

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**14 October 2013**

Report of the Acting Strategic Director – Environmental Services

**1 REQUEST FOR APPROVAL OF A SCHEME RELATING TO  
HIGHWAY IMPROVEMENTS AND MONITORING UNDER  
CONDITION 23 OF PLANNING PERMISSION CD5/0212/157  
AT LAND OFF DOE HILL LANE, TIBSHELF  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
SUBMISSION NUMBER: SD2454**

**5.1200.8**

**Introductory Summary** This is a request for the County Council's approval of a scheme for highway improvements and monitoring relating to conditions of a planning permission. I consider the details of the scheme to be acceptable and I do not consider that the proposal would have any significant adverse impacts such that the Authority should withhold its approval.

(1) **Purpose of the Report** To enable the Committee to determine the submission.

(2) **Information and Analysis** This is a submission under the conditions approved under planning permission code no. CD5/0212/157 for the construction of a new school on land at Doe Hill Lane, Tibshelf. The site is currently being developed to provide a replacement school for the existing Tibshelf Community School and this submission is seeking approval of a scheme relating to highway improvements and monitoring in the vicinity.

**The Site**

The site is located to the west of Tibshelf, to the north-east of Doe Hill Lane, and is accessed directly off Doe Hill Lane. The site has a surface area of approximately 7.8 hectares (ha) and is bordered by agricultural land to the north and west, and by the village of Tibshelf to the east. The nearest residential properties are located adjacent to the eastern boundary of the site on West View, to the south on Spa Croft and to the north-east on Derwent Drive. Two public footpaths (Tibshelf Footpath Nos 9 and 38) cross the site before linking with a further footpath (Tibshelf Footpath No 7) which runs adjacent to the northern site boundary. Tibshelf Conservation Area lies

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approximately 100 metres to the east. There are no statutory or non-statutory wildlife site designations on or in the immediate vicinity of the site.

Planning Permission (Code No. CD5/0213/157) for the demolition of equestrian structures and the erection of new community school comprising single and two-storey buildings, floodlit sports pitch and multi-use games area, grass pitches, pedestrian and bus pick-up/drop-off bays, car parking and hard standing areas and engineering works at the site was granted in April 2012, subject to conditions. Works on the development of the new school commenced in June 2012 and are expected to be complete in November 2013 at which time the school is due to open.

### **The Submitted Details**

Condition 23 of the above permission required the submission of a detailed scheme for improvements to and the monitoring of the highway network in the locality of the site, to specifically include details of:

- a) works to improve Route 3, Crossing 3 and Crossing 4, as identified in the Transport Assessment submitted with the application;
- b) works to support imposition of a 30mph speed limit for vehicles passing the site frontage on Doe Hill Lane or in the absence of such a speed limit, alternative measures to discourage vehicle speeds in excess of 30 miles per hour past the site frontage;
- c) delineation of yellow zig-zag road markings at the main vehicular, pedestrian accesses and route/crossing improvements;
- d) works for widening of the footway along the site frontage on Doe Hill Lane; and
- e) a periodic monitoring of the operation of traffic on the highway at West View, and identification following that monitoring of any measures for highway improvement at West View that may appear to be necessary, including a programme for implementation of the monitoring and of any measures as may thereby be identified.

In relation to part (a) of the above condition, the submitted schemes proposes to monitor the flow of pedestrians and cyclists along the identified route and crossings, from the opening of the school into early 2014, in accordance with a programme of monitoring that has been agreed with the Highway Authority. The identified locations are Route 3, from Doe Hill Lane to Newton, Crossing 3 across Newton Road near to the railway bridge, and Crossing 4, at the junction of Alfreton Road and Doe Hill Lane. Depending on the observations of the monitoring undertaken, a schedule of any improvements, identified as

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required, from the observations as being and a programme for their implementation would be produced and agreed with the Highway Authority.

In relation to part (b), a 30mph speed restriction has recently been imposed on Doe Hill Lane along the site frontage which is supported by relocated 30mph speed restriction signs and road markings.

In relation to part (c), it is proposed to mark the road with yellow zig-zag lines at the main vehicular access to the site on Doe Hill Lane and at the pedestrian entrance on West View. The installation of dropped kerb crossing points and tactile paving on the footway at the access points on West View and Doe Hill Lane. Remedial works to the footway surfacing, kerbing and road markings as necessary.

In relation to part (d), the scheme proposes the widening of two diagonal sections of the footway, (at the junction of Doe Hill Lane and West View) to 2 metres wide, in order to improve pedestrian access directly to the new pedestrian access into the school site located on West View. A generalised widening of the fronting footway along Doe Hill is not proposed. The applicant states that such widening would be difficult due to the gradient of the bank, that the majority of the path is already in the region of 2 metres wide and that only limited numbers of pupils would be likely to approach the school in this direction.

In relation to part (e), it is proposed to monitor the operation of traffic in the vicinity of West View from the opening of the school for a period of two years. A schedule of monitoring has been agreed with the Highway Authority that involves the general day to day monitoring of the site in response to complaints received and the production of a report three times a year at the end of each school term on all of the issues that have been raised, for a period of two years from the date of opening of the school. Depending on the observations from the monitoring, a schedule of any improvement works identified from the observations as being necessary and a programme of implementation would be agreed with the Highway Authority.

## Consultations

### **Bolsover District Council**

For the reasons detailed below, the District Council does not consider that the measures proposed in the scheme to discharge Condition 23 are sufficient to allay concerns over the impacts on the highway network and objects to the scheme. The District Council made the following comments:

*“The District Council has continually expressed concerns regarding potential traffic problems in the area resulting from the school. Whilst the conscious decision not to provide a private school drop off point is noted, there are fears*

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*from locals that this may result in pupils being dropped off in the vicinity of West View and Raven Avenue. This is likely to lead to highway congestion on those streets and difficulties for local residents. The transport assessment submitted with the application recognised this point and suggested that signs could be put up at the entrance to West View saying no access except for residents.*

*Despite assurances given to local councillors that such signage would be provided, there would appear to be no provision within the submitted details for any signs restricting access onto West View only to residents.*

*The Council believes that this lack of signage is a serious omission and will lead to serious traffic congestion and parking problems on nearby residential streets.*

*Whilst it accepted that a monitoring period will be in place to look at the traffic issues on site, it is felt that this will only serve to highlight the need for further signage and consign the nearby residents to months of traffic congestion before any works are done to mitigate the impacts. It should be noted that the Council still believes that signs restricting access constitute a minimal approach to the mitigation and it is felt that further works are likely to be required (such as a properly monitored residents only parking scheme).*

*In addition the Council is concerned that the highway improvement works proposed are continually being watered down (e.g. no longer widening footways to 3m) and will continue to be watered down further due to budgetary constraints. The District Council points out our original comments detailed below which were made due to concerns that a lack of resources would mean that mitigation measures would not be made.*

*(It is still considered that it should require strong measures to include on street parking restrictions to be imposed together with a commitment of resources to enable monitoring and enforcement to ensure that the lack of a drop off point does not lead to the highway safety issues above which would be detrimental to the amenity of nearby residents)".*

### **Local Member**

Councillor Moseby (Tibshelf) has been informed of the proposal.

### **The Highway Authority Network Management Officer**

Raised no objections to the scheme and is supportive of the proposed initial period of monitoring to the identified route and crossings having regard to part (a) of Condition 23. The Network Management Officer commented that improvements to these areas had been looked at as part of the Highway Act 1980, Section 278 Agreement process. It was considered that limited

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improvements of sufficient benefit could be undertaken with the available land and would be unlikely to have a big impact. It was felt that to monitor the situation and consider improvements at a time when, or if, these areas were highlighted as a problem to the users of the routes, as part of the Travel Plan and travel survey.

The Network Management Officer also commented that the provision of a dedicated drop-off point for parents' vehicles is not a Highway Authority requirement. Whilst there may be some drivers who choose to use West View to drop-off, the comments of the authorities Traffic and Safety Officer were noted regarding the practicalities in providing Traffic Regulations Orders and Access Only Orders. The Traffic Safety officers comments are provided below:

### **Traffic Safety Officer**

*"The introduction of double yellow lines requires the County Council to follow a legal procedure of consultation, advertisement and the consideration of objections. Therefore before promoting such a restriction there has to be strong justification for their introduction and the County Council has to be confident the restrictions will achieve the desired effect. The parking problems associated with a School are generally of a short term nature, Motorists would be permitted to drop off and pick up on double yellow lines, Civil Parking Enforcement Officers would also need to observe a motorists waiting for 5 minutes before a penalty charge notice can be issued.*

*Experience has shown that where this type of restriction has been placed outside or close to a School they are often ignored leading to unrealistic demands for enforcement action. Access only orders and the accompanying road signs are intended to act as a deterrent to motorists. To be effective they should require little or no enforcement. Unfortunately it is our experience that such orders rarely achieve their intended purpose; they are open to misinterpretation and are often ignored, either deliberately or through ignorance on the driver's part who are unsure as to their exact meaning.*

*Once Access only orders are granted, they tend to raise the expectations of residents and lead to frequent demands for Police enforcement. Civil Parking Enforcement Officers cannot be deployed for this purpose because they are not permitted by law to enforce such orders. For this reason the police are not enthusiastic about this type of order.*

*Bearing these points in mind the Traffic & Safety Team would not promote a waiting restriction at this location at this time. However Officers will monitor this location".*

## Planning Considerations

The potential impact of traffic generated by the development of the new school on the surrounding highway network and on local amenity was considered in the report of the Strategic Director dated 30 April 2012 on the application for planning permission. It was acknowledged that schools can be major generators of travel, however, it was considered that this development would not be detrimental to highway safety and members resolved to grant planning permission subject to conditions.

This submission is seeking approval for a scheme of highway improvements and monitoring to discharge requirements in a condition of that planning permission.

### Condition 23 at (a)

The supporting information submitted with the original planning application included a Pedestrian and Cycle Assessment that highlighted three areas that could prove a problem to school children walking/cycling to school. There were no specific solutions put forward by the applicant at this time so the condition specifically itemised these three areas. I am advised by the Network Management Officer that these areas have been looked at as part of the Highway Act 1980 Section 278 process and that it was concluded that limited improvements of sufficient benefit could be undertaken and the improvements would be unlikely to have a significant impact. The Highway Authority considers that monitoring the situation is the most suitable option at this time and, that if problems are identified in these areas, then improvements can be considered and a programme of implementation scheduled. The scheme, the applicant has submitted, is based on the advice of the Highway Authority and I consider it to be an acceptable approach but would recommend that the results of the monitoring and any proposed mitigation/improvement measures are submitted to the Planning Authority.

### Condition 23 at (b) to (d)

The scheme details relating to the imposition of a 30mph speed restriction on Doe Hill Lane (which has been achieved) and the delineation of yellow zig-zag road markings and route crossing improvements I consider to be satisfactory.

With regard to the works for widening of the footway along the site frontage on Doe Hill Lane, the Highway Authority originally sought a widening of the footway to at least 2 metres, but ideally 3 metres. A 3 metres widening has not been proposed. The existing footway is already in the region of 2 metres. The new vehicular access on Doe Hill Lane is intended for use by vehicles only. However, the widening of the narrower sections of the footway on the corners of Doe Hill Lane with West View would improve pedestrian access directly to the new pedestrian access into the site. The Highway Authority has not raised any objections to this proposal and I consider it to be acceptable.

**Condition 23 at (e)**

I note the continuing concerns of the District Council regarding the impact of traffic on the amenity of residents on West View and Raven Avenue. When the planning application for the new school was considered and approved, it was recognised through this provision that as there would not be a dedicated drop-off/pick-up area for parents' vehicles within the school site, there might be potential problems with parents dropping children off on West View, and that mitigation measures might be needed.

A dedicated drop-off/pick-up area was not incorporated into the proposal in line with Government and County Council policy to limit the number of on-site parking facilities in new development projects and to discourage car use in favour of public transport, cycling and walking. However, in view of the concerns that were raised about potential traffic issues on West View it was recommended that a period of monitoring was undertaken once the school was taken into use. The Highway Authority continues to support this approach and the applicant has agreed the proposed scheme of monitoring with Highway officers. I also note the comments of the Traffic Safety Officer regarding the practicalities of providing Traffic Regulation Orders and Access Only Orders.

In conclusion, I consider the scheme of monitoring proposed to be acceptable, subject to a proviso to ensure that the results of the monitoring and details of any mitigation/improvement measures, thereby identified as required including a programme to implementation, are being submitted to the planning authority for its approval.

(3) **Financial Considerations** No fee is required in respect of this submission.

(4) **Legal Considerations** This scheme has been submitted in accordance with the requirements of the conditions attached to permissions granted by the County Council either under Part III of the Town and Country Planning Act 1990 or the Town and Country Planning General Regulations 1992.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this submission being granted.

(5) **Environmental and Health** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

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### (6) **Background Papers** File 5.1200.8

Submission documents and accompanying drawings dated 24 June 2013 and email dated 2 October 2013 from the Director of Property. Letter from Bolsover District Council dated 19 July 2013, correspondence from the Network Management Officer dated 12 September 2013 and the Traffic Safety Officer dated 2 September 2013.

(7) **OFFICER'S RECOMMENDATION** That the Chief Officer be **authorised** to approve the schemes submitted by the Director of Property in respect of Condition 23 of planning permission CD5/0212/157, as shown in the submission documents received on 24 June and subsequent email correspondence (September and October 2013), subject to the following provisos:

- 1) That the results of the monitoring to be undertaken in relation to Route 3, Crossing 3 and Crossing 4, and details of any measures for mitigation or improvement that may thereby be identified as required including a programme for implementation of such measures, shall be submitted to the County Planning Authority for its written approval within six weeks of the date of the completion of the monitoring.
- 2) That reports of the results of monitoring to be undertaken in relation to West View are produced to the County Planning Authority for each school term over a period of two years from the date the school is taken into use, with each such report being produced within six weeks of the end of the relevant term and that details of any measures for mitigation or improvement that may thereby be identified as required including a programme for their implementation, are also produced to the County Planning Authority with such reports, for its written approval.

Signed.....Date.....

**Mike Ashworth**  
**Acting Strategic Director – Environmental Services**



