

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 May 2013

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APPLICATION REF. NO:	13/00195/FUL
STATUTORY DECISION DATE:	15 May 2013
WARD/PARISH:	COCKERTON WEST
LOCATION:	Darlington School of Maths and Science Eggleston View, Darlington
DESCRIPTION:	Construction of footpath/cycleway and gated access linking existing Cocker Beck to Darlington School of Maths and Science and associated street lighting from Staindrop Road (as amended by plans received 25 April 2013)
APPLICANT:	Director of Place

APPLICATION AND SITE DESCRIPTION

This application has been submitted under the provisions of Regulation 3 of the Town and Country Planning General Regulations 1992.

There is an existing footway/cycleway that links Staindrop Road and Eggleston View via a footbridge over the Cocker Beck. The link is part of a wider network that runs through the areas of open space on either side of the watercourse. A section of this footway/cycleway runs through a wooded area, with trees on either side.

The boundary between the Cocker Beck open space and the Darlington School of Maths and Science consists of hedges and trees and two security fences. The School site consists of the main school buildings, the playing fields and car parking areas. There is a group of trees between the school buildings and the dwellings on Eggleston View.

None of the trees within or on the edge of the application site are covered by tree preservation orders.

The proposal involves the erection of lighting columns along the length of the existing footway/cycleway along with a new link which would lead into the grounds of the Darlington School of Maths and Science. An access gate would be inserted into the existing security fences around the School's playing fields. The new link through the school site would be 3m wide and run behind Nos 93 to 107 Eggleston View.

The proposal would be funded through the Council's Local Transport Plan budget and it would contribute to the Council's Sustainable Travel to School Strategy and Local Motion initiatives.

The aim of the overall scheme is to provide a safe illuminated pedestrian and cycle link and also to allow pupils to access the school site without having to interact with vehicles on Eggleston View and the car parking areas of the school. Whilst pedestrians can currently use the footpath on Eggleston View to the main school gates, cyclists are required to drop onto the carriageway as there is not sufficient width to allow for an off road cycle route in that location. The route will provide a safe and convenient access to the school away from traffic and will encourage more pupils to travel sustainably to the school.

The proposed lighting would consist of nine steel columns, approximately 5m high, with LED lanterns running the full length of the footway/cycleway. Two columns would be sited to the rear of the dwellings on Eggleston View and a further seven columns along the length of the existing link between Staindrop Road and Eggleston View.

The lanterns on the columns would be fitted with a motion detector so that the level of light output would increase and decrease as a pedestrian or cyclist passes by. The lanterns would have a 20% light output which would increase to 80% as a pedestrian/cyclist approaches and then return to 20% output. The module will follow the solar clock, so during the summer months it will be programmed with the sunset/sunrise times and essentially this would mean that when it is light the lanterns will not be on

The lanterns on the existing footway/cycleway would be switched on between the hours of 07:00 until 09:00 and from 15:00 to 19:00. The lanterns on the columns to the rear of the dwellings would only be in operation during school hours (see below) to give safe access and egress for pupils.

The security fencing that has recently been erected around the School playing field is approximately 2.4m high and is constructed from welded mesh panels. There is also a palisade fence. The proposal would involve the insertion of a new 3m wide access gates within this fence line and the creation of a footway/cycleway from the access behind the dwellings on Eggleston View to the school buildings. The route would be open to pupils between the hours of 08:00 to 09:00 and 15:15 to 16:00 and it would be monitored by a member of staff. The gate would be locked outside of these hours.

PLANNING HISTORY

The most relevant planning entries are:

11/00728/FUL In March 2012 planning permission was GRANTED for the installation of perimeter security fencing

12/00381/FUL In August 2012 planning permission was GRANTED for alterations to car parking facilities at the front of the School incorporating improved pedestrian and cyclist access, increased number of parking bays and coach pull in bays

13/00087/FUL In April 2013 planning permission was granted for the erection of a multi use sports hall

PLANNING POLICY BACKGROUND

The following policies are relevant:

Borough of Darlington Local 1997

E2 – Development Limits

E12 – Trees and Development

Darlington Core Strategy Development Plan Document 2011

CS1 - Darlington Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 – Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

RESULTS OF CONSULTATION AND PUBLICITY

Four letters of objection have been received and they can be summarised as follows:

- *I feel that the cycleway/footpath at the rear of my home would make me very vulnerable indeed to noise and many future problems*
- *I believe that the installation of motion sensed lighting along the footpath/cycleway will only encourage unsavoury characters from the Branksome area to cause trouble on the Mowden estate. We have suffered enough during day light hours and I have reported several criminal activities to the police in the past, mainly concerning school age children attending Hummersknott Academy and Carmel College on their way home back to Branksome/Cockerton. Street lighting will only encourage them to come across the parkland on an evening too.*
- *I believe the neighbourhood will suffer from more noise from teenage/adult gangs coming across to the estate*
- *There have been two terrible accidents in recent times, the bend of Staindrop Road heading out of town particularly when cars are parked up by employees from Mowden Hall causes restricted view and narrowing on the road. The curve of the road is near the bus stop in the direction heading out of town. There is not enough traffic calming measures in the area. Drivers do not always obey the 40mph speed limit. There are two playgrounds in the area. Double yellow lines and a decent crossing at Edgecombe Drive ought to be considered. School children tend to use Coppice Walk to cut straight across Cocker Beck causing damage to the natural environment. I believe most of the stolen property ends up in this area.*
- *Children living in the Staindrop area will attend Abbey Road School which is not a feeder school into DSMS. Children are taught to cycle on the road in order to prevent accidents with pedestrians - why encourage the children to cycle on pathways and to the rear of the school. Surely the children are more vulnerable travelling behind a building.*
- *Wasn't the purpose of the fencing to prevent access to children - why now have an open gate?*
- *I do not wish to have children travelling to school at both the front and rear of my property. There is already enough litter on the front. Why can't the cycle path be linked to the front of the school and liaise with the council re road markings for a cycle lane*

- *What options have been put into place for children cycling from the high grange and West Park? Children living in an area which is actually a feeder school*
- *I'm disappointed from a resident and tax payer point of view as this is clearly a waste of money. The head teacher needs to prioritise funding and use towards children's learning. Or donate to another school as clearly they have more money than sense!*
- *The school could use this money to educate children and their teachers to stop smoking at the front of the building and surrounding streets - this is disgusting. This is a more pressing health need than a cycle path. The children won't have the lung capacity to cycle*
- *There are very few students who arrive and depart on a bicycle who attend DSMS*
- *It is proposed that the new path is gated and locked when not in use and open for students for an hour in the morning for access and an hour in the evening for egress and will be attended by a member of staff at these times. This in itself does not mean that it will 'become part of the extensive cycleway network' as it will be only open for 2 hours per day and only during term time. Not very accommodating for keen cyclists*
- *The proposed route will pass very close to the rear of my garden and the lights in winter will be illuminated constantly, detecting the member of staff who will be patrolling this gate, a very lonely post that I don't see being top of the list for teachers to monitor. [The lighting being on continuously is NOT bat friendly either.] Noise levels will be increased and the lights will trigger neighbours dogs to be on the alert and disrupt the generally quiet area of the playing fields. There are often kids in the area on trials bikes [not taxed, or registered with a number plate or using lights on the vehicle] who use the path to Mowden and the paths in the fields, and also those on foot using the field as a shortcut, who climb the new fence. This new proposed path will encourage the number of such undesirables to enter onto this land which is precisely the reason that the fence was erected in the first place*
- *I have been to the site and walked along my proposed route to the south of the school, the majority of it being very wide and level, suitable for easy conversion to a cycleway/pedestrian route.*
- *The planning application for the new Sports Centre onsite will also link up with my alternative route, being at the western end of the school. To me, it would also have been a sensible idea to stand back and view the wider picture before the fence was erected and submit an application for planning to incorporate both the cycleway AND the fence, so that the new fence could have been installed as a boundary, rather than now necessitating some removal of the new fence in this proposal.*
- *There are very few cyclists from DSMS who would be using the proposed cycle route during the intended hours, as there are such a small percentage of students trained when compared to other schools. Why build a cycle path with restricted hours of two-three hours a day, term time only? Not forgetting that some of these pupils may live to the north of the school and would not use the path to the south of the school if they lived up West Park, or Bates Avenue area. Admittedly, this is the first year that DSMS have been involved in Bikeability, but a cycle way linking up existing routes for all cyclists, ALL of the time would be more beneficial to ALL. This path, proposed to run along the back of the houses on Eggleston View would never join up with existing routes on a permanent basis as the school would lose the security it sought when erecting the perimeter fence last year.*

The **Durham Constabulary Architectural Liaison Officer** has raised no objections to the proposal.

Sport England has raised no objections to the scheme

The **Council's Countryside Access Officer** supports the application from a sustainable travel point of view but has commented that the members of the public using the adjoining sections of the network should not be inconvenienced during the construction period and that they should be kept safe

The **Council's Ecology Officer** has raised no objections to the proposal

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

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

The **Council's Sustainable Transport Officer** supports the proposal

The **Council's Transport Policy Officer** supports the proposal

PLANNING ISSUES

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

Need

Some of the concerns raised by the objectors relate to the need for this proposal, especially the new section of the route within the grounds of the School. As previously mentioned, the proposal will provide a safe and convenient access to the school away from traffic and will encourage more pupils to travel sustainably to the school. The scheme would contribute towards several Council policies and strategies such as:

Local Transport Plan which has policies that aim to:-

- Improve and actively promote sustainable transport options
- Work closely with schools on their travel plans
- Develop schemes that increase levels of active travel

The *Sustainable Travel to School Strategy*, which aims to ensure that all children and young people in Darlington have safe and equitable access to education and where practicable for trips to/from education to be made by a sustainable travel mode.

Local Motion, Darlington's government funded sustainable transport town project which aims to promote different travel choices available to visitors and residents and encourage travel behaviour change by making it easier to use sustainable travel modes, including cycling.

The creation of this pedestrian and cycle route should encourage more pupils to cycle to the School than at present as it would give such pupils a safe route and accessible route to do so. The number of pupils who attend the School will probably increase over the coming years and the School wish to have these improvements, along with the reconfiguration of the parking spaces, coach drop off areas and access arrangements at the front, in place as soon as possible.

Sport England Response

The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010, in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has considered the application in the light of its playing fields policy. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Whilst the footpath / cycleway technically encroaches onto the playing field, it is to be located at the north-eastern fringe, on an embankment which lies above the area utilised for the setting out of pitches. As a result, Sport England considers that the proposal meets the following exceptional circumstance;

E3 - Only affects land incapable of forming a pitch

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

This being the case Sport England has not objected to the application.

Residential Amenity

The new section of the footway/cycleway would run behind Nos 93 to 107 Eggleston View. These dwellings are located on a higher ground level than the land upon which the new route would be situated and the levels continue to drop where the playing fields and pitches are positioned. The boundary between the rear gardens of the neighbouring dwellings consists of fencing and a hedgerow.

The location of the new access gate has been revised so that it is positioned approximately 20m from the boundary of the nearest dwelling which is No 93 Eggleston View. The footway/cycleway follows the curve of the contours of the land and at its closest point it would be approximately 5m from the boundary with the dwellings before turning back into the site and finishing the school buildings.

It is considered that the imposition of planning conditions restricting the opening times of the gate and the use of the lighting columns will minimise the impact that this section of the route would have on the amenities of the neighbouring properties.

The Durham Constabulary Architectural Liaison Officer (ALO) considers that whilst having a footpath/cycleway to the rear of dwellings is not ideal, he recognises that the access will be gated preventing open access and he has not raised any concerns to this aspect of the proposal on that basis.

He has found no evidence to suggest the improvement to the existing footway/cycleway will have a detrimental effect to the residents in the Mowden Area and he considers that the more people using the route the better and that the proposal will hopefully reduce the number of incidents rather than increase them.

As the lighting columns to the rear of the dwellings will be sensor controlled and only operational during school hours the impact on the properties due to the lighting will be minimal. The Council's Environmental Health Officer has raised no objections.

Visual Amenity

The introduction of the lighting columns within the landscape of the Cocker Becker open space is considered acceptable and they will not adversely affect the character or appearance of the locality. The resurfacing of the existing route would also be acceptable in visual terms.

The proposal will result in the addition of a hard surface around the edge of the playing field of the School. The footway/cycleway would be 3m wide and constructed from conventional bituminous tarmac. It is considered that this would not have an adverse impact upon the visual appearance of the site.

Highway Matters

The Council's Highways Engineer considers that the route is an improvement to the safe route to schools network and the introduction of the street lighting along the existing footway/cycleway should make the route safer and more appealing to use for pedestrians and cyclists.

Protected Species

There are trees on either side of a section of the existing footway and cycleway that connects Staindrop Road and Eggleston View and the lighting columns would be sited amongst the trees, which can be habitats for protected species. The Council's Ecology Officer is satisfied that the impact upon any bats in the wooded areas will be minimised due to the lanterns being on timers and the reduced levels of illumination.

The creation of the access into the School grounds would result in the removal of a section of the existing hedgerow and this work must not be carried out during breeding season (March – August) unless a bird survey is carried out prior to commencement. A suitable planning condition could be imposed on any grant of planning permission.

Impact upon Trees

There are trees and hedges along the east boundary of the School with the Cocker Beck open space and a section of the hedgerow and two trees would be removed in order to create the access into the School. Where the route runs alongside trees within the School site, all necessary precautions would be taken to construct the new footway/cycleway so that the trees are not adversely affected. None of the trees alongside the existing route would be affected by the proposal. It is considered that the works that are required to facilitate the creation of the route through the grounds of the School are acceptable and would not adversely impact upon the tree coverage in the locality.

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 aim of the overall scheme is to provide a safe illuminated pedestrian and cycle link and also to allow pupils to access the school site without having to interact with vehicles on Eggleston View and the car parking areas of the school. It is considered that the section of the proposal which runs behind residential properties, subject to the imposition of conditions to restrict the opening times of the gated access and the usage of the lighting columns, will not adversely affect the amenities of those properties.

The Durham Constabulary Architectural Liaison Officer considers that the lighting of the existing footway/cycleway would not have a detrimental effect on the locality in terms of anti social activities.

The proposal does not raise any highway concerns and it has been designed to take consideration of protected species and the bird breeding season.

The following development plan policies have been taken into consideration:

Borough of Darlington Local 1997

E2 – Development Limits

E12 – Trees and Development

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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. The access gates hereby approved shall not be open outside the hours of 08:00 – 09:00 and 15:15 - 16:00 Monday to Friday. The gates shall not be open at all on Saturdays and Sundays or during any School holiday periods.
REASON – In the interests of the amenities of the neighbouring dwellings.
3. The lighting columns (LC1 and LC2 shown on Drawing No: TP208/SL/001 entitled “Street Lighting Details Drawing” dated August 2012) shall not operate outside the approved hours for the access gates outlined in condition 2.
REASON – In the interests of the amenities of the neighbouring dwellings

4. No hedgerow removal should take place during bird breeding season (March to August) without a bird survey being carried out to the satisfaction of the Local Planning Authority.

REASON – To ensure that the hedgerows are inspected for birds prior to the commencement of any removal

5. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The aim of the overall scheme is to provide a safe illuminated pedestrian and cycle link and also to allow pupils to access the school site without having to interact with vehicles on Eggleston View and the car parking areas of the school. It is considered that the section of the proposal which runs behind residential properties, subject to the imposition of conditions to restrict the opening times of the gated access and the usage of the lighting columns, will not adversely affect the amenities of those properties.

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