

c/o Blakett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH
19 March 2022

Dear Ms Penman,

DM/22/00612/VOC Day Nursery At Adventure Valley Union Hall Farm Brasside Durham DH1 5SG

Application to vary condition 9 (Footpath Provision) of planning permission DM/17/03486/FPA to allow provision of 7 no. passing places in lieu of a footpath

The Trust objects to this application on the basis of lack of adequate information and traffic safety grounds.

The original requirement for a footpath was attached to the 2017 approval for the day nursery:

9. *The development hereby approved shall not be brought into use until a footpath along the rural lane from HMP Frankland to the application site has been provided in accordance with precise details to be first submitted to and agreed in writing by the Local Planning Authority.*

Reason: To promote sustainable modes of travel and in the interests of highway safety in accordance with paragraphs 17 and 32 of the NPPF and policy T1 of the City of Durham Local Plan.

There was a subsequent refusal of removal this condition and the appeal failed. The requirement remains, nursery is in use and therefore there is a failure to honour the condition. The submitted evidence with this new application offers no traffic information referring only to 'observations', the only one identified was a single site visit in 2018. The approved travel plan is not publicly available on the planning portal. The national speed limit applies to this section of the lane – 60mph.

The proposal mixes new short 4.0m by 1.5m refuges with existing private bell mouth accesses and vehicle passing places. There is considerable vehicle traffic to both nursery and the other Adventure Valley attractions. It also a bus route serving the attractions – No 62, approximately hourly, 7.12am to 5.32pm. The extent of current pedestrian usage is not known, as is the extent of vehicle conflicts and use of the refuges along the lane. The use of vehicle passing places for pedestrian use is an inherently unsafe practice; the bellmouths serve separate facilities and are not properly indicated or formed for vehicle passing use. The new refuges are likely to be used more for passing vehicles by overrunning the ends because of their restricted length. This is an entirely ad hoc arrangement reliant on an unachievable high level of unusually careful use and maximum Highway Code observance. It is not an arrangement that can be relied on and represents no increase in pedestrian safety. The impact on trees and hedgerows – an important element of the character of the lane, has not been considered by either this proposal or the original 1.5m footpath requirement.

THE CITY OF DURHAM TRUST

There may be scope based on a more thorough understanding of the way that vehicles and pedestrians use the lane to offer a more sensitive, tailored, shared use solution. This approach is often very difficult to achieve successfully in practice. However, this proposal completely fails to achieve any tangible improvement and is unsafe and therefore the Trust objects to it.

Policies

In addition to failing against the original application approval condition 9, the proposal also fails against the following current policies:

NPPF

9. Promoting sustainable transport

Considering development proposals

The new proposal fails to ensure the following:

Para. 110. *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code*

Para. 112. *Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles.*

County Durham Plan

Policy 21 Delivering Sustainable Transport

The proposal fails to deliver the following:

b. appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

Yours sincerely,

John Lowe,
Chair, City of Durham Trust.