

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 March 2010

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| APPLICATION REF. NO: | 10/00023/DC |
| STATUTORY DECISION DATE: | 15 March 2010 |
| WARD/PARISH: | PARK WEST |
| LOCATION: | Green Park, Oakdene Avenue. |
| DESCRIPTION: | Refurbishment of equipped play area providing separate toddler and junior play area and construction of link footpaths (amended description) |
| APPLICANT: | DIRECTOR OF CORPORATE SERVICES |

APPLICATION AND SITE DESCRIPTION

Green Park is an area of open space measuring 4.08 acres (1.65 hectares) within a predominately residential area. There are three accesses into the Park, one off Oakdene Avenue (north east); off Harewood Hill (south); and off Coniscliffe Road (north). The Park is within the Stanhope Road/Grange Road Conservation Area and the trees within the site are covered by the County Borough of Darlington Tree Preservation (No 1) Order 1955. There is an existing play area within the Park consisting of a set of swings and a springy rocker.

This is an application submitted under Regulation 3 of the Town and Country Planning Regulations 1992 for the provision of toddler and junior play areas within Green Park. The proposal also involves the construction of footpath links within the Park. The new footpaths would link the existing formal and informal footpaths to the play areas. Darlington Borough Council has initiated the project as funding has become available through the National Playbuilders scheme, which is a project to provide more challenging play equipment for the children and young people using it.

This application has been submitted following extensive consultation between Darlington Borough Council, Ground Works, the Friends of Green Park, the Police and local residents since 2008.

PLANNING HISTORY

None relevant

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

National planning guidance on Conservation Areas is contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment

RESULTS OF CONSULTATION AND PUBLICITY

Four letters of objection have been received. The concerns can be summarised as follows:

- *The plans for the installation of new equipment for older children is wholly inappropriate for such a Park. South Park would be more appropriate;*
- *The Park is in a conservation area with a number of listed buildings overlooking. The Park should not be turned into an adventure park;*
- *The play area will be expanded therefore reducing the distance between it and my property (No 103 Coniscliffe Road)*
- *The proposal will increase the risk of anti social behaviour*
- *The play area will attract more cars to this area, which is already congested*
- *Two out of three streets with Park entrances are Resident Parking Only Schemes and therefore more cars will be parked outside the Coniscliffe Road entrance which already suffers from parking congestion*
- *The play area for older children is an ugly addition to the park*
- *The park is not locked and remains open all night, which attracts anti social behaviour. This will make matters worse and very little is done to prevent disorder*
- *Who will maintain the equipment? Will it fall into disrepair which is what happened to previous play equipment*
- *Will the equipment interfere with the trees, which have a preservation order on them?*
- *Where is the demand for the proposed equipment?*
- *The structures are too big, too ugly and too dangerous*
- *The development proposal in their current location will have an unacceptable and detrimental impact on the amenity of residents on Coniscliffe Road whose properties back onto the Park. The proposals will result in the existing play area moving closer to the boundary with the properties in Coniscliffe Road*
- *The Park suffers from problems of underage drinking and antisocial behaviour. It is envisaged that the provision of the new play area will only exaggerate this problem and become a gathering point for people older than the intended audience of the proposed play equipment. Whilst this is an existing problem, the improvements to the play area will only result in an intensification of the problem*

Sixty five letters of support have been received. These comments can be summarised as follows:

- *The Park has deteriorated over the years and does not meet the needs of residents as it cannot be used by the very young, elderly or disabled as the paths need to be refurbished;*
- *The Council has a responsibility to provide safe, stimulating play equipment that encourages children to play outside*
- *Green Park has been an area of anti social behaviour in the past but with the help of local residents, the Police and Community Support Officers the situation has greatly improved*
- *The more the park is used in a positive way, the less likely it is that people will engage in antisocial behaviour*
- *The play equipment is in keeping with the visual amenity of the Park*
- *The scheme is long overdue and will benefit the local community*
- *The Park currently has poor play facilities*
- *We support the older children's play area as it will provide young people with constructive activity to do and will have a positive impact on the amount of anti social behaviour in the Park*
- *The new paths will make access through the Park better*
- *There is very little green space in the area and it needs to be used*
- *There is a need for such a play area*
- *Antisocial behaviour will diminish*
- *It would be a benefit to the community, create a safe environment and promote exercise and a healthier lifestyle*
- *Green Park is just a dog walking area due to the lack of play facilities*
- *Many houses in the area do not have gardens or gardens big enough to play in and so the improvements are welcomed*
- *Improvements to Green Park will eliminate the need to cross over Grange Road to access the play area within the South Park*
- *The houses on Coniscliffe Road have extensive gardens and are effectively screened by high hedges and fencing*
- *People are likely to be drawn towards underused and under invested Parks to commit crime and anti social behaviour rather than an area which provides facilities local people can be proud of*
- *The Park is a public park and not a private park for the select few*
- *Any traffic impact will be minimal as most users of the Park walk there*
- *As the play facilities are being positioned near the trees at the lowest point I cannot see any privacy issues or problems about the visual impact, overshadowing or overlooking*
- *There has been play equipment in the Park for many years but most of it has been removed and what is left is inadequate*
- *Play area will attract more families*
- *Nearest play area is in the South Park which is a considerable distance to walk*
- *Other parks in Darlington have benefitted from investment resulting in high quality play equipment for local residents. Surely the West End of Darlington is entitled to access this initiative*

A Ward Member for Park East has submitted a letter of support for the proposed development

The Friends of Green Park have submitted a letter of support for the proposed development

Pupils from **St Augustine's RC Primary School** have submitted representations in support of the proposed development

Consultation Responses

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

The **Architectural Liaison Officer from Durham Constabulary** has commented that there is a history of antisocial behaviour in and around Green Park and the introduction of new equipment may attract attention from the wrong sort of young people. However, he suggests that this could be mitigated by improving the surveillance across the park from Oakdene Avenue by raising the height of tree canopies and reducing the height of shrubbery.

The **Council's Senior Arboricultural Officer** has requested the imposition of planning conditions relating to issues such as the construction of the footpaths, tree protection measures, where materials will be stored. He has commented that the trees will not require disfiguring pruning as a result of implementing the proposed development.

PLANNING ISSUES

The main issues to be considered here are whether or not the scheme 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 proposed development 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

The Park is bounded to the north, east, south and west by residential properties. The boundary treatment is a mixture of hedges and trees, close-boarded fencing, stone and brick walling, mesh fencing and wrought iron railings. The ground levels within the Park differ significantly with the highest section being in the southwest corner dropping down towards Oakdene Avenue to the east. The play areas would be located in the lower section of the Park, as the ground level starts to even.

The dwellings on Coniscliffe Road, which back onto the Park, are on a higher ground level than the Park. These dwellings have rear gardens and the boundary treatment with the Park consists of a mix of fencing, railings, hedges and trees. The nearest dwellings to the north (No 101 Coniscliffe Road and Sunnyside, Oakdene Avenue) are approximately 60 metres from the proposed play areas and this distance increases to approximately 70m and more with the other dwellings on Coniscliffe Road. The dwellings on Oakdene Avenue, opposite the entrance, are approximately 50m from the play areas. The side elevation of No 19 Oakdene Avenue overlooks the Park and the play areas would be 30m from this dwelling.

The proposed equipment in the toddlers play area is no more than 2.5metres high but there are pieces of equipment on the junior play area which are 5 metres high (look out tower with platform at 3metres high) and 3.5metres high (climbing structure) however, they have been positioned to ensure that the users of the equipment will not have any direct views into the neighbouring dwellings. The existing trees, shrubbery and hedges within the Park also act as visual barriers from the proposed play areas. Adequate levels of privacy would be maintained.

The objectors have raised concerns over the development generating anti social behaviour. Groundwork has confirmed that the issue was raised during their consultations with local residents, and the Architectural Liaison Officer (ALO) has confirmed that there is a history of antisocial behaviour in and around Green Park.

The ALO has also stated in the summer of 2009 there were issues with antisocial behaviour and criminal damage to vehicles near to the Park entrance but they were resolved by proactive policing. Local residents in support of the application have mentioned the issue of antisocial behaviour but a common thread in their comments is that the proposed development would help to reduce the problem, as the play areas would attract more people and families to the Park, discouraging those who commit crimes and antisocial behaviour.

The ALO has mentioned that antisocial behaviour could be mitigated by pruning the trees on the Oakdene Avenue entrance and by introducing lighting. These measures could enhance the surveillance of the play areas, especially from Oakdene Avenue. The funding remit of the Playbuilders Scheme 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) and the introduction of lighting could not form part of this proposal. The Council's Senior Arboricultural Officer has confirmed that these trees have recently been pruned at the request of the Friends of Green Park.

To conclude, on the matter of antisocial behaviour, it is evident that the Park has had a history of antisocial behaviour, which was successfully dealt with by the Police and the Council and if such problems arose again there are existing measures to deal with it. It is considered that antisocial behaviour could occur at the Park regardless of the new play area and therefore, on balance, the proposal should not be refused on these grounds.

The other element of the proposal involves the creation of footpath links to the play areas. These links would involve upgrading existing informal paths along the southern and western boundaries. These works would not create any residential amenity issues as they are currently used by local residents as access ways through the Park.

Visual Appearance

The toddler play area would be enclosed with a 1 metre high timber fence with a rubber safety surface inside. The junior play area would not be enclosed and rubber safety matting which grass can still grow through would cover the surface. The vast majority of the equipment would be constructed from timber. The equipment would be inspected and maintained by the Council.

The Park is located within the Stanhope Road/Grange Road Conservation Area. The Council's Conservation Officer has commented, "*A children's play area is a perfectly appropriate use of part of this park within any area and certainly within this Conservation Area, which is mainly high quality historic suburbs. This proposal has my full support*"

Highway Matters

Green 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 Park contains trees, which are covered by a Group Tree Preservation Order dated 1955. The pieces of play equipment are not attached to any of the trees but the play areas and footpath links would be located within the Root Protection Areas of the trees. The Council's Senior Arboricultural Officer has been involved in pre application discussions over the impact of the development on the trees. He has requested that appropriate planning conditions be attached to any grant of planning permission to secure issues such as the method of construction for the footpaths and tree protection measures.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The impact of antisocial behaviour has been an issue considered by Groundwork, Darlington Borough Council, the Police and the Friends of Green Park 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 areas and therefore the proposal should not be refused on such grounds. The proposed location of the equipment maintains 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 (Three Years)
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 the footpaths; tree protection measures in accordance with BS5837 2005; 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. J2 - Contamination
4. Notwithstanding the details shown on the approved plans, precise details, including the colour scheme, of the fencing to be erected around the toddlers play area shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of the visual appearance of the locality
5. B5 – Detailed Drawings (Accordance with 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 it is considered that such behaviour could occur regardless of the new play areas and therefore the proposal should not be refused on such grounds. The proposed location of the equipment maintains 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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