing maintenance costs of the scheme;
 - Potential impacts on the nature reserve (from walkers, cyclists and dogs);
 - The application lacks detail on infrastructure including bins and fencing;
 - Gradients too steep for disabled people;
 - No demonstrable need;
 - Inadequate details on screening proposals;
 - Inadequate details on nature conservation impacts;
 - No discussion of alternatives, path should be located on the eastern side of the river Axe as this would avoid requirement for the route to go through Colyford;
 - Track too wide and will encourage cyclists to speed; and,
 - Track wouldn't be suitable as a community facility for shopping trips/school use.

4.4 The 6 letters of support are on the basis that:

- The route would provide safe access;
- It would reduce use of cars;
- It would provide for better public access to the nature reserve; and,
- It would be a tourist attraction.

4.5 The 2 letters of representation requesting clarification relate to concerns about adequate screening being provided, assurances that the scheme will not increase flood risk, provision of adequate parking facilities and appropriate traffic calming and improved highway safety features.

5. Planning Policy Considerations

5.1 In considering this application, the County Council as County Planning Authority is required to have regard to the provisions of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations, which can include emerging policies, indicate otherwise. In this case, the relevant Development Plan policies are summarised in Appendix I to this Report and are discussed in Section 6 below.

6. Comment/Issues

6.1 It is considered that the key material considerations in the determination of the application are the impact on nature conservation interests, impacts on the amenity of neighbouring residential properties, visual impact, historic environment implications, flooding impacts and highway safety impacts.

Nature Conservation Issues

6.2 The application site goes through the Seaton Marshes County Wildlife Site and the biodiversity report recommends that the cycle/walkway be positioned away from valuable assets. The creation of the cycle/walkway will result in a minor net loss of habitat and specific issues relate to potential loss of trees, loss of grassland and impact on the newly constructed reed bed. In addition, dormouse was identified and any loss of hedgerows or trees will require that a method statement be produced so suitable mitigation for dormouse can be provided. It is also likely that otter and other riparian mammals are present in the area. It is considered that these issues can be dealt with by planning conditions requiring protection of existing features, restriction on vegetation clearance, design of culverts and other structures and additional compensatory mitigation works.

6.3 In its comments East Devon District Council (who are land owners and manage the Marshes) have requested to be involved in the detailed engineering design of the scheme, including details of culverts, banks and fences. The applicant has confirmed that the District Council will be involved in the design details.

Impacts on Amenity of Neighbouring Properties

6.4 At the southern section of the route the cycle/walkway would run close to the rear boundaries of eight residential properties at The Saltings. Where the path is visible from the rear of the properties screening would be provided by the construction of an earth bank planted with a local species. Specific details of screen planting at these

boundaries will be subject of discussions with the individual property owners and securing the screening would be achieved by planning condition.

Visual Impact

- 6.5 Most of the route is within land designated as an Area of Great Landscape Value. In order to mitigate against any landscape impact the route largely follows field boundaries and hedge lines and this existing vegetation will effectively screen the route. Hedge crossing points have been selected to avoid trees and additional hedge tree planting would be provided as additional mitigation.

Historic Environment Implications

- 6.6 The proposal is in an area of known archaeological and paleoenvironmental interest and it is therefore considered to be appropriate to secure the implementation of a programme of archaeological work by planning condition. The Stop Line Way itself is of historic interest and there is an opportunity to provide interpretation panels which could include historical, nature conservation and local interest content. To this extent an interpretation strategy for the entire length of the Stop Line Way within Devon is being produced by Devon County Council. This includes combined way markers and interpretation panels, heritage seating and bicycle racks which would be positioned both along the route and in strategic locations in the towns and villages through which the route passes. A part of the strategy will also involve the publication of promotional leaflets and details published on the County Council website.

Flooding Impacts

- 6.7 Part of the application site is within Flood Zone 3/2, meaning there is a high probability of flooding, and a Flood Risk Assessment accompanies the application. A number of specific mitigation measures are proposed. The construction of the track would be at existing ground level to ensure that there is no reduction in the functioning flood plain, any culverts would be approved by the Environment Agency and the Stafford Brook bridge is designed to ensure that flood flows would not be restricted.

Highway Safety Implications

- 6.8 At the southern section of the new cycle/walkway access is provided via the existing car park and this does not give rise to any safety implications. The District Council has suggested that compensatory car parking be provided and the applicant has agreed with the District Council additional spaces will be provided within the existing District Council car park at Seaton.
- 6.9 At the access from the cycleway onto Seaton Road a dropped kerb would be provided and consideration is being given to provided barriers if these are required for safety purposes.
- 6.10 Objections on highway safety grounds from the Parish Council and local residents relate to the on-road sections of the proposal which are not subject of this planning application. Notwithstanding this it can be reported that highway safety measures are proposed for the on-road section and these are subject to the County Council Safety Audit review process. The measures include the provision of a Toucan Crossing near the junction of Seaton Road and the A3052, widening of the existing

footway on the northern side of the A3052 in Colyford and provision of a new footway on the on the northern side of the A3052 at the eastern side of the village.

- 6.11 Given the above there is considered to be no highway objection to the proposal.

Planning Policy Considerations

- 6.12 Devon Structure Plan Policy TO6 proposes the extension of the long distance footpaths and cycleways within the County. The Stop Line Way will form part of the network of routes linking towns and villages and this proposal fully accords with this Policy. East Devon Local Plan Policy RE5 allows for outdoor recreation facilities and Policy TA4 encourages the provision of a high quality cycle and footpath networks for both tourism and sustainable transport purposes and it is considered that this proposal meets the aims of these Local Plan policies.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 There is strong Structure Plan and Local Plan Policy support for the proposal and it is considered that any adverse impacts of the proposal in terms of landscape, nature conservation and on the historic environment would be minimal and can be mitigated against by the imposition of planning conditions. The impacts on residential properties can be successfully mitigated by the provision of the proposed bank and additional landscape planting.
- 7.2 There are no highway implications so far as the planning application is concerned and the proposed highway safety measures on the on-road section will be examined through the County Council Safety Audit procedure.
- 7.3 Taking all material considerations into account it is considered that planning permission be granted in accordance with the recommendation of this report.

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Head of Planning, Transportation and Environment

Electoral Divisions: Honiton St Michael's and Seaton Coastal

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref
1. Casework File	Current	DCC/3229/2011

md250811dma
sc/cr/seaton to colyford cycleway
04 hq 310811




Route of Proposed Path

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Head of Planning,
 Transportation
 and Environment

Development Management Committee
 Job / title / proposal County Matter :
East Devon District:
**Provision of new cycle/walkway as part of the Stop Line Way,
 Seaton to Colyford.**

date
Aug 2011

scale
1:25,000

drawing number

Appendix I To PTE/11/20

Planning Policy Considerations

National Planning Policy Guidance and Statements: Policies PPS1 (Delivering Sustainable Development); PPS5 (Planning for the Historic Environment); PPS9 (Biodiversity and Geological Conservation); PPG13 (Transport); PPS17 (Planning for Open Space, Sport and Recreation); and PPS25 (Development and Flood Risk).

Devon County Structure Plan 2001-2016 (Adopted October 2004): Policies ST1 (Sustainable Development); ST3 (Self Sufficiency of Devon's Communities); CO4 (Areas of Great Landscape Value); CO7 (Historic Heritage); CO8 (Archaeology); CO9 (Biodiversity and Earth Science); CO10 (Protection of Nature Conservation Sites and Species); CO13 (Protecting Water Resources and Flood Defence); TR7 (Walking and Cycling); TO1 (Tourism Development); and TO6 (Long Distance Recreational Footpaths and Cycle Routes).

East Devon Local Plan 1995 -2011 (Adopted July 2006): Policies S5 (Countryside Protection); D1 (Design and Local Distinctiveness); D3 (Access for Disabled); D4 (Landscape Requirements); D5 (Trees on development Sites); EN2 (Areas of Great Landscape Value); EN5 (County Wildlife Sites); EN6 (Wildlife Habitats and Features); EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance); EN20 (River and Coastal Flooding); RE5 (Recreation in the Countryside and on the Coast); and TA4 (Footpaths, Bridleway and Cycleways).

Planning Conditions

1. The development shall commence within three years of the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Except as may be varied by the conditions below, the development shall be carried out in accordance with the details shown on application drawings C08055/125, C08055/127 and B.S.EAST(17)2/01.

REASON: To ensure that the development is carried out in accordance with the approved drawings.

3. Prior to the commencement of the development a nature conservation mitigation and management scheme shall be submitted to the County Planning Authority for its approval in writing. The scheme shall be in accordance with the recommendations of Chapter 4 of the 'Protected Species Surveys Stop Line Way: Seaton to Colyford Section' dated 5 August 2010 and shall include the following:

- A statement providing details of how vegetation removal affecting dormouse habitat will be undertaken.
- Details of dormouse habitat compensatory planting to be provided within existing hedgerows, to include fruit, nut and pollen producing species.
- Details of compensatory tree planting to be provided within hedgerows to include the location, species and sizes of trees to be provided.
- Details of location, type and number of dormouse nest boxes to be provided.
- Details of the location, size and method of the provision of replacement reed bed habitat.
- Details of all bridging, culvert and ditch structures which shall be designed to minimise impact on riparian mammal species.
- The identification of all trees to be removed and the method of their removal which shall include an inspection for bat species.
- Identification of trees to be retained along the line of the cycle/walkway and methods of tree protection.
- Details of the provision of additional bat boxes showing type, number and location of bat boxes.
- Timing of vegetation clearance works which shall be outside of the bird nesting season (March to August inclusive) unless it can be demonstrated that no nests are present in the vegetation to be removed.

The development shall be carried out in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the County Planning Authority.

REASON: In order to mitigate any potential adverse impacts on protected species and to provide for habitat creation.

4. Before development commences full details of landscaping to be provided as part of the development shall be submitted to and approved in writing by the County Planning Authority. The required details shall include the construction and location of the proposed landscaping bund, details of tree and shrub planting, including species,

numbers and initial planting sizes. The landscaping works shall be completed in the first planting season following the commencement of the construction of the cycle/walkway.

REASON: In the interests of the visual amenity of the area.

5. Pursuant to conditions 3 and 4 above, any trees or plants that, within a period of five years after planting, are removed, die or become seriously diseased or damaged, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Prior to the commencement of the development details of the hard surfacing materials, fencing, gates, engineering structures and minor artefacts, including street furniture, cycle racks, seating, bins and signing to be provided along the cycle/walkway shall be submitted to the County Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details and all seating, bins and signing shall be provided prior to the opening of the cycleway.

REASON: In the interests of the visual amenity and traffic safety.

7. No development shall take place until the Applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the County Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the County Planning Authority.

REASON: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

8. Before development commences, a Construction Environmental Management Plan shall be submitted to the County Planning Authority for approval. Unless otherwise agreed in writing by the County Planning Authority, the development shall be carried out in strict accordance with the approved Plan.

REASON: To ensure that the adverse impacts of construction activities are minimised.