



DERBY CITY COUNCIL

AREA PANEL 2
17 JANUARY 2007

Report of the Corporate Director for Environmental Services

Request to close the access from Maple Drive Public Open Space to Diseworth Close, Chellaston.

SUPPORTING INFORMATION

- 1.1 Residents of Diseworth Close have been experiencing anti-social behaviour from people using the adjacent open space and passing through the Close. They have also experienced some problems arising from parents parking in the Close and taking their children to and from the schools on the other side of the open space. The residents have approached their local councillors with a request to close the access onto the open space from Diseworth Close. See appendix 1 for a site map.
- 1.2 To progress this matter, relevant officers from the City Council and the Police have been asked to comment on the proposed closure and local residents and the parents of school children have been consulted.
- 1.3 The legal team advise that the Council can close this access if it is considered desirable to do so. There is no public right of access at this location and therefore there are no procedural requirements to follow in relation to a closure. However, before making a decision on the matter it is important to carry out local consultation, obtain the views of all ward Councillors and the Anti Social Behaviour Team.
- 1.4 Parks officers advise that experience across the city suggests that the more accesses there are to open spaces the better because more people pass through the open space which generally discourages anti-social behaviour within the open space. Closing the access from Diseworth Close to the public open space would reduce the anti-social behaviour ASB, being experienced by the residents of Diseworth Close, but it may only move the ASB to somewhere else, probably to Maple Drive. Additionally, anti-social behaviour issues tend to come and go and closing an access in response to immediate situations may have short term benefits but adverse long term effects unless provision is made for reopening the access at a later date. The real issue here is the behaviour of a certain group of people rather than the physical layout of the area, although the two are not necessarily unconnected.
- 1.5 Highways officers advise that, in cases where there is a request to close an access on the highway, in principal their policy is not to close it unless absolutely necessary. Even then, clear proven evidence is required if they were to progress a closure. If the issue does not require highway closures then the legal requirements may be less onerous.

Officers recognise that the alternative route by way of Maple Drive may be equally convenient and closing the link might not be a significant loss to the public. However, good natured users, who live beyond Diseworth Close, might be unhappy about their use of the link path being restricted because of the bad behaviour of some people. Clearly wide ranging consultation would need to be carried out to seek the views of users and residents.

- 1.6 The Anti-Social Behaviour Team comment that their major concern in removing the access is it also removes the footfall and the number of 'natural guardians' at the site. Levels of ASB are dependant on the potential number of witnesses, the removal of anonymity and the risk of getting caught. By removing this access route you would effectively be creating a 'dead zone' where people could congregate near to residents' homes and commit ASB without fear of being caught. The removal of the access is likely to create a bigger problem than we have at present and reduce the number of people that enjoy the use of this public open space.

Officers advise consultation is undertaken and the team is happy to work with residents and other agencies to target the small number of individuals destroying others' peaceful enjoyment of the area. Removing the access is not the answer to this complex problem.

- 1.7 The Police have checked their records from January 2005 to December 2006 for a breakdown of reported incidents in the area of Diseworth Close, Chellaston and the footpath leading from Diseworth Close onto the playing field adjoining Chellaston Junior School. One incident was reported to the police which was nuisance related. This occurred in December 2006 at the junction of Diseworth Close and Maple Drive, when a group of five young people were intimidating the occupant of a local house. With regard to crimes reported to police, one incident of criminal damage was reported since July 2006, which occurred in October 2006, when a small pane of glass was smashed in a living room window by passing young people. Again this occurred at the junction of Diseworth Close and Maple Drive. The Shelton Lock and Chellaston Beat Officer considers that there will not be any marked impact on local crime figures or nuisance if the access from the Diseworth Close to the open space was to be closed or left open.

- 1.8 Parks officers conducted a local consultation exercise with the aim of finding out:

- how many people would support the closure of the access from Diseworth Close and their reasons.
- how many people would object to the closure of the access from Diseworth Close and their reasons.
- how many people would not be affected by a closure to the access from Diseworth Close

The local consultation included a questionnaire sent to residents and to parents of local school children. The overall findings show that of the respondents, to the combined questionnaires:

- 139 (75.5%) said they would not be affected by a closure.
- 30 (16.3%) were in support of a closure
- 15 (8.1%) objected to a closure.

An additional four questionnaires were received after the closing date and all four stated the closure would not affect them. The full details of the consultation, surveys, analysis and comments made by respondents are available in the background information report posted on the Council Management Information System - CMIS for Area Panel 2 on 17 January 2007. Access on the Council's website www.derby.gov.uk/CMIS

- 1.9 A summary of the issues raised by respondents who stated their reasons for supporting the proposed closure are:

- Anti social behaviour – including concerns about reckless driving onto the open space from Diseworth Close, youths on motorcycles and cars going on

to the open space causing nuisance at night with noise, damage and blocking access, trouble makers using the access to get to the High Street, dropping of rubbish, broken glass and beer cans, vandalism to property and breaking fences, and school children kicking footballs through the access hitting cars.

- Vehicles/traffic – including concerns that cars accessing the open space are a danger to children playing, excessive vehicle and foot traffic of people not associated with Diseworth Close, parents parking in Diseworth Close and taking children to school across the open space, parents parking and preventing access to properties, excessive speeds and reversing cars.
- Security/safety – including concern that a small child will get run over or cut on broken glass, that residents will take matters into their own hands and no-one other than residents/visitors would need to be on the Close

1.10 A summary of the issues raised by respondents who stated their reasons for objecting to the proposed closure are:

- Ease of access including regularly use the public open space, like to walk this way onto the open space, use the access daily, use it to cut hedge at rear of property, school children use this route to avoid congested path on Maple Drive, closing this access would increase the congestion on Maple Drive and increases danger to children, closing this access will exacerbate the difficulty of crossing Maple Drive, helps with car parking in the cul-de-sac, gives children of Diseworth Close quick access to the open space, children should be encouraged to participate in outdoor leisure activities, would make open space less accessible and convenient for local residents, should create access to open spaces not close them.
- Safety/security including it will create an area where crime is much more likely because it is not overlooked by houses, reduce safety and well-being of children if access is closed as escape route and access to open space and school makes a safe route for children to walk to school.
- Other including that the access was there when people bought their houses.

PROPOSED ACTION

- 2.1 The view of Officers is generally that the access should not be closed but that a bollard should be installed to prevent any vehicular access onto the open space. However, if the panel wish the access to be closed, then the estimated cost of erecting a substantial railing across the access is £850, which is not included in the Parks capital programme.
- 2.1 The Panel are asked to decide whether the access should be closed completely, have a bollard installed to prevent vehicular access onto the open space, or be left as it is.

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Background papers:	Chellaston – Maple Drive Open Space Consultation posted on the Council Management Information System - CMIS for Area Panel 2 on 17 January 2007. Access on the Council's website www.derby.gov.uk/CMIS
List of appendices:	Appendix1 – Site Map