

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 28 July 2010**

**Page**

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<b>APPLICATION REF. NO:</b>	10/00326/DC
<b>STATUTORY DECISION DATE:</b>	13 July 2010
<b>WARD/PARISH:</b>	Sadberge and Whessoe
<b>LOCATION:</b>	Newton Grange Farm, Sadberge
<b>DESCRIPTION:</b>	Change of use from agricultural land to form vehicular and pedestrian access track to existing play area.
<b>APPLICANT:</b>	Director of Corporate Services

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**APPLICATION AND SITE DESCRIPTION**

The application site is a narrow strip of land currently in agricultural use. The site measures approximately 65m in length at a width of 8m. Planning permission is sought for the change of use of this land to enable a vehicular and pedestrian access to be created to an existing council owned play area located to the south east of properties on Abbey Road. The play area is currently accessed via a footpath between 25 and 27 Abbey Road which is not suitable for vehicular access. This makes maintenance of the play area difficult and in particular getting grass cutters to the site etc. The farmer who owns the land to the south of the play area has offered to sell a strip of land in order to create a wider access off Stockton Road. The existing pedestrian access to the north is to be retained.

**PLANNING HISTORY**

None relevant to current application.

**PLANNING POLICY BACKGROUND**

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

E3 - Protection of Open Land  
E12 - Trees and Development  
R12 - Access to Open Land and Countryside

**RESULTS OF CONSULTATION AND PUBLICITY**

No letters of objection have been received following the consultation and publicity exercises.

The **Council's Senior Arboricultural Officer** has raised a number of issues that need to be considered during the construction of the development and they can be secured by the imposition of appropriate planning conditions.

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

**Sadberge Parish Council** recommended planning permission be granted.

## **PLANNING ISSUES**

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

- Planning Policy
- Residential Amenity
- Visual Appearance and Character of the Area including tree matters
- Highway 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**

There are dwellings to the north of the existing play area and the rear garden of 25 Abbey Road runs along the western boundary of the application site, which are screened by mature trees and hedgerows. The use of the application as access to the play area would result in the loss of a strip of agricultural land however this is small enough that it would not effect the viability of the remaining field. Even though the use of the land will change from agriculture its use as an access track will not significantly impact upon the character of the open land. Other than new gates and fences and a compacted stone surface there are no proposals for structures on the site. It should also be noted that such features are not uncommon within an agricultural setting.

The access track is a significant distance from residential properties and in enabling access from Stockton Road and should actually reduce disturbance of residents as a result of the maintenance of play area.

**Visual Appearance including tree matters**

The main visual change to the open space will be the laying of an access track out of crushed stone along the western boundary. It should be noted such an access track if it were for agricultural purposes would not require consent. What would require consent is the creation of a new access point onto Stockton Road. This will result in the removal of a small section of hedgerow (8m approx). The Council's arborist has commented that should any of the trees to the north of the site be removed they should be removed 9 heavy standard containerised trees should be planted. Fencing proposed is inkeeping with the requirements of the agricultural use adjacent to the site.

**Highway Matters**

The Council's Highways Engineer has raised no objections to the proposed development and have informed the planning department that a speed survey has been undertaken on Stockton Road and a visibility splay of 2.4m x 160m will be required for the new access. They are of the opinion that this can be achieved with some cutting back of hedgerows.

**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. It is not considered that the contents of this report have any such effect.

**CONCLUSION**

This proposal has been submitted, following enquiries between the Council's Estates section and the landowner regarding acquisition of the land. The proposal will preserve the visual appearance of the open space and provide improved access to the existing play area for the purposes of maintenance. As the new access is gained away from the residential roads it should hopefully reduce disturbance caused to residents. The following policies within the Borough of Darlington Local Plan 1997 were taken into consideration:

E3 - Protection of Open Land  
E12 - Trees and Development  
R12 - Access to Open Land and Countryside

**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 Limit (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 footpath link; construction methods for the widening of the

existing footpath and tree protection measures in accordance with BS5837 2005 and 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. Notwithstanding the details shown on the approved plans, precise details of the trees to be planted within the application site shall be submitted to and approved by the Local Planning Authority. The details shall include the species and position of each individual tree and 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.

4. No thinning of existing shrubs and hedges shall take place during the bird-nesting season (Beginning of March to Beginning of August) unless otherwise agreed with the Local Planning Authority.

REASON: To protect wildlife habitats

5. B5 – Detailed Drawings (Accordance with Plan)

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

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

The applicant is advised that works are required within the public highway, to construct new vehicle crossing, and contact must be made with the Assistant Director: Highways and Engineering (contact Mr T Russell 01325 388754) to arrange for the works to be carried out or to obtain authority under Sec. 184 of the Highways Act 1980 to execute the works.