

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5 May 2010**

**Page**

---

<b>APPLICATION REF. NO:</b>	10/00150/DC
<b>STATUTORY DECISION DATE:</b>	5 May 2010
<b>WARD/PARISH:</b>	BANK TOP
<b>LOCATION:</b>	Open Land East Of Dodmire Allotments Eastbourne Road
<b>DESCRIPTION:</b>	Proposed widening of existing footpath, creation of a new footpath link and the erection of bollards.
<b>APPLICANT:</b>	Director of Corporate Services

---

**APPLICATION AND SITE DESCRIPTION**

The application site is an area of green space, measuring 0.41 hectares, which links Lascelles Park (to the south) with Eastbourne Park (to the north). An existing footpath runs through the site close to the eastern boundary. There are semi mature trees located on the north, east, west boundaries and also centrally within the site, none of which are covered by a tree preservation order.

As well as the two parks to the north and south of the application site, there are dwellings on the eastern boundary and allotments gardens to the west.

This is an application submitted under Regulation 3 of the Town and Country Planning Regulations 1992 for the widening of existing footpath, creation of a new footpath link and the erection of bollards. There are other aspects to the development such as the erection of lighting columns, the removal of fencing and the pruning of shrubs and hedges but these works do not require planning permission.

In 2007 Lascelles Community Partnership and Bank Top Partnership obtained funding for play provision within both Lascelles Park and Eastbourne Park and once these sites were operational, attention turned to improving the application site to make better use of the space and to encourage users of both sites to use facilities in the neighbouring parks. The proposal has been the subject of public consultation exercises, involving the Partnerships, local residents, the Council, Groundworks and the Police since 2007.

## PLANNING HISTORY

None relevant

## 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.

### Consultee Responses

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

The **Council's Greenspace Manager** has stated that any tree or shrub removal should occur outside of the bird-nesting season and any lighting assessments for the lighting columns should take account of any protected species in the area.

The **Council's CCTV General Manager** has no objections to the proposed development, as it would not adversely affect the existing CCTV coverage

The **Council's Rights of Way Officer** has no objections to the proposed development

The **Council's Environmental Health Officer** has raised no objections to the proposed development but has requested the need for a planning condition relating to the lighting columns

The **Durham County Council Architectural Officer** has no objections to the scheme and has offered some general advice on site security

## 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
- 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**

There are dwellings along the eastern boundary of the application site, which are screened by mature trees and hedgerows. The use of the application site would remain as open space and it is not envisaged that the proposed improvements will create any significant residential amenity issues.

A number of the consultation responses have requested the imposition of planning conditions relating to the lighting columns. However, the erection of the lighting columns do not require planning permission as they are being erected by Darlington Borough Council but it is considered appropriate to attach an informative to any grant of planning permission to inform the applicant of the necessary requirements for erecting the columns.

**Visual Appearance**

The main visual change to the open space will be the erection of the bollards along the southern boundary. The Architectural Liaison Officer has questioned the effectiveness of the use of bollards as they can become vandalised, uprooted and knocked over, however, the Design and Access Statement for the application that the bollards have been introduced in order to prevent quad bikes cutting through the area, and the Council's Public Arts Officer intends to invite an artist to work with the local community to design the bollards to ensure that they are visually attractive but also fulfil their purpose.

It is considered appropriate, should planning permission be granted, to attach a planning condition to ensure that the final design of the bollards is agreed with the Local Planning Authority.

**Highway Matters**

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

**Tree Matters**

The application site is bounded north, east and west with mature trees and hedges and there is a centrally located group of mature trees within the open space. None of the trees are covered by a tree preservation order. It is envisaged that further tree planting will occur as part of the proposal and the existing hedges and shrubs would be selectively thinned.

The Council's Senior Arboricultural Officer has stated that the new footpath link which would run between the Poplar trees to the north of the site should be of a "no dig" construction to ensure that the Root Protection Areas of the trees are not adversely affected. The existing footpath would need to be widened to the west, away from the trees to the east and tree

protection measures must be put in place during the construction period. He has recommended that any new trees planted within the site should be heavy standard trees.

The Council's Greenspace Officer has stated that the thinning of the shrubs and hedges must be carried outside of the bird-nesting season.

The matters raised by the Council's Senior Arboricultural Officer and Greenspace Officer can be secured by the imposition of appropriate planning conditions.

### **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 extensive consultation exercises by the Lascelles Community Partnership and Bank Top Partnerships. The proposal will enhance the visual appearance of the open space and encourage users of both Lascelles Park and Eastbourne Park to use the facilities in the neighbouring parks. 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. Notwithstanding the details shown on the approved plans, precise details of the proposed bollards shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development 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

6. B5 – Detailed Drawings (Accordance with Plan)

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

This proposal has been submitted, following extensive consultation exercises by the Lascelles Community Partnership and Bank Top Partnerships. The proposal will enhance the visual appearance of the open space and encourage users of both Lascelles Park and Eastbourne Park to use the facilities in the neighbouring parks. 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

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

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Mr T Russell 01325 388754) to discuss street lighting proposals.

The applicant is advised that the lighting columns must be installed in accordance with BS5837 and BS5489-1:2003.

The applicant is advised that contact must be made with the Council's Environmental Health Section (01325 388572) and Greenspace Manager (01325 388672) to discuss the level of illumination from the lighting columns and there impacts on residential amenity and wildlife habitats.