

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 February 2010

Page

APPLICATION REF. NO:	09/00856/DC
STATUTORY DECISION DATE:	26 January 2010
WARD/PARISH:	MOWDEN
LOCATION:	Bushel Hill Park, Darlington
DESCRIPTION:	Erection of equipped Play Area with Grass Mat Safety Surface (as amended by plans received 26 January 2010)
APPLICANT:	Director of Corporate Services

APPLICATION AND SITE DESCRIPTION

Bushel Hill Park is an area of open space measuring 2.1 acres (0.85 hectares) within a predominately residential area. There are dwellings and an area of open space on Conyers Avenue to the north of the application site; a footpath and dwellings lie to the east and the Mowden Infant and Junior Schools form the south and west boundaries respectively. The Park contains a number of mature trees, none of which are covered by a tree preservation order, and there is an existing play area in the south west corner. Access to the Park is via Bushel Hill Drive to the south and Conyers Avenue to the north.

This is an application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the erection of an equipped play area within the Park. Darlington Borough Council has initiated the project as funding has become available through the National Playbuilders scheme. The aim of the project is to provide further play equipment, which is more challenging for the children and young people using it. The Council, through Groundwork, have worked together with the Bushel Hill Community Association to discuss proposals to improve the Park. During this consultation exercise, it was considered that the existing mature trees in the site should be incorporated into the proposal to provide play opportunities for the users and various pieces of play equipment will be attached to the trees and placed under their canopies.

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

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

E3 - Protection of Open Land
E12 - Trees and Development
R1 - Designing For All
R2 - Access for People with Disabilities
R12 - Access to Open Land and Countryside
R25 - Provision of Community Facilities and Services

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received raising the following concerns:

- *The size of the park and its proximity to residential properties is not appropriate to this type of play equipment, particularly in view of the fact that the Council has refused to consider the installation of CCTV equipment. I understand the CCTV equipment has been installed in all other parks where this type of play equipment has been provided;*
- *We already have problems with anti social behaviour in the area and the police already attend most weekends. I consider that the provision of this type of play equipment will act as a magnet for further anti social elements, particularly in view of the fact that the Council has refused to consider the installation of CCTV equipment*
- *There is inadequate parking and access into Bushel Hill Park. Bushel Hill Drive already has problems with the amount of traffic using a small, residential cul de sac (e.g. school parents, school visitors, school deliveries involving very large lorries; brownies, girl guides, Northumbrian Water, Council lorries, NEDL, which keeps a small digger in the sub station, necessitating the use of an articulated low loader to transport it. There are very few times in the week when it is convenient to take the car out without encountering traffic problems before reaching the end of the Drive. The provision of play equipment would only exacerbate this problem*
- *It is wanton vandalism to use 100+ year old trees to install play equipment. There are also at least two species of bats, which roost in the park. I have raised this issue already to no avail. The provision of this play equipment would disturb them*
- *Although residents living in the immediate vicinity have already raised these concerns with Ground Work and local councillors, our views appear to have been discounted in favour of those Mowden or other Darlington residents who not living near the park and whose children attend the local schools, wish to have them “off their hands” after school and at weekends.*

Consultee Responses

The Council's **Highways Engineer** has raised no highway objections to the proposed development.

The Council's **Senior Arboricultural Officer** has no objections to the principle of the proposed development but he has requested the imposition of conditions to ensure that the existing mature trees in and around the site will not be adversely affected.

The **Durham Constabulary Architectural Liaison Officer** has concluded in his remarks that from the enquiries he has made, the consensus of opinion seems to be that the development will be a benefit and that anti social behaviour will occur regardless of the new play area.

PLANNING ISSUES

The main issues to be considered here are whether or not the development is acceptable in the following terms:

- Planning Policy
- Residential Amenity
- Visual Appearance and Character of the Area
- Highway Matters
- Tree Matters

Planning Policy

The site forms part of the Open Land Network defined by Policy E3 (Open Land Network) of the Borough of Darlington Local Plan. Policy E3 states that in considering proposals to develop land within these areas, the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the Open Land system as a whole. Permission will not be granted for development, which inflicts net material harm on the Network. It is considered that the creation of this play area would not have a detrimental impact upon the Network.

The principle of the development is generally accepted in planning policy terms, and the remainder of the report will consider the impact of the development in general development control terms.

Residential Amenity

Bushel Hill Park is located within a predominately residential area although Mowden Infant and Junior Schools form the south and west boundaries respectively. Palisade fencing encloses the Park, approximately 2 metres high. There is an existing play area in the southwest corner of the Park and a crest of mature trees along the north boundary.

The objector has raised concerns over the development generating anti social behaviour. Groundwork has confirmed that the issue was raised during their consultations with local residents, as the area had been the subject of anti social behaviour over the years. The Police and members of the Council's Anti Social Behaviour Team have been involved in the public consultation exercises and attended meetings about the proposal and their contact details were given to residents to allow them to report any incidents.

The Council's Anti Social Behaviour Assistant has confirmed she did assist Groundwork with their public consultation exercises and she has commented, "*Several residents did have strong concerns that the new park would bring about increased anti-social behaviour due to the history of anti-social behaviour in the park. It has been a 'hotspot' for us on several occasions, the last being in September 2009. We worked closely with the Police to target underage drinking in the park and if problems came about again we would take similar lines of action.*

As it is has been a previous hotspot for us I could not say it would never be a hotspot again, even if the park developments did not go ahead."

The Architectural Liaison Officer from Durham Constabulary (ALO) has confirmed that there have been problems with anti social behaviour in and around Bushel Hill Park. During the spring and summer of 2009 there were serious issues of anti social behaviour, which were tackled by pro active policing in conjunction with the Council and the Community Association.

The ALO has stated *“the improvements will generate anti social behaviour especially if they attract young people from a wider area who are not known locally. Surveillance across the Park is limited, which increases the anonymity of the young people, and this can lead to anti social behaviour as they lose their inhibitions, having no fear of being recognised”*

However, his concluding remarks are *“In summary, from the enquiries I have made the consensus of opinion seems to be that the development will be a benefit and that anti social behaviour will occur regardless of the new play area”*.

Groundwork has confirmed that as part of the funding agreement with the National Playbuilders Scheme, the funding cannot be spent on general security measures such as the installation of CCTV cameras, lighting or improving the existing boundary fencing of the Park. The funding can only be spent on improving play provision. However, Darlington Borough Council Anti Social Behaviour Team and Groundwork are continuing to work with partners such as the Bushel Hill Community Association and the Police on security issues for this Park and the wider area.

To conclude, on the matter of anti social behaviour, the remit of the Playbuilders Scheme funding is for the improvement of play provision only and not for the wider security issues of each individual location (there are 11 sites in total in the Borough for which funding has been secured). The Park has had a history of anti social behaviour, which was successfully dealt with by the Police and the Council’s Anti Social Behaviour Team and if such problems arose again there are existing measures to deal with it. The ALO or the Council’s Anti Social Behaviour Team consider that anti social behaviour could occur at the Park regardless of the new play area and therefore, on balance, it is considered that the proposal should not be refused on these grounds.

An amended plan has been submitted which repositions the equipment further away from the nearest dwellings located on Conyers Avenue. The play equipment would not result in any loss of privacy issues for the dwellings, which surround the Park

Visual Appearance

The equipment would consist of structures made from preserved wood in order to be sympathetic to its surroundings. The play area would not have a detrimental impact on the visual appearance or character of the Park or the surrounding area.

Highway Matters

Bushel Hill Park is a local park and it is not envisaged that the proposed development would attract a high volume of traffic. It is expected that most of the users of the Park will be local to the area and visit on foot or by cycle. The Council’s Highways Engineer has raised no highway objections to the proposed development.

Tree Matters

The mature trees within the Park are not covered by a tree preservation order. The trees to the north of the Park, on Conyers Avenue are covered by an Order dated 1951. The application was accompanied by limited information on how the proposed development would impact upon the trees within and around the Park but Council’s Senior Arboricultural Officer has no objections in principle to the play area.

It is considered appropriate to impose a planning condition requesting further details on the construction methods for the play area.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The impact of anti social behaviour has been an issue considered by Groundwork, Darlington Borough Council's Anti Social Behaviour Team, the Police and the Bushel Hill Community Association at the earliest stages of this proposal.

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

Darlington Borough Council and Groundworks have submitted this planning application following public consultation with local residents, interest groups and the Police. Whilst the Park has a history of attracting anti social behaviour, there are other methods of dealing with the issue and it is considered that such behaviour could occur regardless of the new play area and therefore the proposal should not be refused on such grounds. The proposed location of the equipment has been amended to maintain privacy levels with the neighbouring dwellings. The proposal does not raise any highway safety issues and subject to the imposition of appropriate planning conditions, the impact on the trees can be safeguarded. The following policies within the Borough of Darlington Local Plan were taken into consideration:

E3 - Protection of Open Land
E12 - Trees and Development
R1 - Designing For All
R2 - Access for People with Disabilities
R12 - Access to Open Land and Countryside
R25 - Provision of Community Facilities and Services

RECOMMENDATION

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

1. A3- Implementation Period
2. Prior to the commencement of the development, an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. The details shall include construction methods for fixing the play equipment into the ground and the trees; tree protection measures in accordance with BS5837 2005; soil removal and any tree pruning; confirmation of the site entrance to be used by the developer; areas for the storage of materials and associated temporary buildings. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To safeguard the trees within and around the site in the interests of the visual amenity of the area.

3. B5 – Detailed Drawings (Accordance with the Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Darlington Borough Council and Groundworks have submitted this planning application following public consultation with local residents, interest groups and the Police. Whilst the Park has a history of attracting anti social behaviour, there are other methods of dealing with the issue and the proposal should not be refused on such grounds. The proposed location of the equipment has been amended to maintain privacy levels with the neighbouring dwellings. The proposal does not raise any highway safety issues and subject to the imposition of appropriate planning conditions, the impact on the trees can be safeguarded. The following policies within the Borough of Darlington Local Plan were taken into consideration:

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