

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 May 2009

Page

APPLICATION REF. NO:	09/00130/DC
STATUTORY DECISION DATE:	28 April 2009
WARD/PARISH:	PARK EAST
LOCATION:	South Park Play Area
DESCRIPTION:	Erection of equipped play area including enclosure fencing and gates.
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 erection of an extension to the existing childrens play area, located to the south-western boundary of South Park. The existing play area was installed in 2005 as part of the comprehensive Heritage Lottery funded park refurbishment. The play area has proved very popular and due to the large number of users it has become apparent that the play area is too small and additional facilities are required.

The extension will provide a facility for the 1 to 5 year age group. It will be linked to the main park footpath and the existing play area via self closing gates. The area will be enclosed by a 1.2m high metal fence to match that of the existing play area . Within the play area will be a number of pieces of play equipment specifically targeted at the 1 to 5 year age group. As yet details of these exact pieces are yet to be determined as a contract has not yet been issued. The surface within the fenced area will be entirely wet pour safety surfacing.

PLANNING HISTORY

None relevant to application currently under consideration.

PLANNING POLICY BACKGROUND

Policy E9 of the Borough of Darlington Local Plan states that development affecting the parks and gardens of landscape or historic interest (including South Park) will not be permitted where it detracts from their character or appearance or prejudices either the survival or reinstatement of historic features.

RESULTS OF CONSULTATION AND PUBLICITY

Thirteen letters of neighbour notification were issued to residents along Parkside which expired on 31 March 2009. A site and press notice in the Darlington and Stockton Times were also provided which expired on 10 April 2009. During this statutory consultation period one letter of objection was received.

Objection was raised on the grounds that the proposal would result in more parkland being concreted over and enclosed by fencing.

English Heritage – provided no comment on the proposal within a Grade 1 Historic Park.

The Council's Highways Officer - has been consulted and has raised no objections to the proposed development.

Transport Policy - requested that 3 or four cycle stands be provided within the vicinity of the application site. The applicant is in discussions with the transport section to provide this prior to the finalised scheme being implemented.

Public Rights of Way – confirm that no public rights of way are effected by the proposal and therefore no objections are raised.

Arboricultural Officer - Has advised that the proposed play area is within the root protection area of a mature Sycamore and semi-mature Birch. In addition a newly planted tree will require to be resited.

If the development is approved, it is of paramount importance that the root area of the trees is completely protected from damage by compaction, severance, or from material spillage. This will only be possible through the installation of protective fencing in accordance with BS5837 2005. A condition is also recommended requiring the construction of protective fencing prior to the development taking place.

PLANNING ISSUES

Policy E9 as detailed above requires new development within a park, such as South Park, to protect the character or appearance of the park without prejudicing the survival or reinstatement of historic features and this is the principle issue for consideration. The section of South Park where the proposed extension to the play area is located features many of the facilities provided within the park including bowling greens, multi use games area ,skate ramps and aviary. The proposed area of the extension is currently a turfed area close to the junction of two footpaths. There is a newly planted tree in this area, which will need to be relocated. The surface of the play area is to be wet pour safety surfacing which is a rubberised compound which as well as improving safety enables surface water to be absorbed into the surface. In response to the objection it is therefore unlikely that this extension to the play area will have any adverse impact upon the drainage of the park.

Visually the location of the play area will not appear out of context with the other recreational facilities provided in this section of the park. No landscape or historic features contained within the park will be adversely affected by this modest extension to an existing play facility. The development is therefore considered to be compliant with Policy E9 of the Borough of Darlington Local Plan.

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 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.

RECOMMENDATION

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 (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) E11 Tree Protection

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. 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)

E9 – Protection of Parklands