

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 August 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00353/DC</b>
<b>STATUTORY DECISION DATE:</b>	9 September 2010
<b>WARD/PARISH:</b>	HUMMERSKNOTT
<b>LOCATION:</b>	Carmel Roman Catholic Comprehensive School
<b>DESCRIPTION:</b>	Construction of new footway and refurbishment of existing footway incorporating lighting and signage (additional information received 2nd August 2010)
<b>APPLICANT:</b>	DIRECTOR OF CORPORATE SERVICES

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**APPLICATION AND SITE DESCRIPTION**

The School is within a predominately residential area. There is a pedestrian and cycle entrance into the school grounds off Clare Avenue/Hillclose Avenue to the north and the main entrance lies to the south, off The Headlands. The application site contains a large number of trees covered by the Darlington Borough Council Tree Preservation (No 11) Order 2004

This application is submitted under Regulation 3 of the Town and Country Planning Regulations 1992 for the construction of a new footway adjacent to the tennis courts and the refurbishment of an existing footway on the north boundary. Both footways would incorporate lighting and “Cyclist Dismount” signage.

**PLANNING HISTORY**

The application site has a long and varied planning history but no entries are applicable to this proposal

**PLANNING POLICY BACKGROUND**

The following policies within the Borough of Darlington Local Plan are:

- E12 – Trees and Development
- E29 – The Setting of New Development
- E46 – Safety and Security
- H15 – The Amenity of Residential Areas
- T37 – Cycle Routes in New Developments

## RESULTS OF CONSULTATION AND PUBLICITY

Four letters of objection have been received. The concerns can be summarised as follows:

- *Light pollution is a major concern. Classroom lights are already left on and shine into the bedroom windows of neighbouring dwellings;*
- *There may be an intention to allow all members of the public to use the path off Clare Avenue/Hillclose Avenue and not restrict it to school opening times as is currently the case*
- *The Clare Avenue/Hillclose Avenue path is used by more and more pupils as an entry into the school and there is a fair share of anti social behaviour at the back of the adjacent dwellings if the gate to the path is not closed.*
- *My main area of concern is the increase in traffic and parking by formalising the entrance*
- *Every morning and at the end of the school day the Avenue is crowded with parked cars waiting or dropping off pupils and once this becomes a formal entrance there will a further increase in traffic on the road*
- *The lighting should remain low wattage and switched off at a sensible hour so they don't interfere with the privacy of the neighbouring dwellings*
- *The entrance to the school is not safe. It is not manned by staff at any time during the school day and is permanently unlocked throughout the school day and therefore presents a safeguarding risk for all pupils using the school*
- *The entrance is primarily used as a drop off spot for parents who drive their children to school. There is no provision for the safety of mixing cyclists and pedestrians at this point. The amount of pupils using the entrance for cycles is negligible*
- *The plan shows the position of the path behind the houses on Clare Avenue right up against the fence line. This would mean the removal of the existing hedge, which is present currently between the fence line and the path. This hedge is predominantly holly and provides much needed security as it deters people from climbing over the fence and in to the back gardens of the Clare Avenue houses.*
- *The hedge is a haven for wildlife and in particular nesting birds, which use it year after year.*
- *Improving the pathway and entrance at the side of no 55 Clare Avenue will greatly increase the use of that entrance by pupils at Carmel School. This will increase the traffic at the start and end of the school day. Even now as residents we are continually experiencing problems with the volume of traffic with parents showing complete disregard for us wishing to exit or enter our own driveways. Most mornings cars park across our drives whilst they unload their children, but the problem is significantly worse each afternoon with cars parked up waiting on both sides of Clare Avenue and extending down to Hill Close Avenue. On one occasion one of our neighbours returned home to find a parent actually parked up on their drive, because he couldn't find anywhere else to park it was so congested.*
- *Improving the pathway and entrance will also mean that more pupils will use it over lunchtime. This causes problems, as pupils tend to congregate at that entrance or on the grass just opposite where they smoke off the school's premises. There have also been acts of vandalism witnessed by a neighbour of pupils kicking in fence panels. If anything use of this entrance should be restricted, not encouraged.*
- *Use of the entrance by Carmel School is contrary to the current OFSTED guidelines, which provide for schools to have one entrance only in the interests of the safety of their pupils*

One letter of support for the application has been received, stating that

- *Neither my wife or I offer any objection to the work*

One letter of representation has been received raising the following matter

- *After reviewing the Planning Application 10/00353/DC. I noted that the Plans show the Proposed North Footpath directly on my Boundary fence. The current location of the existing path to the rear of my property is approximately 3-4 meters from my boundary fence with a dense Holly bush between my fence and the path. Could you please confirm that the new path is indeed going to take the exact location of the existing path rather than a new path be laid along my boundary fence and that the Holly Bush is to remain. If the application is as I suspect that the existing path is just going to be relayed for a Tarmac/concrete path then I have no objections.*
- *However, if the application is as shown on the Plans i.e. a new path along my boundary fence, then I strongly object to the application, as this would remove all privacy from my Garden. The holly bush also acts as a deterrent for anyone trying to enter my property over the rear fence. This path is currently used by the pupils at the school for a "smoking den " and we at number 55 have more than our fair share of Drink Cans, Bottles, etc thrown over the fence into our garden. You will therefore understand my objection to any modifications going ahead should the path be relocated along my boundary fence as shown on the submitted plans.*

### **Consultee Responses**

The **Council's Environmental Health Officer** has raised no objections to the proposed works

The **Council's Highways Engineer** has raised no objections to the proposed works

The **Council's Arboricultural Officer** has requested the imposition of a planning condition to secure the submission of tree reports prior to the commencement of the development

### **PLANNING ISSUES**

The proposal has been developed as part of the Safer Routes to School Programme, which is an initiative involving the Council's Transport Policy Section. The aim of the proposal is to improve pedestrian and cycle access into the school grounds and to the existing cycle shelter. The work would be undertaken in October Half Term holidays. The proposal involves,

- Resurfacing the existing concrete/made up path, which leads from the existing access of Clare Avenue/Hillclose Avenue. This northern access is for pedestrians and cyclists only. Bollard lighting would be provided along the path in conjunction with two bulkhead lights attached to the school building
- A replacement gate at the Clare Avenue/Hill close Avenue entrance
- The creation of a new footway alongside the existing enclosed tennis courts. Bollard lighting units would also illuminate this path.

- The erection of two “Cyclist Dismount” signs at both entrances

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

- Residential Amenity
- Impact upon Trees
- Highway Matters

### **Residential Amenity**

The access off Clare Avenue/Hillclose Avenue is currently constructed from concrete and made up land. The proposal involves the resurfacing of the path, the erection of a replacement gate at the entrance, the erection of approximately nine bollard lighting units and two bulkhead lights attached to the school building. The access runs alongside the rear gardens of properties on Clare Avenue and its route would not be altered as a result of the proposal.

The new gate would be opened at approximately 0730 and closed at 1630 during term time and closed during holiday periods, which would be managed by the school’s caretaker. The bollard lighting units would measure 0.20 metres wide and 0.71 metres high with 18-watt bulbs and the two bulkhead lights would be positioned on the school building to provide lighting along an existing access way leading to the eastern area of the school grounds. The lights would be switched on between the hours of 0700 – 0900 and 1530 – 1700, controlled by a timer clock.

The Council’s Environmental Health Officer considers the proposed lighting is satisfactory and will not create light pollution issues.

The use of this access would remain as a pedestrian/cycle path only. Officers acknowledge the comments from the objectors in relation to anti social behaviour, but such behaviour is a matter for the Police and the School. It is considered that antisocial behaviour could occur regardless of the pathway being refurbished and on balance the proposal should not be refused on these grounds.

The new footway alongside the tennis court would not raise any residential amenity issues.

### **Impact upon Trees**

Both footways would be within the Root Protection Areas (RPAs) of the trees in the school grounds, which are covered by the Darlington Borough Council Tree Preservation (No 11) Order 2004. The northern footway is also be within the RPAs of the trees within the rear gardens of Nos 51 – 59 Clare Avenue, which are covered by the County Borough of Darlington Tree Preservation Order (No 3) 1968.

The proposal does not involve the removal of any trees or hedgerows.

The application has not been accompanied with any information on how the works would be carried out with minimal impact on the trees. The Council’s Arboricultural Officer has no objections, in principle, to the proposal but he has requested the imposition of a planning condition requesting the submission of an Arboricultural Implications Assessment, an Arboricultural Methods Statement and a Tree Protection Plan.

## **Highway Matters**

The Safer Routes to Schools aims to help teachers, parents/carers and children to reduce car use on the school journey and adopt a more sustainable approach to getting to school by walking and cycling thereby increasing their independence, health and fitness.

The comments relating to a potential increase of traffic on Clare Avenue are noted but this is an existing access and officers do not consider that resurfacing the existing path would lead to significant highway safety problems. The new footway alongside the tennis court would raise no highway safety issues and the Council's Highways Engineer has raised no objections to the overall proposal.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The objective to encourage sustainable and healthy methods of transport for teachers, parents/carers and children must be encouraged. Whilst the concerns over potential anti social and car parking problems are noted there are other methods of dealing with these issues and it is considered that such matters could occur regardless of the proposed development and therefore the proposal should not be refused on such grounds. The following policies within the Borough of Darlington Local Plan were considered:

- E12 – Trees and Development
- E29 – The Setting of New Development
- E46 – Safety and Security
- H15 – The Amenity of Residential Areas
- T37 – Cycle Routes in New Developments

## **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND SUBJECT TO THE FOLLOWING CONDITIONS**

1. A3 – Implementation Limit (Three Years)
2. Prior to the commencement of the development, an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. The details shall include construction methods and machinery to be used for the footpaths and bollard lighting units; tree protection measures in accordance with BS5837 2005; confirmation of the site entrance to be used by the developer; areas for the storage of materials and any associated temporary buildings. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON:** To safeguard the trees within and around the site in the interests of the visual amenity of the area.

### 3. B5 – Detailed Drawings (Accordance with Plan)

#### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

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