

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 February 2010

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APPLICATION REF. NO:	09/00886/DC
STATUTORY DECISION DATE:	4 February 2010
WARD/PARISH:	NORTH ROAD
LOCATION:	Grass Street, Darlington
DESCRIPTION:	Refurbishment of existing play area with new play equipment, new footpath, enclosure fencing, pedestrian and maintenance access gates
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 refurbishment of an existing play area which will include the installation of new play equipment, the construction of railings, pedestrian and maintenance access gates at the entrance to the site on Grass Street, together with a new footpath to the proposed new play area from the Grass Street entrance. The park is currently closed while the construction of Northwood Park Primary School to the north of the site takes place.

The application site is an existing play area accessed off Grass Street. The site is bounded by residential properties on Grass Street to the south and by Bob Harrison Court to the west. Northwood Park Primary School is located immediately to the north and west of the application site. A total of six trees, protected by Tree Preservation Order, are located on the periphery of the site.

A Design and Access Statement has been submitted with the application.

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

E12 – Trees and Development
E13 – Tree Preservation Orders
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

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer

It is likely that works will be required within the highway at the proposed access, I would therefore request that you include an informative within an approval.

Senior Arboricultural Officer

The proposed development is within the Root Protection Areas (RPAs) of several trees which are category B trees within the BS5837, therefore this proposed development should be refused as it does not fit the criteria of BS5837. The application has not provided an Arboricultural Implications Assessment (AIA), an Arboricultural Method Statement (AMS) nor a Tree Protection Plan (TPP).

Environmental Health Officer

Request that standard condition J2 be imposed.

Durham Constabulary Architectural Liaison Officer

There is a history of anti-social behaviour in this play area. In 2008 there were serious issues with young people drinking alcohol and causing annoyance to residents. This was only resolved following concerted Police action. The park has been misused by people on off-road motorcycles and there have been problems with dog fouling which lead to the park being under-used particularly by mothers and toddlers. When I visited the site in May 2009 the residents I spoke to were in favour of the new school boundary fence being extended to the building line with the park effectively being absorbed into the school grounds. In my view the park is out of context with the surrounding area and lacks natural surveillance, it will always have the potential to generate anti-social behaviour. I have no issue with the proposed layout of the play area but I would strongly recommend if the proposal goes ahead that the railings and gate at the entrance should be at least 2 metres high and extended to the building line to secure the site. The gates should be locked during the hours of darkness to control access. Allowing use of the park at night will generate anti-social behaviour.

PLANNING ISSUES

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

- Planning Policy
- Visual Amenity
- Residential Amenity
- 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 off Grass Street and as such the principle of the proposed development is considered acceptable.

Visual Amenity

The application site is 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 internal 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 application proposes refurbishing an existing play area, which is currently closed while the construction of the new Northwood Park Primary School, takes place. The proposed play equipment will be located centrally within the site, accessed by a new footpath from the Grass Street entrance. 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 however states that the proposed play equipment will be of steel construction, to be as durable and vandal resistant as possible. A rubber wet pour safety surface will also be used. The intention of the scheme is to improve the look of the current play area and provide up to date equipment for children of a variety of ages and abilities.

The existing site is well screened by existing trees and to an extent by the houses, which surround the site on its west and southern sides, and will be seen against the backdrop of Northwood Park Primary School to the north. As such the proposed play equipment, associated railings and access gates are unlikely to have an unacceptable visual impact on the street scene or surrounding area and is not considered to adversely affect the open nature of the site. Although exact 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. 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 on the immediate southern boundary of the site on Grass Street and approximately 5 metres away from the western boundary on Bob Harrison Court. Those properties on Grass Street and Bob Harrison Court were consulted on the application by letter and a site notice was also posted on James Street, adjacent to the Grass Street entrance to the park. No responses have been received as a result of this consultation exercise.

The application includes a 'Summary of Consultation', which sets out the consultation undertaken to date on the proposal. The document states that consultations have been held with parents and children from the former North Road School and also residents of Grass Street, who commented on the type of equipment they would like to see in the play area and mentioned that they have missed the park while it has been closed.

The Police Architectural Liaison Officer has advised that there is a history of anti-social behaviour in this play area and in 2008 there were serious issues with young people drinking alcohol and causing annoyance to residents, and further problems have been encountered with people using off-road motorcycles and dog fouling. He further advises that, in his opinion, that the park is out of context to the surrounding area and lacks natural surveillance and that it will always have the potential to generate anti-social behaviour. Although he has no issues with the proposed layout of the play area, he recommends that the height of the railings and gates be increased to 2 metres and extended to secure the site. The gates should be locked during the hours of darkness to control access.

The applicants' agent has advised that:

Having done some consultation around the area we are aware of the anti-social behaviour issues around the area and know of the problems with dog fouling. We have raised these issues with relevant DBC officers. (Enforcement team and anti-social behaviour team) and they already knew of them. We would be unable to raise the size of the railings as the gates as this would be additional costs, which we do not have within our budget. The gates would not be locked and the site will remain open as other parks and open spaces are around the town. The raised railing would not be of much benefit if the gates can't be locked as those who wanted to could still access the site.

The application site is an existing play area, which is currently closed off while construction work is completed on the new primary school immediately to the north of the site. This proposal relates to the refurbishment of an existing play area, to which access has never been restricted, and although the concerns of the Police Architectural Liaison Officer are noted, it is not considered that the refurbishment of the 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 has been asked to comment on the planning application and their comments will be reported verbally at the meeting.

Tree Issues

Local Plan Policy E12 (Trees and Development) states that development proposals must take full account of trees, woodlands and hedgerows on and adjacent to a site. There are a total of six trees on the site, which are subject to Tree Preservation Order. The Council's Senior

Arboricultural Officer has advised that the proposed play equipment will be sited within the Root Protection Area (RPA) of these trees, which will have an unacceptable impact on the health and stability of these trees. The applicants' agent has advised that amended plans will be submitted showing the proposed play equipment sited outside of the RPA of these trees. The Senior Arboricultural Officer has indicated that he would be agreeable in principle to such an amendment, however his comments on the amended plans will be reported verbally at the meeting.

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 issue of crime and anti-social behaviour relating to the application site has been raised during the consultation process. Although it is acknowledged that the application site has a history of anti-social behaviour, 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. 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.
3. J2 (Contaminated Land)
4. E11 (Tree Protection)
5. B5 (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
E12 – Trees and Development
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E48 – Noise Generating Development
H15 – The Amenity of Residential Areas

Darlington Open Spaces Strategy 2007 – 2017

Policy 22 – The Design of Open Spaces

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director – Highways and Engineering (contact Mr A Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Section 184 of the Highways Act 1980 to execute the works.