

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 December 2009

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APPLICATION REF. NO:	09/00777/DC
STATUTORY DECISION DATE:	8 January 2010
WARD/PARISH:	MOWDEN
LOCATION:	Proposed Cocker Beck Play Area
DESCRIPTION:	Installation of an equipped play area
APPLICANT:	DIRECTOR OF CORPORATE SERVICES

APPLICATION AND SITE DESCRIPTION

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992. Approval is sought for the installation of an equipped play area on area of open space to the south of Cocker Beck, approximately 100 metres to the north of Staindrop Road. Eggleston Road is located approximately 90 metres to the north of the application site and a footpath/cycle way, which runs through the site, linking Eggleston Road and Staindrop Road runs in a north/south direction to the west of the application site.

The Council has secured funding through the PlayBuilders scheme for the play area, which is designed to compliment an existing equipped play area further to the east of the application site. The new play area will comprise a series of boulders, up to 3.5 metres in height, and associated grass matting beneath.

The site lies within Flood Risk Zone 3 and a Flood Risk Assessment (FRA) has been submitted with the application. A Design and Access Statement has also been submitted.

PLANNING HISTORY

07/00990/DC – Construction of cycle way adjacent to Cocker Beck and construction of three new timber bridges over beck. GRANTED REGULATION 3 14 December 2007

PLANNING POLICY BACKGROUND

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

- R1 – Designing for All
- R24 – Open Space Provision
- R20 – New Sports and Recreational Facilities
- R25 – Provision of Community Facilities
- E3 – Protection of Open Land
- E29 – The Setting of New Development

E48 – Noise Generating Development
H15 – The Amenity of Residential Areas

Policy 22 (The Design of Open Spaces) of the Darlington Open Space Strategy 2007 – 2017 is also relevant

RESULTS OF CONSULTATION AND PUBLICITY

The Council's Rights of Way Officer has advised that there are no public rights of way currently registered which may be affected by the proposed development. He has, therefore, no comment to make on the application.

The Council's Arboricultural Officer has advised that there are trees on the periphery of the site and the proposed development is within the root protection areas of the trees. No Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) or Tree Protection Plan (TPP) has been submitted. If the development is approved it is of paramount importance that the root protection area of the trees is completely protected from damage.

PLANNING ISSUES

The main planning issues to be considered in the determination of the application are:

- Planning Policy
- Visual Amenity
- Residential Amenity
- Flooding Issues

Planning Policy

Policy R4 (Open Space Provision) states that the Council will seek to ensure that provision of all forms of open space for recreation in the urban area, including parks, informal amenity open space, playing fields and children's play areas is maintained. The policy also seeks to encourage a wide variety of spaces for recreation use within the urban area.

Policy 22 (The Design of Open Spaces) of the Darlington Open Space Strategy 2007 – 2017 is also relevant and states that new and existing open spaces should reflect local distinctiveness and local townscape context; be well connected to the surrounding development it is intended to serve; be accessible to all; wherever possible integrate a range of open space uses; reflect and integrate pedestrian and cycle desire lines and be overlooked by neighbouring properties. They should also include clear boundaries, entrances and gateways, the retention of existing landscape features, tree and shrub planting using native species, wildlife habitats and sustainable drainage.

The application site is an existing area of open space between Eggleston View and Staindrop Road, either side of Cocker Beck. The area is well used for informal recreation and as such the principle of the proposed development is considered acceptable.

Visual Amenity

The area of land between Eggleston View and Staindrop Road either side of Cocker Beck is designated as Open Land within the Local Plan. Policy E3 (Protection of Open Land) states that in considering proposals to develop any area of open land within the urban development limit, the Council will seek to maintain the usefulness and enhance the appearance and nature

conservation interest of the open land system as a whole, and to supplement the intern connections between the elements. Policy E29 (The Setting of New Development) requires that new development respects the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features.

The proposed play area will comprise a series of climbing boulders, ranging in height up to 3.5 metres sited on an existing area of open space. The Design and Access Statement accompanying the application states that the proposed play equipment has been designed to appear as natural as possible with the intention to blend in with their surroundings. Views of the proposed play area from Staindrop Road to the south will be obscured to a degree by existing mature trees which line the southern boundary of the site. Views of the site from the north will be more open, as this part of the site is elevated above the application site. However the proposed boulders will largely be seen against the backdrop of the mature trees towards the southern end of the site. The proposed play equipment will improve existing opportunities for informal access and recreation of the wider Cocker Beck area. Furthermore it is not considered that the proposed play equipment will adversely affect the open nature of the area. The proposal is therefore considered to comply with Policies E3 (The Protection of Open Land) and E29 (The Setting of New Development).

Residential Amenity

Policy H15 (The Amenity of Residential Areas) states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character or with the quiet enjoyment of dwellings and gardens in particular. Policy E48 (Noise-Generating/Polluting Development) states that permission will not be granted for development which, by reason of the emission of noise or other pollutant, would be materially harmful to the amenities of existing or proposed residential areas.

The nearest residential properties are located approximately 65 metres away to the north on Eggleston View and approximately 130 metres to the south on Chase Close, on the south side of Staindrop Road. The Design and Access Statement advises that the location has been chosen, in part, because of its distance away from nearby residential properties. At these distances it is not considered that the installation of the proposed play equipment on an existing area of open space will have an unacceptable impact on the amenities of these properties in terms of noise, nuisance or disturbance. The application has been widely publicised in the area with notification letters sent to 49 nearby properties and site notices posted on both the Staindrop Road and Eggleston View sides of the site. No responses have been received as a result of this notification exercise.

Flooding Issues

The application site lies within Flood Risk Area 3. A Flood Risk Assessment (FRA) has been submitted which advises that the proposed development is part of a much larger project, in partnership with the Environment Agency to enhance the larger 8 hectare site for biodiversity and local community use. The FRA also advises that Cocker Beck, which runs adjacent to the application site, was dammed off approximately 25 years ago. The proposed equipment will be located approximately 40 metres away from the non-functioning beck and will have a land take of approximately 15m². The site levels will be maintained as existing and no features will be added which will have a retaining or impeding effect on the flow of water. The Environment Agency has been consulted on the application and Members will be updated on their comments at the meeting.

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 proposal involves the provision of improved community facilities in such a location as to be accessible by local residents. The proposal does not raise any issues in respect of highway safety or visual or residential amenity. It is not considered that the development will lead to an increase in anti-social or criminal behaviour. The proposed development is considered to comply with the relevant policies in the Borough of Darlington Local Plan 1997 and the Darlington Open Space Strategy 2007 – 2017.

RECOMMENDATION

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Standard Time Limit
2. B5 – Development in Accordance with Approved Plans
3. E11 – Tree Protection

SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION

The proposed development is considered acceptable in this location and will not give rise to conditions prejudicial to local amenity or highway safety. The application does not raise any issues in relation to highway safety or crime prevention and complies with the relevant policies of the development plan, as listed below:

Borough of Darlington Local Plan 1997

R1 – Designing for All
R24 – Open Space Provision
R20 – New Sports and Recreational Facilities
R25 – Provision of Community Facilities
E3 – Protection of Open Land
E29 – The Setting of New Development
E48 – Noise Generating Development
H15 – The Amenity of Residential Areas

Darlington Open Spaces Strategy 2007 – 2017

Policy 22 – The Design of Open Spaces

