

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 16 January 2013**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>12/00662/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>12 December 2012</b>
<b>WARD/PARISH:</b>	<b>LINGFIELD</b>
<b>LOCATION:</b>	<b>Central Park Development Site, Haughton Road</b>
<b>DESCRIPTION:</b>	<b>Construction of a 3m wide shared use footway from Peel Street to the rear of Teesside University Campus and Darlington College.</b>
<b>APPLICANT:</b>	<b>Director of Resources</b>

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**APPLICATION AND SITE DESCRIPTION**

The application proposes the construction of a footpath/cycleway link from the rear of the Teesside University Campus and Darlington College to Peel Street in order to provide a more direct and quicker link for students to and from Bank Top Station.

The route would follow in part Peel Street; the existing footway to the side of Graham Court (which would be widened); with the remaining stretch across the Central Park site which would be of totally new construction.

The proposal would incorporate bollards at appropriate points along the route and some replacement fencing in order to deter the use by motorcycles. Street lighting is also proposed along the entire route.

**PLANNING HISTORY**

There is an extensive planning history on the land over which the proposed footpath/cycle way link would cross. The most recent and relevant of which is the grant of planning permission in September 2012 for the Central Park development comprising 600 residential units, 28,00sqm of B1 office accommodation, hotel, leisure and community facilities, green infrastructure, and a range of ancillary uses (Ref: 12/00391/FUL).

**PLANNING POLICY BACKGROUND**

**Darlington Core Strategy Development Plan Document policies -**

CS2 - Achieving High Quality, Sustainable Design

CS14 – Promoting local Character and Distinctiveness

CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

## RESULTS OF CONSULTATION AND PUBLICITY

Five letters have been received from local residents objecting to the development on the following grounds: -

- Cannot the route go along Green Street to make use of the existing footways there?
- Why does the footway have to be 3m wide? Is it a road disguised as a footpath?
- There is an existing problem of motorbikes and quad bikes using the existing footway to the side of Graham Court making it dangerous for pedestrians. The proposal would only encourage further such use making the situation worse.
- I have a garden gate which opens out towards the existing footpath which runs alongside my property (1 Graham Court) which is used a lot by my family. Consequently it will raise issues of health and safety. What measures are planned to prevent cars, quads and trikes using the footway as a race track.
- There is an existing problem with teenagers congregating nearby with associated problems of drinking of alcohol, dropping of litter and abusive language. This would become much worse.

Correspondence has also been received from Darlington College and Teesside University supporting the proposed development. In addition the University has made the following comments: -

*“The proposed link provides a key pedestrian and cycle route between the east coast main line railway station and the University Campus. A significant criterion for the selection of the site for the Darlington Campus was its proximity to the main station and town centre and that a pedestrian route would be provided to serve these via a “linear park” foot/cycleway. With the planned link the walk time from the station to the University will be significantly reduced from 30min to an approximately 10 min, two thirds the current route via Parkgate, Borough Road and Haughton Road”.*

**The Environment Agency** has no objection to the proposal. The Agency has commented that normally a standard contamination would be sought but in view of the nature and scale of the development it is not considered appropriate. Nevertheless the Agency recommend that in undertaking the work the risk management framework set out in the submitted contaminated land report be followed.

**The Council’s Environmental Health Section** has similarly advised that the standard contamination condition would not be necessary in this instance. In addition no objections are raised with regard to noise and lighting.

**The Council’s Traffic Manager** has no highway objection to the proposal.

## **PLANNING ISSUES**

The main issues to be considered are: -

- Visual Amenity
- Residential Amenity
- Highway Implications
- Other Matters

### **Visual Amenity**

The construction of the shared use footway (black bituminous macadam) is similar to that used elsewhere in the neighbourhood and would therefore not result in any material harm to the visual amenities of the area.

### **Residential Amenity**

The proposed route of the proposed footpath/cycleway is unlikely to give rise to conditions that would result in any adverse effects on the amenities currently enjoyed by nearby residents. The vast part of the route is over open ground well away from neighbouring houses. Whilst the southern element is close to properties in Graham Court, Peel Street and Rocket Street it utilises, (although in a modified form) existing infrastructure. Whilst the level of usage may increase it is not considered that this would materially harm the amenities of occupiers here. Issues raised by objectors concerning antisocial behaviour are discussed in the crime and disorder section below.

### **Highway Implications**

There are no objections to the proposal on highway or other traffic grounds. In terms of the issue raised by the occupier of 1 Graham Court in relation to his side access gate which opens outwards towards the existing footway the Council's Traffic Manager has identified that there is an issue with visibility when exiting the gated opening, however he considers that this can be risk managed by measures which are proposed, namely through the construction of a form of chicane near the northern approach to the gate which would significantly reduce the speed of approaching cyclists from this direction.

### **Other Matters**

In terms of the proposed route that has been chosen the Council's Highway's Design and Capital Projects Division examined a number of options including Green Street (suggested by some objectors) but chose Peel Street on the grounds that it (a) provided the shortest walking time between Bank Top Station and the University Campus/Darlington College and (b) provided the most degree of safety for users.

The width of the proposed footway/cycleway has also been queried by objectors. However this follows current Department for Transport guidelines which states 3m as the preferred minimum width for an unsegregated shared use route which this is.

## **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.

Officers have considered the application in the context of Policy CS2 Achieving High Quality, Sustainable Design of the Darlington Core Strategy Development Plan Document and Section 17 of the Crime and Disorder Act 1998. The objectors comment that there are problems of anti social behaviour in the area associated with groups of teenagers and that the proposal will exacerbate this. Whilst the objectors' comments are noted there is no evidence to substantiate that the proposal will result in increased anti social behaviour. Indeed the increased usage and surveillance of this area may serve to deter anti-social behaviour. As mentioned previously lighting will be incorporated along the route providing a high level of illumination which is a recognised deterrent for anti social behaviour as the space is no longer dark and unobserved. In addition it is considered that the measures incorporated in the scheme will deter illegal use of the shared access way by motor cycles, quad bikes or other similar motorised vehicles.

## **CONCLUSION**

The proposed development is considered acceptable in this location. It would not have an adverse impact on the character or appearance of the area neither would it adversely affect the amenities of nearby residents or highway safety. Similarly it is not considered the development would give raise to issues in relation to crime and disorder.

## **RECOMMENDATION**

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

- 1) A3 Implementation Limit (Three Years)
- 2) B5 Detailed Application (Accordance with Plan)

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

The proposed development is considered acceptable in this location. It would not have an adverse impact on the character or appearance of the area neither would it adversely affect the amenities of nearby residents or highway safety. Similarly it is not considered the development would give raise to issues in relation to crime and disorder. Therefore the proposed development is considered to comply with the policies in the development plan set out below: -

### **Darlington Core Strategy Development Plan Document policies -**

CS2 - Achieving High Quality, Sustainable Design

CS14 – Promoting local Character and Distinctiveness

CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

