

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 September 2009

Page

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| APPLICATION REF. NO: | 09/00541/DC |
| STATUTORY DECISION DATE: | 29 September 2009 |
| WARD/PARISH: | PARK WEST |
| LOCATION: | Broken Scar Picnic Site, Coniscliffe Road |
| DESCRIPTION: | Construction of enlarged childrens play area and ancillary features, including footpath, fencing, picnic area and relocation of existing trim trail 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 erection of an extension to the existing childrens play area, located near the southwestern corner of the Broken Scar Picnic Site. The proposals include the provision of low level mounding (approximately 1m in height) around parts of the play area and a huck rope bollard system, approximately 0.9m in height, around the remainder. Other elements of the scheme involve the relocation of the existing trim trail and the addition of more picnic tables on the site. A tarmac footpath is proposed between the play area and adjacent car park to provide improved pedestrian access.

A grass mat would sit underneath the play equipment and cover the designated equipped play area. Play equipment would include a roundabout, seesaw and swings.

An accompanying statement with the application states that improvements to the play area/picnic area have been long waited by the local users of the site and that local residents have been consulted on the proposals produced by Groundwork. Groundwork's initial scheme (Ref:09/220) was withdrawn following an objection from Darlington Association on Disability (DAD). This new submission follows more detailed discussions with DAD to address their concerns.

PLANNING HISTORY

The only planning history relates to the original application (Ref: 09/220) for a similar scheme which was withdrawn in August 2009.

PLANNING POLICY BACKGROUND

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

E7 - Landscape Conservation
E8 - The Area of High Landscape Value
E12 - Trees and Development
R1 - Designing for All
R4 – Open Space Provision
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.

RESULTS OF CONSULTATION AND PUBLICITY

Darlington Association on Disability (DAD) have commented that they have no objection to the proposals.

PLANNING ISSUES

The main issues to be considered are: -

- Planning Policy
- The visual impact on the landscape
- Residential Amenity; and
- The effects on nearby trees

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 site has been in use as open space and an informal play area for many years. The principle of the proposed development is considered acceptable. The following development control matters also require further consideration.

Visual Impact

The proposed extension to the existing play area and other works are fairly modest and unlikely to result in any harmful visual affects given the existing context. Furthermore the site is well screened by existing mature tree planting, consequently the overall impact on the Area of High Landscape Value within which the site is situated would be negligible.

Residential Amenity

The nearest residential properties to the proposed enlarged play area are situated approximately 75m away to the north, on the opposite side of Coniscliffe Road. A landscaping belt extends along the southern side of Coniscliffe Road between these properties and the site. In view of this and the separation distance provided there is unlikely to be any adverse effects on the amenities of the occupiers of those dwellings.

Effects on Trees

The Council's Arboricultural Office has advised that the proposed extended play area will come within the Root Protection Areas (RPA) of nearby trees consequently there is the potential for damage to the trees during construction i.e. root severance and compaction of root plates which may threaten their longevity. Consequently he has requested a condition to ensure that any excavation works within the RPA's and drip lines of the tree canopies are by hand digging method only. Tree protection measures are also sought to protect the trees generally from work connected with the construction of the play area and relocated trim trail, which again can be conditioned.

SECTION 17 OF THE CRIME AND DISORDER ACT 1999

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 development is considered acceptable in this location and will not result in any material harm to the area of High Landscape Value within which the site is located or the amenities of the area in general. Neither is it considered that the proposals would result in any adverse effects to nearby trees. The application does not raise any issues in relation to crime prevention.

RECOMMENDATION

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

- 1) A3 Implementation Limit (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)

- 3) Any excavation works necessary in connection with the approved extended play area shall be by hand dig method only where within the Root Protection Areas and drip lines of canopies of adjacent trees. The precise extent of the hand dig area shall be agreed by the Local Planning Authority prior to the commencement of work.

REASON – To safeguard the well being of the trees in the interests of the visual amenities of the area.

- 4) Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect existing trees adjacent to the extended childrens play area and the relocated trim trail. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities (other than agreed under condition 3 above) shall take place within the segregated protection zones in the area of the trees:
- (a) The raising or lowering of levels in relation to the existing ground levels;
 - (b) Cutting of roots, digging of trenches or removal of soil;
 - (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
 - (d) Lighting of fires;
 - (e) Driving of vehicles or storage of materials and equipment.

REASON- To ensure that a maximum level of tree protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed development is considered acceptable in this location and will not result in any material harm to the area of High Landscape Value within which the site is located or the amenities of the area in general. Neither is it considered that the proposals would result in any adverse effects to nearby trees. The application does not raise any issues in relation to crime prevention and complies with the relevant policies of the development plan, as listed below.

Borough of Darlington Local Plan 1997

E7 - Landscape Conservation
E8 - The Area of High Landscape Value
E12 -Trees and Development
R1 - Designing for All
R4 – Open Space Provision
E48 – Noise Generating Development
H15 – The Amenity of Residential Areas

Darlington Open Spaces Strategy 2007 – 2017

Policy 22 – The Design of Open Spaces