

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 11 MARCH 2009**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>09/00027/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>23/03/09</b>
<b>WARD/PARISH:</b>	<b>COLLEGE</b>
<b>LOCATION:</b>	<b>Federation of Abbey Schools, Abbey Road</b>
<b>DESCRIPTION:</b>	<b>Erection of wooden framed canopy to form covered walkway (amended description, amended photographs and documents received 03.02.09 and amended and additional plans received 24.02.09)</b>
<b>APPLICANT:</b>	<b>Director of Corporate Services</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of a wooden framed canopy over the existing footpath that links Abbey Infant and Junior Schools. A realignment of the existing footpath is proposed at the southern end of the site nearest to the Infant School. The realignment of the footpath does not constitute development and therefore planning permission is only to be considered for the erection of the canopy. The impact of the section of realigned footpath on the existing trees located near the infant school will be given consideration but is not material to the planning decision as to the acceptability of the proposed canopy.

**PLANNING HISTORY**

06-01183/DC – Erection of multi-use hall incorporating changing facilities. GRANTED 8th February 2007.

**PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan 1997 are relevant to consideration of the application:

- E2 – Development Limits
- E3 – Protection of Open Land
- E12 – Trees and Development
- E29 – The setting of New Development

H15 – The Amenities of Residential Areas  
R1 – Designing For All

## RESULTS OF CONSULTATION AND PUBLICITY

Two letters of objection have been received from nearby residents which raise the following issues:

- Drainage – a resident on Neville Road is experiencing problems with water running off an extended hard surfaced play area created several years ago. Serious concerns are therefore raised about the impact upon drainage as a result of the construction of a canopy.
- Appearance – from the application details it is not clear what the canopy will look like. Additional plans have subsequently been supplied. There are also concerns that a structure of this length would potentially be vulnerable to damage from high winds.
- The canopy stops short of each school that appears to somewhat defeat the object of having a covered walkway.
- The playing fields are regularly used by youths for skateboarding and football. It is feared that the canopy will attract youths to loiter and climb on the structure.
- The application information is considered to be substandard as the drawings do not provide an accurate indication as to the design of the canopy and also the base plan showing the school site is outdated.
- Concern is raised about the potential reduction in a playing field area.
- Concern is raised that the canopy would restrict users to the footpath which is extensively used by both pedestrians and cyclists.
- The proposal was amended at an early stage from a steel framed canopy to a wooden framed structure and yet the cost quoted in the supporting information remains the same. It is also considered that this is merely an exercise in utilising budget before the end of the financial year.

**Sport England** - Originally the relocated footpath at the Infant School side of the site encroached upon the southern end of the schools playing field. Objection was therefore raised as Sport England oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field (including run off areas). As a result the scheme was modified with the walkway taking a more direct route between the two schools. This revised scheme ensures that the playing field area is not encroached upon and therefore sport England responded to confirm withdrawal of their initial objection.

**Highway Authority** – Raise no objections to the proposed development. The Transport Policy section is supportive of the development as it could reduce car journeys between the two sites while at the same time providing an area of shelter for parents waiting to collect their children after school.

**Arboricultural Officer** – The revised layout for the canopy has resulted in works being proposed in close proximity to a group Sycamore and Alder trees located to the southern end of the playing field. The Councils Arboricultural Officer was consulted in relation to this revised scheme and although the trees are not subject to tree preservation order they are of landscape value to the site and should be retained. It is recommended that the trees should be crown lifted

by a qualified and insured arborists and undertaken in accordance with the BS3998 (Tree Work). There is also concern that the installation of the canopy could result in damage to the tree root tissue. A condition is therefore recommended to require the prior submission of a method statement to ensure these trees are protected.

## **PLANNING ISSUES**

The main issues relevant to consideration of this application are:

- Planning Policy
- Impact on Visual Amenity
- Residential Amenity
- Flooding
- Other Issues Raised by Objectors

### **Planning Policy**

The principle of development in this location is broadly acceptable as the application site is within development limits as identified in Policy E2 of the Borough of Darlington Local Plan. The playing fields of Abbey Schools are identified by Policy E3 of the Local Plan as 'Open Land' and therefore any development in these areas should maintain the usefulness and enhance the appearance of the open land system as a whole, and supplement the interconnections between its elements. Overall the proposed canopy is considered to be compliant with the requirements of this policy. Sport England originally objected to the proposal on the grounds that the proposed canopy and footway encroached upon the formal play area. This was subsequently modified to only use space away from the formalised playing fields and therefore the objection was removed. As such while there is no planning policy objection to the proposed development consideration must be given to the following development control issues:

### **Impact on Visual Amenity**

Both junior and infant schools are predominantly single storey in height but are separated by playing fields and informal open space measuring approximately 128m in length between the nearest point of each school. The proposed canopy will measure 2.3m in height to the eaves of the canopy roof at a width of 2m, to span the existing footway. The canopy will be a total length of approximately 108m. This does represent a substantial structure but owing to it being open on all sides visual impact will be minimal. Roofing is to be clear UV treated polycarbonate with a curve to shed rainwater and visually echo that of the shape used for both the sports hall and nearby cycle storage facility. Concerns are raised about the vulnerability of the structure to wind damage. The structure is lightweight in construction and the timber frame is to be set in a suitably prepared concrete base, although exact specifications are to be determined prior to a contract being issued should planning permission be granted. The canopy will be of similar height to the existing cycle store, which is located to the west of the existing footpath. It is therefore considered that the canopy will have minimal visual impact.

### **Residential Amenity**

The revisions to the scheme in order to address Sport England's objection have resulted in the canopy to the southern end of the site being moved significantly away from the residential properties on Neville Road. In the original scheme the canopy would have been around 39m from the nearest residential property, the scheme currently under consideration would be some 72m from the nearest property. It is therefore unlikely that there would be any adverse impact on residential amenity. Sufficient space is maintained between residential properties and the canopy

that any rainwater will be fully absorbed within the school grounds and the canopy is sufficient distance from these properties that should it be used as a shelter there will be no possibility of loss of privacy. The school has confirmed that on an evening the school grounds are locked and secured so there should not be issues with youths congregating under the canopy.

### **Flooding**

The application site is within Flood Risk Zone 3, which is of the lowest risk of flood events. Therefore following the Environment Agency's standard advice applies and no comment is provided for development of this nature.

### **Other Issues Raised by Objectors**

Objection was raised on a number of grounds that are not material to the determination of the proposal including issues over the cost of the project. It was also raised that the plans submitted included inaccuracies such as the number of parking spaces and also orientation of playing pitches on the plan but again this does not effect the decision. Should the proposal have had an impact on parking revised accurate plans would be required in this instance layout of car parking spaces is not of significance and the layout is therefore considered to be indicative. Concerns are raised that the canopy may restrict pedestrian flow particularly when combined with a number of children that cycle to school and use the cycle shelter already provided on site. There are no indications that pedestrian flow would be significantly affected by the installation of the canopy as the footpath will remain the same width and will be open sided enabling pedestrians and cyclists to pass one another.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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. The risk of youth's congregating under the proposed canopy has given rise to objections. The education department has been informed by the school that when the school is closed all access gates are locked and the site is bounded by substantial security fencing. At present neither school has had reports of youths entering the site after hours. The proposal is therefore considered to not give rise to significant concerns for instances of crime and disorder.

### **CONCLUSION**

Overall it is considered that the development is appropriate in this location. The canopy follows the existing line of the footpath that already forms a demarcation point between formal and informal play spaces. Its open sided nature will not restrict movement between these formal and informal play spaces at the school site. The footpath is more intensively used since the construction of an indoor sports hall on the Abbey Junior School side of the site.

The canopy is of a lightweight construction with timber supporting frame and clear polycarbonate roofing. It is located on the lower level of the school grounds that slope up towards Carmel Road to the west. The canopy will be visible at a distance from Carmel Road and also residential properties on Neville Road, however its location at a low point of the school grounds will ensure that the canopy will not be visually intrusive or cause harm to residents amenity.

**RECOMMENDATION**

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

- 1) A3 – Implementation limit (3 Years)
- 2) B4 – Details of Materials
- 3) B5 – Detailed application (Implementation in accordance with approved plans)
- 4) E11 – Tree Protection

**SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The application site is located within development limits and the proposed development is not considered to impact upon the open nature of the school playing field. It is considered that by reason of its size, position and appearance the proposed canopy will not cause harm to the character and appearance of the Abbey School's or their surroundings or residential amenity. No material issues are raised in relation to crime prevention. The proposal is considered to comply with the relevant policies in the development plan as set out below:

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

- E2 – Development Limits
- E3 – Protection of Open Land
- E12 – Trees and Development
- E29 – The setting of New Development
- H15 – The Amenities of Residential Areas
- R1 – Designing For All

Any works undertaken to the trees should be undertaken by a qualified and insured arborists and undertaken in accordance with BS3998 (Tree Work).