

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 1 July 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00122/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>21 April 2009</b>
<b>WARD/PARISH:</b>	<b>HAUGHTON EAST</b>
<b>LOCATION:</b>	<b>Red Hall Playing Area, Headingley Crescent, Darlington.</b>
<b>DESCRIPTION:</b>	<b>Installation of multi use games area (MUGA), junior play area, link footpath, shelter and 4 No. lighting columns.</b>
<b>APPLICANT:</b>	<b>Director of Corporate Services</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site consists of the large area of open space within Red Hall Estate. Red Hall Primary School is located to the north of the site, Headingley Crescent is to the west and White Hart Crescent is to the south.

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992. The application is for the installation of multi use games area (MUGA) with four lighting columns, a junior play area, a link footpath and a revised location for an existing shelter.

The MUGA would be approximately 30m in length and 15m in width. A wire-mesh weld fence would surround the MUGA and four lighting columns are proposed which would be approximately 8m in height. The MUGA would be located to the north of the site (towards Red Hall Primary School) and would replace the existing junior play area.

A replacement junior play area (approximately 20m by 17m) is proposed towards the west of the site (some 11m from Headingley Crescent).

It is proposed to relocate the existing shelter from its current position next to the path leading to the existing senior play area to a new position some 7m from the south east corner of the proposed MUGA (to the east of the senior play area).

A new footpath is proposed that would provide access to the MUGA, the existing senior play area and the new junior play area. This would connect with the existing path that runs from Headingley Crescent to the senior play area.

There have been past archaeological excavations carried out in the area which is known to have been the site of the Medieval (13th-14th century) Red Hall moated manor. An Archaeological Evaluation Report has been submitted.

## **PLANNING HISTORY**

There is no planning history associated with this application.

## **PLANNING POLICY BACKGROUND**

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

E3 – Protection of Open Land  
E46 – Safety and Security  
E34 – Archaeological Sites of Local Importance  
E48 – Noise Generating Development  
H15 – The Amenity of Residential Areas  
R1 – Design for All  
R2 – Access for People with Disabilities  
R4 – Open Space Provision  
R11 – Artificial Turf Playing Pitches  
R20 – New Sports and Recreational Facilities  
R25 – Provision of Community Facilities  
T24 – Parking and Servicing Requirements for New Development

## **RESULTS OF CONSULTATION AND PUBLICITY**

Occupiers of neighbouring residential properties have been consulted by letter. A site notice has also been displayed.

Comments have been received from the Headteacher of Red Hall Primary School which are summarised below:

*The school has been approached on several occasions to site the MUGA on school grounds and has consistently declined. This is due to the risks it was felt it would pose for vandalism and high maintenance / repair costs.*

*The proposed location of the MUGA is in very close proximity to the school boundary.*

*The playground surface has been vandalised and dug up. Debris litters Headingley Crescent, the surrounding area and the school. The caretaker collects missiles thrown onto school grounds each morning and a member of staff has been hit with a piece of floor surface.*

*Children have now started to light chunks of the rubber surface material and project them into the school on sticks. The caretaker had to extinguish a fire at the perimeter fence before it took hold of surrounding trees and shrubbery.*

*My greatest concern is the likelihood of arson attacks against cars on the other side of the perimeter fence and most worrying of all the school itself. The school has a very large flat roof, covered with highly flammable felt material. The consequences of this being in close proximity to a readily available supply of flammable projectiles is worrying in the extreme.*

*I would urge the Council to reconsider the siting of this development and the current siting of the junior playground. In the meantime corrective works are urgently required to prevent more serious arson attacks.*

The Council's Highways Officer has made no objections to the application.

The Environmental Health Officer commented that conditions would be required if the application is approved. These conditions would be to confirm details and the use of the proposed floodlighting and details of how the facility will be managed.

The Anti Social Behaviour Officer commented that the proposed MUGA would benefit young people and residents of the Red Hall area.

Durham Police's Architectural Liaison Officer advised that fencing should be provided to prevent access by motorcycles and to reduce incidents of dog fouling. The Liaison Officer also commented that the junior play area should be situated to maximise surveillance, the junior play area should be situated away from the MUGA and that the lighting scheme should conform to BS 5489.

Durham County Council Assistant Archaeology Officer commented that there does not appear to be substantial remains within the area evaluated apart from the eastern end of the site where a stone cobble spread was noted c.450mm below modern ground level. The Archaeology Officer advised that the lack of features means that it would be difficult to justify recommending refusal on the basis of the archaeological evidence as per Planning Policy Guidance Note 16 (Archaeology). The Archaeology Officer also advised that conditions are needed to ensure adequate mitigation of the impact on the historic environment.

Sport England have commented that the proposal is consistent with Sport England's Land Use Planning Policy Statement *Planning Policies for Sport*. Policy Objective 7 of which aims to support the development of new facilities, the enhancement of existing facilities and the provision and/or improvement of access to the natural environment which will secure opportunities to take part in sport and which can be achieved in a way which meets sustainable development objectives.

## **PLANNING ISSUES**

The main issues to be considered in this application are:

- Planning Policy
- Residential Amenity
- Visual Amenity
- Crime and Disorder

### **Planning Policy**

Policy E3 (Protection of Open Land) states that for proposals to develop any area of open land consideration will be given to maintaining the usefulness and enhancing the appearance of the open land.

The proposal would enhance both the appearance and the usefulness of the area of open space. The proposal would not harm the visual relief provided by the open space or harm its character and appearance.

Policy R11 (Artificial Turf Playing Pitches) permits the installation of artificial playing surfaces where they are accessible by a range of means of transport, they avoid the attraction of traffic through residential streets, are well related to other sports facilities and are designed so as to protect the amenities of occupiers of neighbouring properties.

The site is in a location accessible by a range of means of transportation. Due to the limited size of the proposed MUGA it is unlikely to significantly increase the amount of traffic travelling through this residential area.

Policy R4 (Open Space Provision) sets out that the Council will seek to ensure that provision of all forms of open space for recreation in the urban area, including children's playing areas, are maintained.

The proposed development is considered to be acceptable in principle. Other matters to be considered in the determination of this application are all detailed matters of development control and are considered in the following sections of this report.

Policy E34 (Archaeological Sites of Local Importance) states that developers will be required to carry out an archaeological field evaluation and that proposals which could affect archaeological remains of local importance will be permitted provided that they allow for the preservation in situ of the remains or appropriate and satisfactory arrangements are made for the excavation and recording of the remains and the publication of the results.

The Archaeology Officer has commented that the proposal is acceptable subject to conditions to ensure that arrangements are made to record any disturbance to the remains and that that possible features are disturbed as little as possible. In order to mitigate the impact on the setting of the moated manor a condition is also required for an interpretation strategy liaising with the local community.

### **Residential Amenity**

Local Plan 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 residential areas.

The MUGA is proposed to be installed in an area of open space and existing recreational facilities. It would be some 50m from the nearest residential property. The proposed junior play area would be located closer to residential properties as compared to its current location. This is, however, still within the area of open space and close to the other existing play areas on the site.

The Environmental Health Officer has been consulted on the proposal and has raised no objections to the scheme subject to a planning condition to ensure that the arrangement and specification of the floodlights are such, that they avoid excessive light spillage by way of the submission of further details, together with a planning condition to restrict the hours of use of the floodlights.

## **Visual Amenity**

The proposal would be set within an existing area of open space where there are already recreational (play) facilities. The scheme has been designed to enhance the visual appearance of this part of the open space. The proposal would not, therefore, be harmful to the visual amenity of the area.

## **Crime and Disorder**

There have been issues of anti-social behaviour around the existing Red Hall playing area which the Council's Community Services Department is aware of. As set out above, the Anti Social Behaviour Officer commented that the proposal would be beneficial regarding reducing anti-social behaviour.

The proposal would not, in itself, lead directly to issues of crime or anti-social behaviour. The proposal does not, for example, obscure sight lines or create secluded areas that would be more likely to experience anti-social activity. The application represents an opportunity to improve the access to sport and recreation for local residents. The location of the proposed MUGA and re-sited play areas is considered to be the most suitable area within the Red Hall Estate

In relation to the comments of Durham Constabulary's Architectural Liaison Officer, fencing will be provided to the two playing areas and the MUGA, the Junior Play area is situated in the most easily observed part of the site close to Headingley Crescent and away from the MUGA.

British Standard 5489 –1:2003 (Code of Practice for the Design of Road Lighting) gives recommendations on the general principles of road lighting and is not therefore directly relevant to the application. As stated above, the Council's Environmental Health Officer has commented on the application and has recommended that conditions be imposed to ensure that the proposed lighting will be acceptable.

## **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 involves the provision of community facilities in such a location as to be accessible by a range of modes of transport. It is considered that the externalities of the proposal can be satisfactorily dealt with by means of planning conditions to control light spillage and hours of use. It is not considered that the proposal will give rise to a significant increase in traffic travelling through the locality. Any impact on any archeology can be mitigated by conditions. The proposal does not raise any issues in respect of highway safety. It is considered that the development will not lead to increased anti-social or criminal behavior. The proposal is considered to comply with the relevant policies in the development plan.

## **RECOMMENDATION**

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

1. A3 Implementation Limit (Three Years)
2. No development shall commence until a full lighting impact assessment, undertaken by an independent assessor, for the proposed floodlighting has been submitted to and approved by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details. The lighting impact assessment must include:
  - A description of the proposed lighting units including height, type, shape and luminance output of the floodlights.
  - The proposed level of lighting (in lumens) and a justification specifying which guidance has been used to choose this.
  - Drawing(s) showing the luminance levels both horizontal and vertical on the Multi Use Games Area to demonstrate that no light falls into the curtilage of neighbouring properties or onto the public highway.
  - The direction and aiming angle of each floodlight and the upward waste light ratio for each light.
  - The Environmental Zone which the site falls within, in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution.

Reason – In the interests of visual amenity and residential amenity.

3. Any external floodlighting, approved under Condition No. 2, of this permission shall be switched off each day and shall not operate between 21:00 hours and 09:00 hours the following day.

Reason – In the interests of visual amenity and residential amenity.

4. No development shall commence until details of the arrangements for the management of the games area have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – In the interests of visual amenity and residential amenity.

5. B2 Detailed Drawings (Specific) [INSERT: the replacement junior play area].
6. No development shall commence until a programme of archaeological works, including a mitigating strategy and publication arrangements have been submitted to and approved by the local planning authority. The details shall be in accordance with a written statement of investigation which should also be submitted and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason – The site is in an area of high archaeological potential.

7. Prior to the completion of the development, an archaeological interpretation strategy shall be submitted to and approved by the Local Planning Authority. The development shall only be implemented in accordance with the approved interpretation strategy.

Reason – In order to mitigate the damage caused to the setting of the monument by the new development and to raise awareness in the local community of the history and significance of the site.

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING 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. Any impact on any archeology can be mitigated by conditions. The application does not raise any issues in relation to highway safety or crime prevention. The proposal is considered to comply with the relevant policies in the development plan as set out below:

Borough of Darlington Local Plan 1997

E3 – Protection of Open Land

E46 – Safety and Security

E34 – Archaeological Sites of Local Importance

E48 – Noise Generating Development

H15 – The Amenity of Residential Areas

R1 – Design for All

R2 – Access for People with Disabilities

R4 – Open Space Provision

R11 – Artificial Turf Playing Pitches

R20 – New Sports and Recreational Facilities

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T24 – Parking and Servicing Requirements for New Development

### **INFORMATIVE**

1. In relation to the requirements of conditions 7 and 8, the applicant is advised to contact Lee White (Durham County Council Assistant Archaeology Officer) Tel. 0191 3708846.