

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13 January 2010

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APPLICATION REF. NO:	09/00645/DC
STATUTORY DECISION DATE:	20 January 2010
WARD/PARISH:	PIERREMONT
LOCATION:	Brinkburn Dene, Woodland Road
DESCRIPTION:	Construction of equipped toddler play area
APPLICANT:	DIRECTOR OF CORPORATE SERVICES

APPLICATION AND SITE DESCRIPTION

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992. Approval is sought for the installation of an equipped toddler play area at Brinkburn Dene in the area known as the Tennis Court Dene, just to the south of Cocker Beck. Dene Grove is located approximately 45 metres to the southeast and Deneside Road lies approximately 35 metres to the north. Woodland Road runs approximately 70 metres to the south of the application site.

The Council has secured some funding from the Big Lottery for the play area which, following consultation with local residents it was identified that there was a need for play equipment in Tennis Court Dene as it was a long walk for this part of the town to travel to and visit the play equipment in the Play Dene. The play area will be enclosed by a 1m high fence and play equipment designed for use by toddlers (aged 5 and under) will be installed within the area.

The application site is located within the Stanhope Road/Grange Road Conservation Area. A Design and Access Statement has been submitted with the application. The site also lies within Flood Risk Zone 2. A Flood Risk Assessment (FRA) has been requested to accompany the application. Two trees, protected by Tree Preservation Order, are located towards the northeastern end of Tennis Court Dene, but are unaffected by the proposed development.

PLANNING HISTORY

None relevant

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 1997 are considered relevant:

- R1 – Designing for All
- R24 – Open Space Provision
- R20 – New Sports and Recreational Facilities

R25 – Provision of Community Facilities
E3 – Protection of Open Land
E29 – The Setting of New Development
E48 – Noise Generating Development
H15 – The Amenity of Residential Areas

Policy 22 (The Design of Open Spaces) of the Darlington Open Space Strategy 2007 – 2017 is also relevant

Planning Policy Guidance Note 15 – Planning and The Historic Environment is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

DBC - Environmental Health Officer

Recommend that the standard land contamination condition be attached as this is a sensitive end user

DBC – Anti-Social Behaviour Team

Advise that there have been no recent reports of Anti-Social Behaviour in the Brinkburn Dene. The last complaints were received back in July of youths gathering and drinking alcohol in the park and also a complaint in August of youths setting fireworks off in the park. Nothing materialised from either of these complaints and no further complaints were made so both cases were closed.

DBC – Highway Engineer

Raises no highway objection.

DBC – Senior Arboricultural Officer

Advises that the trees are on the periphery of the proposed development and it would appear that the application site is outside of the root protection area (RPA) of the trees. The applicant has not provided an Arboricultural Implications Assessment (AIA), an Arboricultural Method Statement (AMS) nor a Tree Protection Plan (TPP). I would like an AMS and TPP. If the development is approved the trees must be protected.

One letter of objection has been received which raises the following issues:

- *Originally in favour, however now I have more information I am opposed to the project.*
- *My impression was that the area would be cleaned up and surrounded by a low fence to prevent the toddlers being hit by the numerous cyclists who race past.*
- *During the last year there has been an increase in the number of quiet electric buggies. Some of the operators would appear to be strangers to powered vehicles and are accidents waiting to happen.*
- *No understand that the proposal includes installing playground equipment, which I think will attract teenagers during the evening and late nights.*
- *Live close to the site and am far from happy with the prospect.*
- *In the years since the decision was made not to lock the park at night, I have had ten windows at the front of the house and one at the rear broken by stones through by youths congregating in the park, usually consuming alcohol.*

- *Appreciate the efforts to minimise the trouble but what usually happens is that the groups move to another area and continue being a nuisance.*
- *Hope you have second thoughts about installing equipment and keep the area as it is so that the youngsters can play safely and not be injured by broken glass left by the yobs.*

PLANNING ISSUES

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

- Planning Policy
- Impact on the Character and Appearance of the Stanhope Road/Grange Road Conservation Area.
- Residential Amenity
- Flooding Issues
- Tree Issues

Planning Policy

Policy R4 (Open Space Provision) states that the Council will seek to ensure that provision of all forms of open space for recreation in the urban area, including parks, informal amenity open space, playing fields and children's play areas is maintained. The policy also seeks to encourage a wide variety of spaces for recreation use within the urban area.

Policy 22 (The Design of Open Spaces) of the Darlington Open Space Strategy 2007 – 2017 is also relevant and states that new and existing open spaces should reflect local distinctiveness and local townscape context; be well connected to the surrounding development it is intended to serve; be accessible to all; wherever possible integrate a range of open space uses; reflect and integrate pedestrian and cycle desire lines and be overlooked by neighbouring properties. They should also include clear boundaries, entrances and gateways, the retention of existing landscape features, tree and shrub planting using native species, wildlife habitats and sustainable drainage.

The application site is an existing area of open space Deneside Road and Dene Grove, either side of Cocker Beck. The area is well used for informal recreation and as such the principle of the proposed development is considered acceptable.

Impact on the Character and Appearance of the Stanhope Road/Grange Road Conservation Area.

PPG 15 'Planning and the Historic Environment' requires that in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the desirability of preserving or enhancing a conservation area should be a material consideration in the determination of a planning application for development within such areas.

The Denes area is also designated as Open Land within the Local Plan. Policy E3 (Protection of Open Land) states that in considering proposals to develop any area of open land within the urban development limit, the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole, and to supplement the intern connections between the elements. Policy E29 (The Setting of New Development) requires that new development respects the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features.

The proposed toddler play area is to be enclosed by a 1 metre high fence, although details of the proposed equipment is unknown at this stage and has not therefore been included in the application. The Design and Access Statement accompanying the application states that the proposed play equipment will be sympathetic to its surroundings and the equipment chosen will be aimed towards children of toddler age (5 years and under).

The proposed play area will be sited on lower ground, close to Cocker Beck and although views of the site from within Tennis Court Dene will be readily visible, obscured to an extent by existing mature trees within the Dene, the play equipment will not be unduly visible from the surrounding streets. The proposed play equipment will improve existing opportunities for informal access and recreation of the wider Cocker Beck area.

Although details of the proposed play equipment is not known at this stage, approval of the details can be dealt with by way of a planning condition requiring the submission of details prior to the commencement of development. Notwithstanding this, the siting of play equipment in an area already used for informal recreation, that is well screened by existing mature trees is considered to preserve the character of the Grange Road/Stanhope Road Conservation Area. Furthermore it is not considered that the proposed play area will adversely affect the open nature of the area. The proposal is therefore considered to comply with Policies E3 (The Protection of Open Land) and E29 (The Setting of New Development).

Residential Amenity

Policy H15 (The Amenity of Residential Areas) states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character or with the quiet enjoyment of dwellings and gardens in particular. Policy E48 (Noise-Generating/Polluting Development) states that permission will not be granted for development which, by reason of the emission of noise or other pollutant, would be materially harmful to the amenities of existing or proposed residential areas.

The nearest residential properties are located approximately 20 metres away to the east on Dene Grove and approximately 25 metres to the north west on Westlands Road. One letter of objection has been received from the occupant of a property on Westlands Road, close to the entrance to Tennis Court Dene. The objection relates, in part, to anti-social behaviour which exists at present within The Denes and also that the proposed equipment will encourage youths to congregate in this area, exacerbating the current situation.

The application includes a 'Summary of Consultation', which sets out the consultation undertaken to date on the proposal. The document states that in May 2009 those residents whose properties face or back onto Tennis Court Dene were consulted by Groundwork on the proposals. Of those who commented on the application and expressed concern, the majority of those are concerned that the play facility will attract groups of young people for the wrong reasons and that anti-social behaviour in the area will increase and therefore cause problems for those residents surrounding Tennis Court Dene. The document concludes that the Council's Anti-Social Behaviour Team is aware of the situation and is looking into issues raised by residents.

The Denes is an area already used for informal recreation. However it is not considered likely that the proposed play area would compound the existing problems with anti-social behaviour in

the area to such a degree so as to warrant refusal of planning permission on this basis. The Council's Anti-Social Behaviour team have confirmed that there have been no recent reports of anti-social behaviour in the Dene. Comments are also awaited from the Police Architectural Liaison Officer and will be reported verbally at the meeting.

Flooding Issues

The application site lies within Flood Risk Area 2. A Flood Risk Assessment (FRA) has been requested and details of the FRA together with the Environment Agency's response will be reported at the meeting.

Tree Issues

The Council's Arboricultural Officer has advised that there are a number of trees within the vicinity of the application site, although the proposed play equipment would appear to lie outside of the root protection areas (RPAs) of these trees. A condition requiring the protection of these trees during the development is attached.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The issues of crime and anti-social behaviour, arising from the use of the proposed play equipment, have been raised during the consultation process. Although the application acknowledges that The Denes area has a history of anti-social behaviour is a particular problem, it would be difficult to argue that this would be aggravated as a consequence of the proposed development and the refusal of the planning application on this basis cannot be justified. If crime or anti-social behaviour does occur at the site as a consequence of the proposed development then the appropriate agency, either the Police or Uniformed Wardens, should respond to these matters.

CONCLUSION

The proposal involves the provision of improved community facilities in such a location as to be accessible by local residents. The proposal does not raise any issues in respect of highway safety or visual or residential amenity. It is not considered that the development will lead to an increase in anti-social or criminal behaviour. The proposed development is considered to comply with the relevant policies in the Borough of Darlington Local Plan 1997 and the Darlington Open Space Strategy 2007 – 2017.

RECOMMENDATION

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard Time Limit)
2. J2 (Contaminated Land)
3. Prior to the commencement of the development hereby permitted full details of the proposed play equipment, associated surfacing and the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the play area shall be constructed in accordance with the approved details and be so maintained.
REASON - In the interest of the visual amenity of the area.
4. E11 (Tree Protection)

5. B5 (Development in Accordance with the Approved Plans)

SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION

The proposed development is considered acceptable in this location and will not give rise to conditions prejudicial to local amenity or highway safety. The application does not raise any issues in relation to highway safety or crime prevention and complies with the relevant policies of the development plan, as listed below:

Borough of Darlington Local Plan 1997

R1 – Designing for All

R24 – Open Space Provision

R20 – New Sports and Recreational Facilities

R25 – Provision of Community Facilities

E3 – Protection of Open Land

E29 – The Setting of New Development

E48 – Noise Generating Development

H15 – The Amenity of Residential Areas

Darlington Open Spaces Strategy 2007 – 2017

Policy 22 – The Design of Open Spaces

Planning Policy Guidance Note 15 – Planning and The Historic Environment