

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16th December 2009

Page

APPLICATION REF. NO:	09/00778/DC
STATUTORY DECISION DATE:	04/01/10
WARD/PARISH:	Park East
LOCATION:	South Park, between Bedford Street and Henderson Street.
DESCRIPTION:	Construction of footway/cycleway .
APPLICANT:	Head of Building Design Services, Darlington Borough Council.

APPLICATION AND SITE DESCRIPTION

This application by the Borough Council relates to the construction of a 270 metres long by 3 metre wide shared use footpath/cycleway link through South Park between Bedford Street and Henderson Street. This link is intended to become part of the Darlington cycle network and link in to the Polam Lane cycle route.

The hard surfaced track will be located well away from the tree belt to the north and the existing fence running alongside the footpath will be relocated adjacent the nearby allotment fence in order to open up the footpath to the Park. Some landscaping is proposed around the Henderson Street entrance area.

South Park is a Registered Park and Garden and as such care has to be taken in considering any development that is proposed which may affect its character.

PLANNING HISTORY

No planning history is recorded for this location.

PLANNING POLICY BACKGROUND

Policy E9 (1) of the Borough of Darlington Local Plan specifically relates to the protection of the character of South Park, which is included in the English Heritage List of Parks and Gardens of Special Historic Interest.

The Plan includes the following policy information:

DEVELOPMENT AFFECTING THE PARKS AND GARDENS OF LANDSCAPE OR HISTORIC INTEREST LISTED BELOW WILL NOT BE PERMITTED WHERE IT DETRACTS FROM THEIR CHARACTER OR APPEARANCE OR PREJUDICES EITHER THE SURVIVAL OR REINSTATEMENT OF HISTORIC FEATURES INCLUDING DESIGNED PLANTATIONS. PLANNING PERMISSION, IF GRANTED, WILL BE SUBJECT TO CONDITIONS AIMED TO ENSURE THAT SUCH FEATURES ARE TAKEN INTO ACCOUNT IN THE DESIGN AND IMPLEMENTATION OF THE REQUIRED LANDSCAPE WORKS.

The proposed development will need to take the above policy into account.

Policy T36 of the Borough of Darlington Local Plan supports the provision of further cycle routes within Darlington.

RESULTS OF CONSULTATION AND PUBLICITY

The application was advertised in the press, a site notice posted and local residents consulted. No comments have been received at the time of drafting.

Senior Arboricultural Officer – No objections provided appropriate safeguards are in place to protect the adjacent tree belt from damage. The track should be no closer than 6 metres from the trees.

Garden History Society – No comments received.

Environment Agency – Comments awaited.

PLANNING ISSUES

The main planning issue to consider within this application is the effect the development will have on the character of the Park, which is protected under English Heritages' List of Parks and Gardens of Special Historic Interest.

It is considered that the more sensitive and historically important part of the park lies to the south west around the lake where the designed landscaping is located. The application site is characterised by flat open grassland, bordered by a belt of mature trees to the north.

The creation of a reasonably narrow track of 3 metres is not considered to visually intrude into the landscape in this location to an unacceptable degree. It is located close to the park edge (a minimum of 10 metres from the tree belt as stated on the submitted plans), and is connected at both ends to other cycle/pathways or roads, in order to link in with the proposed Polam Lane Cycleway. It may also have the benefit of dissuading cyclists off other nearby tracks not suitable for cycling.

Overall therefore it is considered that the development will not harm the character of this part of South Park and will provide a beneficial link within the developing cycle network of Darlington.

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 proposed development is relatively insignificant in visual terms and because of its location away from the more sensitive parts of the Historic Park, the impact on its character will be minimised. Conditions can be attached to any planning permission to control the appearance of the surface materials of the track, and to ensure the nearby tree belt is protected from damage from the development.

The proposal will form a link between existing and proposed cycle routes in the town and as such will help promote a sustainable form of travel within the town.

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]
 2. B5 [Accordance with Plan]
 3. B4 [Materials]
 4. E11 [Tree Protection]
 5. All excavated material shall be removed from the site in its entirety.
- REASON . In the interests of the character of this part of South Park.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out above, and to all relevant material considerations, including Supplementary Planning Guidance.