

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 26 July 2017**

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<b>APPLICATION REF. NO:</b>	<b>17/00497/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>3 August 2017</b>
<b>WARD/PARISH:</b>	<b>SADBERGE AND MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Land to north of Cobby Castle Lane, Bishopton</b>
<b>DESCRIPTION:</b>	<b>Change of use of part of agricultural field to children's playground and erection of play equipment</b>
<b>APPLICANT:</b>	<b>MR DAVID THORMAN, BISHOPTON PARISH COUNCIL</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the change of use of the south west corner of an agricultural field located to the north of Bishopton and Redmarshall School, on Cobby Castle Lane, Bishopton to form a children's play area.

It is proposed to erect a post and rail fence along the full length of the eastern boundary of the site and to mark out a football pitch adjacent to this boundary with goal posts either end, which will take up the majority of the site. Timber play equipment comprising an 'adventure trail', picnic benches, swings, climbing frame and 'multiplay tower' is to be sited in the south west corner of the site. Existing hedgerow along the west boundary, adjacent to the Cobby Castle Lane, and along the southern boundary between the site and the school field will be retained. A timber field gate and kissing gate are to be provided in the south west corner providing access off Cobby Castle Lane.

The site is bounded by the primary school to the south, by Cobby Castle Lane and a property known as 'Gorann' to the west and by agricultural land to the north and east. There are additional residential properties 40 metres to the south west of the application site on Cobby Castle Lane. The site immediately to the north of these properties and to the south of 'Gorann' was the subject of a recent planning application for the erection of 9 dwellings (17/00166/OUT). Members were minded to grant outline planning permission subject to the applicants entering into a Section 106 Agreement. The site also adjoins the boundary of the Bishopton Conservation Area to the south of the application site.

**PLANNING HISTORY**

There is no planning history for the site.

**PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

**National Planning Policy Framework 2012**

**Saved Policies of the Borough of Darlington Local Plan 1997**

Policy E2 (Development Limits)

**Darlington Core Strategy Development Plan Document 2011**

Policy CS2 (Achieving High Quality, Sustainable Design)

Policy CS9 (District and Local Centres and Local Shops and Services)

Policy CS16 (Protecting Environmental Resources, Human Health and Safety)

**RESULTS OF CONSULTATION AND PUBLICITY**

**Highway Engineer** – The playground would be accessed along a private track that is devoid of footways and street lighting off the end of the adopted highway. The track does not form part of the Public Rights of Way network. The private track provides access to a number of farmsteads therefore traffic levels should not be significant although access rights would need to be confirmed with the landowner. There is concern that the playground may attract additional vehicle trips, however this facility is primarily for the village use therefore it would be expected that the majority of trips to the site would be walking or by cycle. I would raise no highway objection to the proposal.

**Environmental Health Officer** – No comments to make.

**Police Architectural Liaison Officer** – Concerned that, from a crime prevention perspective, play areas can sometimes attract anti-social behaviour, youths use them as places to congregate which results in nuisance to neighbours and the equipment being damaged, however having looked into this location and following consultation with the Neighbourhood Policing Team this shouldn't be the case in Bishopton so I have no comment to make.

**Bishopton Parish Council** – Recommend the application be approved.

Four letters of objection has been received which raises the following issues:

- *The location of the playground close to a number of residential homes, causing noise and disturbance to residents;*
- *The close proximity to the school could encourage some young people to feel they would be able to extend their play onto the school field and abuse the equipment in the outdoor classroom;*
- *As has happened in the past when a piece of land was provided for the children to play on, it was vandalised by children who did not live in the village;*
- *Teenagers may want to use this area to meet up with some coming to smoke and drink in the playground;*
- *Who would police this area when irresponsible children are destroying the equipment and creating a nuisance;*
- *Who would be responsible for the upkeep of the equipment, as like everywhere else, budgets have been cut to local authorities and parish councils;*
- *Who will supervise litter picking and cleaning of the area?*

- *The field is located at the edge of the village onto open fields and would be accessible to anyone; it is not safe;*
- *There is a perfect area within the village on the green in Town Farm Close, with minimum traffic and plenty of people to watch out. This will never happen as the residents of Town Farm Close do not want it;*
- *It is going to bring a lot more people down or quiet lane;*
- *The Parish Council said it would be policed. Would these people be police checked or have safeguarding training?*
- *It is my understanding that there is not much funding for this playground;*
- *We have guard dogs running the full perimeter of our property and if people are playing in the field directly next to our boundary this will cause our dogs to bark and be noisy. We do not want people complaining/reporting the noise to the Council;*
- *Will the Parish Council contribute to the up keep of Cobby Castle Lane? I'm sure the Parish Council will need to keep the hedge cut and cut the grass in the field so this will cause more traffic;*
- *Will it be put in writing that the playing field cannot be turned into housing at a later date once the change of use has been granted?*
- *Cobby Castle Lane is only for access to a small number of properties and agricultural fields. We already struggle with traffic from the primary school using the tack to park and turn round which obstructs us many times. Don't you think the field should be used as a car park for the school which would put the Parish Council's money to better use?*
- *What happens when the Parish Council doesn't have the money to pay the rent in future years?*
- *Don't agree with having a play area but if the village are so desperate for one wouldn't it be better at the other end of the village next to the water works away from residential houses?*

## **PLANNING ISSUES**

The application site is located just outside the development limits for the village of Bishopton as defined by the proposals map accompanying the Borough of Darlington Local Plan. Saved Local Plan Policy E2 (Development Limits) states that while most development should be located within development limits, development for countryside-related sports or recreation activities will be permitted outside them provided that unacceptable harm to the character and appearance of the rural area is avoided.

Policy CS2 (Achieving High Quality, Sustainable Design) states that high quality, safe, sustainable and inclusive design will be promoted in all new developments and that such development should reflect or enhance the particular characteristics that positively contribute to the character of the local area and its sense of place. Core Strategy Policy CS9 (District and Local Centres and Local Shops and Services) is supportive of proposals to provide leisure uses which meet the needs of local residents without the need to use a car. Policy CS16 (Protecting Environmental Resources, Human Health and Safety) is also relevant and states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community.

The proposed play area would be located on the edge of the village, immediately to the north of the school and surrounded by other sporadic development along Cobby Castle Lane, against which the proposed play equipment would be seen. As such the principle of creating a

children's play area on this site to serve the village of Bishopton is considered to be acceptable. The main issues for consideration are however the impact of the proposed play equipment on the visual amenity of the surrounding area and whether the use of the proposed play area would be likely to give rise to an unacceptable increase in noise, nuisance or disturbance to nearby residents or give rise to, or exacerbate, anti-social behaviour in the area, so as to warrant refusal of the application on this basis.

### **Visual Amenity**

The proposed play area would comprise a number of timber framed pieces of play equipment located in the south west corner of the application site, screened by a mature hedge along the south and west boundaries which would be retained as part of the proposal. The applicant has confirmed that the highest pieces of play equipment are the swings at about 2.25 metres in height, the upper parts of which would be visible above the hedge. In view of their design and timber construction, they are not considered to be unduly prominent or harmful to the character and appearance of the surrounding area. The equipment is to be set on green coloured rubber matting which will help assimilate the play area into the surrounding area, being predominantly open countryside.

The site adjoins the boundary of the Bishopton Conservation Area. Paragraph 137 of the National Planning Policy Framework requires that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In view of the above considerations the proposal is unlikely to impact on the setting of the Bishopton Conservation Area.

The proposal is therefore considered to comply with the requirements of Saved Local Plan Policy E2 (Development Limits), Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design) and the NPPF.

### **Residential Amenity and Anti-Social Behaviour**

The proposed play area is bounded by Bishopton and Redmarshall Primary School to the south and by the property known as 'Gorann' to the west. Other residential properties on Cobby Castle Lane are located approximately 40 metres to the south west.

The proposed play area has the potential to impact upon the amenities of these properties by an increase in noise, nuisance and disturbance. The site is currently in agricultural use although the primary school fields are located immediately to the south of the site and the nearby residential properties are already exposed to noise arising from the use of the school fields for informal recreation, albeit during school hours. Concern has also been expressed regarding the potential for the site to give rise to anti-social behaviour. Durham Constabulary Police Architectural Liaison Officer has commented on the application and while he acknowledges that play areas can sometimes attract anti-social behaviour, as places to congregate and cause nuisance, in this location and following consultation with the Neighbourhood Policing Team this is not considered to be an issue in Bishopton. The Environmental Health Officer has advised that they do not have any comments to make on the application.

One of the objectors has questioned whether alternative sites, away from residential properties, have been considered. Play areas benefit from natural surveillance from residential properties which in turn has been demonstrated to reduce incidences of anti-social behaviour. This however must be balanced against the impact of such a proposal on residential amenity. In view of the small scale nature of the proposed play area, on a site adjacent to an existing school

playing field, it is not considered that the proposal will have an unacceptable adverse impact on the amenities of neighbouring dwellings so as to warrant refusal of the application on this basis.

### **Highways and Access Matters**

The site is accessed via a private track which serves a number of farmsteads. Although there is some concern that the proposed play area may attract additional vehicle trips, as the facility is primarily for village use it is expected that the majority of these trips would be on foot or by cycle. While there would be some vehicular activity associated with the maintenance of the site, such as hedge trimming and grass cutting, these are not likely to be particularly frequent and should not introduce a significant amount of vehicular activity over and above that associated with the cultivation of the field when in agricultural use.

### **Other Matters**

A number of matters have been raised by objectors relating to the funding for the proposed play equipment and responsibilities for ensuring the site is kept tidy. These are not however material planning considerations, being matters for the applicant to address.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

### **CONCLUSION**

The change of use of part of this existing agricultural field, in an edge of village location, to form a children's play area together with the siting of timber play equipment is acceptable in principle. The proposed play equipment will not have an unacceptable impact on the character and appearance of the surrounding area and the proposed use will not have such an unacceptable impact on the amenities of nearby residential properties so as to warrant refusal of the application on this basis. The Highway Engineer has raised no highway objection. As such the proposal is considered to comply with the requirements of Saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997, Policies CS2 (Achieving High Quality, Sustainable Design), CS9 (District and Local Centres and Local Shops and Services) and CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

### **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 (Standard 3 year time limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Bishopton Parish Council Proposed Playground received 6 June 2017  
Bishopton Play Area Proposal received 6 June 2017

REASON – To ensure the development is carried out in accordance with the planning permission.

3. Prior to the commencement of the development hereby permitted, or any such timescale to be agreed by the Local Planning Authority, details of the rubber matting to be used in the surfacing of the play area, including samples, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved and thereafter be so maintained.

REASON – In the interest of visual amenity.

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT  
IN CONSIDERATION OF THE APPLICATION:**

**National Planning Policy Framework 2012**

**Borough of Darlington Local Plan 1997**

Saved Policy E2 (Development Limits)

**Darlington Core Strategy Development Plan Document 2011**

Policy CS2 (Achieving High Quality, Sustainable Design)

Policy CS9 (District and Local Centres and Local Shops and Services)

Policy CS16 (Protecting Environmental Resources, Human Health and Safety)