

**DARLINGTON BOROUGH COUNCIL****PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 29 July 2009****Page**

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| <b>APPLICATION REF. NO:</b>     | <b>09/00442/DC</b>                           |
| <b>STATUTORY DECISION DATE:</b> | <b>4 August 2009</b>                         |
| <b>WARD/PARISH:</b>             | <b>Lingfield</b>                             |
| <b>LOCATION:</b>                | <b>Eastbourne Sports Complex</b>             |
| <b>DESCRIPTION:</b>             | <b>Construction of Footpath and Cycleway</b> |
| <b>APPLICANT:</b>               | <b>Director of Corporate Services</b>        |

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated within the grounds of the Eastbourne Sports Complex.

The proposal would involve the provision of a footpath/cycleway within the sports complex, to provide a route from the Fairway to the south, to the new Eastbourne Academy adjoining the northern boundary of the sports complex. An existing footpath cycleway is already in place between the Fairway and the Sports complex. The proposal would afford a through link to the newly constructed Eastbourne Academy providing a safer and more accessible route for students/staff arriving by foot or by cycle from the south.

In support of the application, the accompanying justification statement draws on the findings of a transport assessment , of the Eastbourne school site undertaken by Capita Symonds in January 2007. The report identified that 68% of students reside within a reasonable walking distance of the Academy and 99.9% within reasonable cycling distance. The justification statement indicates that a recent survey of pupils revealed that few cycled to Eastbourne school possibly because little in the way of any cycleway infrastructure serving the school. The proposed scheme would go some way to addressing this and also the Council's Local Motion Strategy

**PLANNING HISTORY**

None of any relevance to this application

**PLANNING POLICY BACKGROUND**

Following policies in the Borough of Darlington Local Plan are relevant: -

E11- Conservation of Trees, Woodlands and Hedgerows

E12 –Trees and Development  
E29- The Setting of New Development  
H15- The Amenity of Residential Areas  
R1- Designing for All  
R2 - Access for People with Disabilities  
T36- Cycle Route Network  
T39- Conditions for Pedestrians

## **RESULTS OF CONSULTATION AND PUBLICITY**

The consultation and publicity exercises do not expire until 7<sup>th</sup> August 2009 and no objections have been received from residents at the time of the report being finalised. Any objections received will be mentioned verbally at the Committee.

## **PLANNING ISSUES**

The main issues to be considered in the determination of this application are : -

- Visual Amenity
- Residential Amenity
- Trees
- Highway Implications

### **Visual Amenity**

The southern section of the proposed footpath/cycleway would comprise of black tarmacadem surface for the footpath and red tarmacadem to the cycleway, which is consistent with the existing cycleway/ footway between the sports centre and the Fairway. The northern section of the proposed footpath/cycleway would be a shared surface finished in black tarmacadem. In the context of its surroundings, which encompasses a number of hard surface finishes, the development is unlikely to result in any material harm to the visual amenities of the area.

### **Residential Amenity**

The nearest residential properties would be situated approximately 16.5m from the closest section of the proposed footpath/cycleway (southern section) which is considered be a satisfactory separation distance to ensure that the amenities of adjoining residents would not be materially harmed.

### **Trees**

The construction of the southern section of the footpath/ cycleway would necessitate the removal of three young Whitebeam trees. Although the trees are in a sound and healthy condition their removal would not harm the general appearance of the area. Nevertheless it may be appropriate to secure the planting of replacement trees by way of a condition. Several other trees are situated close to this proposed section of the footpath/cycleway which could be affected by construction works. Consequently to avoid any damage to the root areas of the trees a condition requiring their protection during the construction phase would be required. Again this can be secured through a condition.

### **Highway Implications**

The Council's Highways Engineer has raised no objections to the scheme. However the Council's Transport Policy Section has made a number of points in respect of the detailed design of the submitted scheme. Modifications have been requested to ensure safe passage through the site for pedestrians so as to avoid conflict with cars using the access road and car park and also to avoid conflict between passing cyclists on the route, which can be achieved by way of conditions. The Transport Policy Section has also raised a concern over existing and proposed gated access points along the route. Currently limited access is available through the sports complex site to the Academy as a result of locked gates at certain times of the day and year. This it seems is as a consequence of ensuring the security of the Sports complex and associated buildings. Discussions are currently ongoing to resolve this issue the outcome of which will be reported verbally to members at the Planning Committee. However it would be appropriate to condition any approval requiring the submission of a management plan to address the issue of access.

### **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 proposed cycleway/footpath is considered acceptable in this location and does not raise any adverse impacts in terms of visual amenity, residential amenity or highway safety matters. Whilst the development would result in the loss of a number of small trees these are not considered to be of any significant amenity value.

### **RECOMMENDATION**

PROVIDED NO OBJECTIONS ARE RECEIVED ONCE THE PUBLICITY EXERCISE HAS EXPIRED ON 7<sup>th</sup> AUGUST 2009 PLANNING PERMISSION BE GRANTED, SUBJECT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND THE FOLLOWING CONDITIONS:

- 1) A3 – Implementation Limit (Three Years)
- 2) B5 – Detailed Drawings ( Accordance with Plan)
- 3) Notwithstanding anything shown on the approved drawings development shall not commence until precise details of a priority crossing over the access road to the sports centre site have been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of highway safety.

- 4) Notwithstanding anything shown on the approved drawings development shall not commence until precise details of a marked pedestrian route through the site, between the northern and southern sections of the approved footpath/cycleway, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

REASON- In the interests of highway safety.

- 5) Notwithstanding anything indicated on the approved drawings the northern section of the cycleway/footpath (Drawing No. 2009/023/004 dated June 2009) shall be of a minimum 2.5m width.

REASON- To ensure that the cycleway/footpath is of an adequate width in order not to compromise the safety of passing cyclists and pedestrians.

- 6) Not later than the next planting season immediately following this consent three trees of a species and in positions to be approved by the Local Planning Authority, shall be planted in place of those to be removed.

REASON – In the interests of visual amenity.

- 7) E11 – Tree Protection.

- 8) Prior to the commencement of any development, a management plan setting out access arrangements for pedestrians and cyclists through the sports complex, shall be submitted to, and approved by, the Local Planning Authority. The development shall not be implemented otherwise than in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

REASON – In order that satisfactory access arrangements can be provided through the sports complex for pedestrians and cyclists and in the interests of highway safety.

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

The proposed cycleway/footpath is considered acceptable in this location and does not raise any adverse impacts in terms of visual amenity, residential amenity or highway safety matters. Whilst the development would result in the loss of a number of small trees these are not considered to be of any significant amenity value. The proposed development would accord with the following policies within the Borough of Darlington Local Plan 1997:

E11- Conservation of Trees, Woodlands and Hedgerows

E12 –Trees and Development

E29- The Setting of New Development

H15- The Amenity of Residential Areas

R1- Designing for All

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