

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 18 November 2009

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APPLICATION REF. NO: 09/00586/FUL

STATUTORY DECISION DATE: 20 October 2009

WARD/PARISH: SADBERGE

LOCATION: Site of the former Sadberge Primary School, Norton Crescent. Sadberge.

DESCRIPTION: Variation of condition 4 (iii) of planning permission 07/00676/FUL dated 31/8/08 (a ramped access to the open space to the north to provide maintenance access for vehicles. The ramp must be at a gradient suitable for safe access by disabled users) to provide a viewing platform instead.

APPLICANT: Reiver Homes Limited.

APPLICATION AND SITE DESCRIPTION

The site comprises the former school site which extends to some 0.4 hectares situated on the edge of the village to the northwestern side of Norton Crescent. The Sadberge Conservation Area extends along its western boundary. The former playing field of the school is located to the north of this.

The site slopes gently to the north away from Norton Crescent but more sharply to the playing field beyond this.

Planning permission (Ref: 07/676) was granted in August 2007 for the erection of 16 dwellings that have now been erected and a number of which are occupied.

One of the conditions attached to the planning permission required that a ramped access to the open space to the north (the playing pitch) be provided to allow for maintenance access for vehicles and for the ramp to be of a gradient suitable for safe access by disabled users. This application seeks to vary that condition to provide a platform for disabled persons to view the playing field rather than a ramped access to the pitch.

The proposed viewing platform, which is almost complete, measures some 3m x 4m and sits on the eastern side of the vehicular access ramp into the playing field.

The applicant has provided a number of reasons for varying the condition, which are set out below: -

- Initial tender documents provided by Darlington Borough Council fail to mention any disabled requirement, only abled bodied access and maintenance vehicle access was to be provided.
- New Forest Design (NFD) met with highways and agreed the access position and gradient of the access ramp and the provision of the steps to meet the requirement set out in the original tender brief.
- The draft planning committee report issued prior to the committee made no reference of the resultant condition 4 (iii) which had been put in by the request of one of the committee members.
- The resultant condition states that the ramped access should be of a gradient suitable for disabled users. Any ramp for the disabled should be designed with gradients of 1:15 and 1:12 in mind and not 1:3 as required by the maintenance vehicles.
- If a ramp were to be put in at the agreed access point on the approved plans then it would end up in the middle of the playing field.
- An access ramp running parallel to the playing field would result in the loss of the mature tree planting already established along the southern boundary of the playing field.
- NFD tabled an option of providing a dedicated access ramp for the disabled running down the rear of the properties backing onto the playing field. This provides better access but also highlights the problem of not being able to travel on the grassed surface, as there is no suitable surface.

PLANNING HISTORY

Other than the planning permission mentioned above there is no other relevant planning history

PLANNING POLICY BACKGROUND

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

E29 - The Setting of New Development

E11 – Conservation of Trees, Woodlands and Hedgerows

E12 – Trees and Development

R1 - Designing for All

RESULTS OF CONSULTATION AND PUBLICITY

Darlington Association on Disability has made the following comments: -

“I object to this variation of condition. Plans by the applicant have been produced showing that a ramp for use by disabled people can be installed. This ramp complies with Part M of the Building Regulations and is separate from the maintenance ramp. The applicant makes the assumption that a disabled person who cannot access steps should not be taking in part in sports and leisure but only viewing it from a distance. Darlington Borough Council has a duty to promote equality for disabled people and should refuse this variation of condition. This is not the first applicant who has agreed to a condition to get an application granted and then wants to change the condition because it hasn't been built in the scheme but looked at an unnecessary

add on. Darlington Association on Disability will do everything it can to prevent this access for disabled people being omitted as a condition and will be seeking a reasonable timescale for access for disabled people to be installed.”

Sadberge Parish Council has commented as follows:-

- “1. In the past, the playing field to the north of what was then Sadberge Primary School was used for village sports days. At these types of event it is extremely important that disabled members of the community are able to get down to the playing field itself. They should certainly not be left stuck on a remote “viewing platform”.*
- 2. Provision of proper disabled access would also be of benefit to elderly people, increasing numbers of whom are using mobility scooters to get around. Older people are an important part of the Sadberge Village community, and they should not be excluded from activities on the playing field.*
- 3. If the developers believed that they could not provide the required access under the approved plans then they should have addressed this issue at a much earlier stage and, if necessary, modified the plans for St Andrew’s Park. It is totally unacceptable for the developers to come back at the very end of their project and say that they cannot fulfil a planning condition that was specified at the time when planning permission was granted and is clear, unambiguous and reasonable.*
- 4. It would be useful for representatives of the developers, Darlington Borough Council, and Sadberge Parish Council to have a site visit to discuss practical options for providing disabled access to the playing field.*
- 5. Options may include*
 - Providing a new access to the playing field. For example, it may be possible for the developers to buy a strip of land along the north east edge of St Andrew’s Park.*
 - Provide an elevator.*
 - Constructing a path between the mature trees along the south east edge of the playing field. This would probably be complicated and expensive, but if the developers wished to find a cheaper way of meeting the planning condition then they should have addressed the issue much earlier.*
- 6. The Parish Council notes that the developers have gone ahead and started to construct a viewing platform. In its current condition this viewing platform does not meet disabled regulations and is not safe for use.”*

The Council’s Highways Engineer has stated that the provision of a ramp was always going to be difficult and likely to result in the loss of trees. No highway objections have been raised.

The Council’s Building Control Section has advised that detailed design of the viewing platform meets all the necessary requirements under the Building Regulations in that it is safe to use and accessible to all.

PLANNING ISSUES

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

- Whether the provision of a viewing platform rather than a ramped access to the playing field is acceptable and visual impact.

The only point of access to the playing field is situated approximately half way across the northern boundary of the residential development. The access ramp for vehicles here and pedestrian steps are in place and the almost complete viewing platform which is situated on the eastern side of the vehicular access ramp. To modify the existing ramp so that it could allow for both vehicular access for maintenance/grass cutting, and to be of a gradient suitable for safe access by disabled users would in effect necessitate a ramp extending across the playing field. Consequently such an option would be nonsensical. The other alternative explored by the applicant would be to construct a ramp parallel with the southern boundary of the playing field, on the eastern side of the vehicular access ramp. However the Council's Senior Arboricultural Officer has advised that most of the semi/mature trees along this boundary would require removal and the remaining trees root protection areas compromised, threatening their long term survival. Officers are of the view that the benefits of providing this ramp would be outweighed by the loss of this important tree coverage which contributes both to the setting of the residential development and more significantly to the character and appearance of the Sadberge Conservation Area which is adjacent to the site.

The applicant has stated that in the initial tender documents provided by Darlington Borough Council, concerning the sale of the land for residential development, there was no mention of a requirement to provide access to the adjoining playing field for persons with disabilities, only able bodied access and also access for maintenance vehicles. Had this specific requirement been known at the outset it is more than likely that the residential scheme could have been designed to take this into account. In view of this and the constraints to achieving a satisfactory solution officers consider that the provision of a viewing platform to be a reasonable compromise.

Visually the viewing platform relates well to the existing vehicular access ramp and would have no significant impact on the appearance of the locality.

The siting of the platform raises no highway objections.

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

In view of the constraints of the site and the required gradient for the disabled access ramp its provision would necessitate the removal of most of the semi/mature trees along the southern boundary of the playing field adjoining the residential development, which are of significant visual value both to the development itself and the adjacent Sadberge Conservation Area. Consequently, it is considered that the benefits in providing the access ramp would be outweighed by the loss of these visually important trees. In view of this the provision of a viewing platform to enable disabled persons to watch sporting activities taking place on the playing field is an acceptable compromise.

RECOMMENDATION

THAT VARIATION OF CONDITION 4 (iii) OF PLANNING PERMISSION 07/00676/FUL DATED 31/8/08, TO PROVIDE A VIEWING PLATFORM FOR PERSONS WITH DISABILITIES (AS SHOWN ON DRAWING NO.WD01 DATED 10/07/09) IN PLACE OF A RAMPED ACCESS TO THE OPEN SPACE TO THE NORTH, BE APPROVED.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

In view of the constraints of the site and the required gradient for the disabled access ramp its provision would necessitate the removal of most of the semi/mature trees along the southern boundary of the playing field adjoining the residential development, which are of significant visual value to both the development itself and the adjacent Sadberge Conservation Area. Consequently, it is considered that the benefits in providing the access ramp would be outweighed by the loss of these visually important trees. In view of this the provision of a viewing platform to enable disabled persons to watch sporting activities taking place on the playing field is an acceptable compromise. The proposal is not considered to raise any issues in relation to visual amenity, highway safety or crime prevention. The proposed development would accord with the following policies within the Borough of Darlington Local Plan 1997:

E29 - The Setting of New Development

E11 – Conservation of Trees, Woodlands and Hedgerows

E12 – Trees and Development

R1 - Designing for All