

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 28 July 2010

Page

APPLICATION REF. NO:	10/00310/FUL
STATUTORY DECISION DATE:	21 July 2010
WARD/PARISH:	MOWDEN
LOCATION:	Mowden Infant School
DESCRIPTION:	Construction of footpath linking school buildings (amended plans received 7 July 2010)
APPLICANT:	MR CHRIS TAYLOR

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the construction of a tarmacadam paved, 1.8 metres wide footpath linking the infant and primary school buildings at Mowden School. The proposed footpath is to run along part of the southern boundary of the school site, along the edge of playing field before heading north towards the junior school building. The application advises that the footpath is necessary to provide pupils with a safe and level access when walking between the two school buildings.

The plans have been amended since the application was submitted to show the footpath constructed into the embankment around the edge of the playing field to avoid encroaching into the playing field, following an objection from Sport England.

PLANNING HISTORY

01/00332/DC – Single storey extension to provide I.C.T suite. GRANTED 12.06.2001

PLANNING POLICY BACKGROUND

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

E2 – Development Limits
E3 – Protection of Open Land
E29 – The Setting of New Development
H15 – The Amenity of Residential Areas

RESULTS OF CONSULTATION AND PUBLICITY

DBC Highway Engineer

Raises no highway objection.

Sport England

Sport England has discussed the potential footpath link on site with the respective Headmasters and identified a route, which would meet each party's requirements. The proposed route as it travels E-W (to the rear of the properties which front Fulthorpe Avenue) is as agreed. However the route of the proposed footpath as it crosses the lower or Junior School area of the playing field eats into the flat part of the field and shortens its usable length in which the a playing pitch could be marked out. This is a departure from the route agreed at the site meeting and Sport England therefore objects to the proposal because it is not considered to accord with any of the exceptions in Sport England's playing fields policy. For Sport England to withdraw its objection, the route of the footpath would need to be set into the embankment, parallel to its current alignment.

(Further comments on amended plans)

The application site forms part of, or constitutes a playing field as defined in Article 10(2) of the Town and Country Planning (General Development Procedure) Order 1995. The lint of the footpath as it crosses the playing field in a north-south direction now runs along the embankment that separates the Junior and Infant School playing fields, and as such does not impinge on the plat, usable areas of the field. As such the proposal is considered to comply with exceptional circumstance E3 and this being the case, Sport England wishes to withdraw its objection to the his application.

Two letters of objection from the occupier of 34 Fulthorpe Avenue has been received which raises the following issues:

- *The fence to the rear of my property was damaged when someone from the school or the Authority fastened the school fence to our private fence;*
- *An improved route for the path could be followed, providing a leveller path which would be less expensive to construct, not requiring the steps and ramp as shown on the plan. The children would be visible at all times;*
- *Have lived at the property since 1972. At times have had trouble from people using the school field out of school hours and on several occasions have informed the police when school property was being abused.*
- *Have noticed new railings being installed around the perimeter of the Junior School to prevent unauthorised access and should be interested to know if such steps are going to be made around the Junior School.*

(Further comments made in respect of amended plans)

- *The plans are not a true representation of the site as there is no indication of the garden of the caretaker's house.*
- *The route of the footpath would mean that my house and garden are less private than before.*
- *There may be a roof or cover put over the footpath to protect the children in inclement weather, similar to that between Abbey Junior and Infant School. Aware that there are no plans for this at the present time, but it appears obvious that there will be inevitability in the future;*
- *Concerned that pressure is being brought to bear on the Planning Committee by Sport England;*
- *My previous comments stated that my proposed route for the path would have no impact on any properties or on the laid out football pitch. The only marked out part of the field*

affected is about 15 metres of running track, which is about 90 metres long. This running track could be easily re-marked at the bottom field.

- *Safety and cost issues have not been addressed. The path is still towards the top of an inclined bank. The suggested solution is to reduce the gradient of the incline. Why does this make it safer?*
- *Conscious that the remit of the planners not to be concerned over the issues of cost, but as a community charge payer, feel that the local authority should make decisions in the public interest and not the interests of an unelected body such as Sport England.*
- *Suggest that the plans are amended to be an accurate representation of the site; the football pitch and running track should be marked on the plan and a site visit should be made so that the whole of the site can be seen, which are not obvious on the plan.*

PLANNING ISSUES

The main issue for consideration in this instance is the impact of the proposed footpath on the visual and residential amenities of the surrounding area. The proposed footpath is to be provided at the southern end of the application site, constructed into an embankment that separates the Infant and Junior School playing fields so as to avoid encroaching onto the respective playing fields. The footpath will be 1.8 metres wide, with a tarmacadam finish. The footpath would be seen in the context of the school buildings and would not be unduly visible from views outside of the site. The design and appearance of the footpath will not be unduly prominent within the site nor adversely affect its open nature. The proposal is consequently considered to be acceptable in respect of its impact on the visual amenities of the locality and due to its position within the site, is therefore considered to comply with Policies E3 (The Protection of Open Land) and E29 (The Setting of New Development).

The footpath will run in an east west direction, immediately to the north of the rear boundary of three properties, numbers 30, 32 and 34 Fulthorpe Avenue. At its nearest point the footpath would be approximately 4.5 metres away from the rear boundary of 34 Fulthorpe Avenue. The occupant of this property has objected to the proposal on the basis that, among other things, the proposed path in this location would reduce the privacy of his house and garden. Number 34 Fulthorpe Avenue, and the adjoining property 36 Fulthorpe Avenue, are set further back on their plots than the neighbouring properties at 30 and 32, however the rear of these properties is enclosed by a close boarded timber fence and mature tree planting. Although the use of the path may result in some loss of privacy to the rear of these properties, the transient and infrequent use of the footpath is such that it is not considered that this would result in privacy levels to either the objector's property at 34 Fulthorpe Avenue or any of the surrounding properties being reduced to such an unacceptable degree so as to warrant refusal of the application on this basis.

The objector has suggested an alternative route for the footpath, which would run in a northerly direction from the Infant School and then across the top of the playing field in an east – west direction towards the Junior School, taking the footpath away from the rear of the properties on Fulthorpe Avenue. It is also suggested that this would be cheaper to construct. The applicant has advised that alternative routes for the footpath, including this one, were considered prior to the application being submitted, however these were discounted for a number of reasons, including that it would encroach upon the playing field and therefore attract an objection from Sport England. Sport England has confirmed that in respect of the objector's suggested route this would interfere with the way the Infants playing field could be used and could not therefore meet one of Sport England's exceptional circumstances. Even if the running track were to be moved elsewhere, the footpath in this location would also cross part of the playing field that

could be used to accommodate a pitch or part of a pitch and again would not meet any of the exceptional circumstances.

The current application does not include any proposals to erect a cover over the footpath and therefore the objector's concerns regarding this cannot be considered as part of this application. Such a proposal would require planning permission, which would be subject to the usual publicity and consultation and would be determined on its own merits. While the objector's concerns regarding the cost of the proposed footpath are also acknowledged this is not a matter for consideration as part of the planning application.

The Council's Highway Engineer has raised no objection to the proposed footpath.

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 proposed development does not give rise to crime and disorder issues.

CONCLUSION

The proposed footpath will provide safe and level access to pupils as they walk between the two school buildings. As such the principle of development is considered acceptable. The siting and design of the footpath does not give rise to any issues of visual amenity and maintains the open nature of the area. While the concerns of the nearby objector regarding the route of the footpath and the effect the proposed footpath will have on the amenities of his property are noted, it is not considered that this will have such an unacceptable impact on privacy levels so as to warrant refusal on this basis. The proposal does not give rise to any issues of highway safety and therefore is considered to comply with Policies E3 (Protection of Open Land), E29 (The Setting of New Development) and H15 (The Amenity of Residential Areas) of the Borough of Darlington Local Plan 1997.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION

The proposed footpath does not raise any adverse impacts in terms of visual amenity, residential amenity or highway safety matters. The proposed development would accord with the following policies of the Borough of Darlington Local Plan 1997:

E2 – Development Limits
E3 – Protection of Open Land
E29 – The Setting of New Development
H15 – The Amenity of Residential Areas

