

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13 January 2010

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APPLICATION REF. NO:	09/00838/DC
STATUTORY DECISION DATE:	19 January 2009
WARD/PARISH:	NORTH ROAD
LOCATION:	North Park, Whessoe Road
DESCRIPTION:	Construction of cycle park track
APPLICANT:	Director of Corporate Services

APPLICATION AND SITE DESCRIPTION

This is an application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the construction of a cycle track within North Park. The track would be positioned alongside a tree-lined footpath to the south of the new Harrowgate Hill Junior School.

The project has been initiated by the Council as funding was made available through the national Playbuilders Scheme, which was set up to allow local authorities to create challenging, play areas. The Council, through Groundworks, have consulted local residents and the Friends of North Park on the facility and further consultations will occur at the design stage. The track would cover approximately 0.04 hectares and it would be designed in a manner befitting its park surroundings.

North Park contains open recreation spaces, playing pitches, tennis courts and an equipped play area. The trees within the Park are not covered by a tree preservation order. The park is bounded by Harrowgate Hill Junior School to the north, North Cemetery and residential dwellings to the east; Rise Carr Primary School and residential dwellings to the south and the Former Corus site and residential dwellings to the west.

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

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

- E2 – Development Limits
- E3 – Protection of Open Land

- E12 – Trees and Development
- E29 – The Setting of New Development
- H15 – Amenity of Residential Dwellings
- R12 – Access to Open Land and Countryside
- R20 – New Sports and Recreation Development
- R25 – Provision of Community Facilities and Services

RESULTS OF CONSULTATION AND PUBLICITY

No objections from local residents have yet been received following the Council's consultation and publicity exercises. However, any letters of objections received by the Council will be mentioned verbally at the Planning Committee.

Consultee Responses

The **Durham Constabulary Architectural Liaison Officer** has reviewed the plans and has no comments or observations to make

The comments from **Sport England** will be reported verbally at the Planning Committee

The Council's **Environmental Health Officer** has no objections to the proposed development

The response from the Council's **Highways Engineer** will be reported verbally at the Planning Committee

The response from the Council's **Senior Arboricultural Officer** will be reported verbally at the Planning Committee

PLANNING ISSUES

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

- Planning Policy
- Visual Appearance and Character of the Area
- Residential Amenity
- Impact on Highway Safety
- Impact upon Trees

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 creation of this track would not have a detrimental impact upon the Network and a suitable design for the track, to include landscaped areas, can be secured by a planning condition.

The proposal would maintain public access to the Open Land (Policy R12) and Policy R25 (Provision of Community Facilities and Services) encourages community facilities provided that there is no adverse impact upon the appearance of the area, residential amenity and highway safety

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.

Visual Appearance

The final design of track would be finalised following further consultations by Ground works and local residents and the Friends of North Park. However the Design and Access Statement states that the track would be softened with landscaping features and boulders. The track itself would be formed by several tonnes of subsoil covered with crushed rock sand, clean stone and flexi coil to allow for drainage.

It is considered that the principle of the development is accepted but a planning condition should be imposed to agree the details of the final design in the interests of the visual amenity of the surroundings.

Residential Amenity

There are dwellings and a care home (on I'Anson Street) approximately 50m to the south west of the track area. Whilst the track will attract youths, the Durham Constabulary Architectural Liaison Officer has not objected to the development in terms of security and crime prevention. It is considered that a park which already contains community facilities (tennis courts, play areas) is an appropriate location for this form of development.

Highway Safety

The Council's Highway Engineer has yet to comment on the proposed development and his comments will be mentioned verbally at the Planning Committee.

Impact Upon Trees

The track would be located in close proximity of a row of mature trees. It is not envisaged that the works would result in the removal of any trees but it may be prudent to impose conditions to protect the trees during the construction period. The comments from the Senior Arboricultural Officer will be mentioned verbally at the Planning Committee.

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

The proposal has been developed following discussions between the Council, through Groundworks, and local residents and the Friends of North Park. It is considered that this is an appropriate location for such a use and, subject to suitable conditions it can be designed in such a manner that it would not have an adverse impact on the visual appearance of the area and the

trees in the immediate locality. The following conditions within the Borough of Darlington Local Plan were taken into consideration:

- E2 – Development Limits
- E3 – Protection of Open Land
- E12 – Trees and Development
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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. E11 – Tree Protection
3. Notwithstanding the details shown on the approved plans, precise details of the final design for the track, including details of materials and landscaping, shall be submitted to and approved in writing 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 area.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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