

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15 February 2012

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APPLICATION REF. NO:	11/00748/FUL
STATUTORY DECISION DATE:	24 January 2012
WARD/PARISH:	CENTRAL
LOCATION:	The Old Presbytery Barton Street DARLINGTON DL1 2LW
DESCRIPTION:	Demolish existing boundary wall, form new boundary wall and gate to enable extension to playground area, reduction of size of existing bin store and alterations to landscaping (amended plans received 6 January 2012).
APPLICANT:	Mr Maurice Boulton

APPLICATION AND SITE DESCRIPTION

Planning Permission is sought for a new boundary wall and gate to the rear of the Nursery building. This would allow a larger area of the site to be enclosed as a playground. The proposal includes the reduction in size of an existing bin store and for alterations to the landscaping.

The new wall would be 2.1m in height and would include close boarded timber fencing panels and a gate. The wall would enclose an area some 4m by 5.4m. The existing visitor parking spaces for Church Grove would be retained and the space closest to the new wall would be increased in length from 4.2m to 4.7m. The bin store next to Barton Street would be reduced in size so that there would not be extra room over what is required for bin storage. The existing shrubs would be removed (planning permission is not required for this) and new low level shrubs would be planted.

The property is located to the east of Barton Street. The building is two storeys and is bounded by residential properties on Church Grove.

The proposal has been amended as it was originally proposed to re-site the existing visitor car parking spaces some 0.5m to the west. This would have put the spaces closer to the junction with Barton Street which was not considered acceptable in relation to highway safety.

PLANNING HISTORY

90/00026/CU – on 11 April 1990 planning permission was granted for the change of use from a dwellinghouse to a day nursery with first floor residential flat.

92/00209/FUL – on 3 July 1992 planning permission was granted for the alteration, conversion and extension to a workshop to provide additional day nursery accommodation.

97/00632/FUL – on 18 November 1997 planning permission was granted for a first floor extension to provide a playroom to the nursery.

10/00178/FUL – on 17 May 2010 planning permission was granted for the erection of a two storey extension to the rear.

PLANNING POLICY BACKGROUND

Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 is relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal and a site notice was displayed. Objections have been received from the occupiers of eight neighbouring properties and the main points raised are as follows:

- *There was inconvenience when the Nursery was extended previously.*
- *The parking in Church Grove is overcrowded and the visitor car park has been blocked off for several months aggravating this situation.*
- *The proposal will result in further inconvenience and will be harmful to highway safety.*
- *Criminals will be attracted to the site during construction to take materials.*
- *Damage has been caused to the parking bays.*
- *Church Grove will be used to access the rear of the property for deliveries to the Nursery and for parents dropping off and collecting children.*
- *The residents do not want a back gate to the Nursery right in the entrance to the street as it would be impractical, unsightly and will continue to cause problem regarding entering/leaving the street and parking.*
- *The residents of Church Grove have a covenant in their property deeds that gives them the right to use the three parking bays for visitors.*
- *William House Nursery do not own the land they are proposing to use as a playground and put a boundary wall around.*
- *The proposal would result in a loss of shrubbery and the erection of an unsightly brick wall.*
- *The proposal would take away the landscape area of the street and would cause an eye saw.*
- *It states in the deeds that it is not allowed to move the landscaping in any way.*
- *Noise from the extended playground will disturb local residents.*

The **Highways Officer** raised no objections to the proposal as amended.

The **Environmental Health Officer** required a condition regarding contamination to be placed on any granting of planning permission.

PLANNING ISSUES

Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that compliment the built form; and relate well to the Borough's green infrastructure network.

Although the new wall would be located in a relatively prominent position, it would be in keeping with the appearance of the host property and would not cause significant harm to the appearance of the area. The alterations to the bin store to reduce its size would not have a significant impact on the appearance of the area. A condition requiring details to be submitted and approved of a landscaping scheme would be appropriate to ensure that there will be appropriate shrub planting to improve the appearance of the site.

The size and siting of the proposed works are such that the proposal would not result in any significant detrimental impacts, in terms of light and outlook, to occupiers of neighbouring residential properties. The new gate to the boundary wall on Church Grove would not be used for deliveries or child drop off / pickup.

The increased size of the playground that would be afforded by the new wall is not considered likely to result in any significant overall increases in issues of noise and disturbance that would be expected from the outdoor play of children.

The temporary hoarding that has been erected around the parking bays during the construction of the extension to the building would need planning permission if it is to be retained as a permanent feature. The details of the application show the hoarding as being removed and the parking bays re-instated. If the permission was not implemented and the hoarding not removed, enforcement action could be taken.

It is noted that implementation of the permission may result in some inconvenience to local residents but this not considered to be a sufficient reason to refuse planning permission.

In relation to the objections received it should be noted that the granting of planning permission would not override any other consents that may be required by the applicant such as in relation to covenants.

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 and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 A3 Implementation Limit (3 years)
- 2 B4 (Samples)
- 3 B5 Detailed Drawings (Accordance with Plan)
- 4 J2 Contamination
- 5 E2 Landscaping (Submission)
- 6 The gate in the boundary wall hereby permitted shall only open inwards and not out over the footway.

Reason – in the interests of pedestrian and highway safety.

Suggested summary of reasons for granting planning permission

The proposed development is considered acceptable and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in light of Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.