

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 September 2009

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APPLICATION REF. NO:	09/00537/DC
STATUTORY DECISION DATE:	8 October 2009
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	High Coniscliffe Primary School, High Coniscliffe
DESCRIPTION:	Change of use from agricultural land to car park, drop off area, woodland and informal community garden area and school playing field extension (amended Transport Assessment received 4 September 2009)
APPLICANT:	Director of Corporate Services

APPLICATION AND SITE DESCRIPTION

The application site is currently an agricultural field, adjacent to the High Coniscliffe Primary School on Ulnaby Lane and it measures 0.29 hectares in area. There are agricultural fields to the north, east and west, with the school forming the southern boundary. The nearest residential dwellings are located to the south of the school. The site lies close to but outside of the High Coniscliffe Conservation Area.

The proposal involves the change of use of the land from an agricultural use to a car park and drop off area for the school. The proposal would create seventeen parking spaces, including two disabled bays and a single access would lead onto Ulnaby Lane. To the rear of the parking area, there would be a new woodland, informal community garden area and play area.

This application has been submitted under Regulation 3 of the Town and Country Planning General Regulations 1992.

PLANNING HISTORY

There is no planning history for the application site

PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan are relevant:

- E2- Development Limits
- E6- Protection of Agricultural Land
- E7 – Landscape Conservation
- E8 – The Area of High Landscape Value
- E11 – Conservation of Trees, Woodlands and Hedgerows
- E12 – Trees and Development
- E14 – Landscaping of New Development
- E23 – Nature and Development
- E29 – The Setting of New Development
- R1 – Designing For All
- T2 – Highway and Transport Management – Existing Resources
- T7 – Traffic Management and Main Roads
- T8 – Access to Main Roads
- T12 – New Development – Road Capacity
- T13 – New Development – Standards
- T24 – Parking and Servicing Requirements for New Development
- T31 – New Development and Public Transport
- T37 – Cycle Routes in New Developments
- T39 – Conditions for Pedestrians

Government Guidance on conservation areas is contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment

RESULTS OF CONSULTATION AND PUBLICITY

No letters of objection have been received following the Council’s consultation and publicity exercise

A petition containing 164 signatories, in support of the application and has been received. The petition states

- *We the undersigned, wholly support the proposed development at High Coniscliffe Primary. We see great benefits for the community on the easing of traffic problems, the creation of a community facility and improvement of the teaching environment for the children at the school”*

Northumbrian Water

The comments from Northumbrian Water will be mentioned verbally at the Planning Committee

High Coniscliffe Parish Council

The comments from the High Coniscliffe Parish Council will be mentioned verbally at the Planning Committee

PLANNING ISSUES

The main issues in this case are considered to be:

- Planning Policy
- Highway Matters

Planning Policy

The Town and Country Planning Act 1990 (as amended) requires that all applications for planning permission should be decided in accordance with the policies of the development plan unless material planning considerations indicate otherwise.

The application site falls outside of the development limits for the village as defined by the Policy E2 (Development Limits) of the Borough of Darlington Local Plan. Policy E2 states that small-scale development beneficial to the needs of the rural economy will be permitted outside the development limits provided that unacceptable harm to the character and appearance of the rural area is avoided.

The site does lie within the Area of High Landscape Value (AHLV) and Policy E8 (The Area of High Landscape Value) states that special attention will be given to conserving landscape character and quality within the AHLV. Development on the edges of the built up areas within the AHLV will be permitted provided that it does not detract from the high landscape quality. Essential infrastructure development must be designed to ensure that any detrimental impact on the character of the AHLV is minimised.

It is considered that the change of use of the agricultural field and the creation of a car park is not a small-scale development beneficial to the needs of the rural economy and therefore the proposal would be contrary to Policy E2. Also, the creation of a car parking area in an Area of High Landscape Value would not normally be considered as an acceptable form of development due to its impact on the landscape character of the Area.

It is therefore necessary to consider whether there are material considerations that would outweigh the normal presumption against development.

Existing Highway Situation

Ulnaby Lane, which is located adjacent to the site, is subject to the national speed limit (60mph) as far south as the existing school access where it becomes a 30mph limit. A Transport Statement, submitted with the application states that *“Ulnaby Lane is highly congested during peak school times with many parents dropping off and picking up their children by private car. The rural location of the school means that the car is the primary method of transportation and the rural nature of the road exacerbates the existing parking problems. With cars parked solidly from the junction with the A67 to 50 metres north of the school access, there are limited passing opportunities to aid the flow of traffic. Cars are parked close together and finding a space can frequently be difficult due to the high level of demand. Also when a car chooses to leave its parking space it can be pulling into a line of oncoming traffic and therefore vacating spaces is not as easy as it should be and also restricts the flow of traffic.”*

The TS states an observation survey of the school showed that the total number of cars which came to drop off pupils during the morning drop off peak period (0845 to 0855) was 46. The maximum number of cars parked outside the school at any one time was 26. This situation was

worsened by the arrival of a 50-seat school coach and the school mini bus which decreased the amount of space available for parents to wait. In the afternoon the school has staggered finish times with Key Stage 1 children leaving at 1500 and Key Stage 2 children leaving at 1530. The total number of cars picking up pupils from school in the afternoon was 37. However due to the staggered finish times, the maximum number of cars parked in the area at one time was 19.

The accessibility of the school by other forms of transport has been given consideration. The nearest bus stops to the school are on the A67 and within 300m of the school. The bus route serving the school runs frequently east – west from Darlington along the A67 to Barnard Castle. Unfortunately, the majority of pupils who attend the school are situated in rural areas on the outskirts of Darlington or in the north area of Darlington, away from the bus station. The Transport Statement considers that the public transport accessibility is poor.

Ulnaby Lane is an advisory cycle route along its entire length and links into a network of additional advisory cycle routes, which link the villages of Walworth, Heighington and Summerhouse. Due to the nature of the road and it being subject to national speed limit for the majority of its length, it is unlikely to be utilised by primary school pupils for cycling purposes.

Walking opportunities around the school are limited due to its location. There are no footways along the northern section of Ulnaby Lane, which is subject to the national speed limit. Pupils who live in High Coniscliffe can use footways in the village, which are linked to the school gates.

The school has an existing Travel Plan, which highlights the main problems as being its rural location, wide catchment area, congestion and parking. The school are currently trying to ease the pressures of parking in the vicinity of the site by encouraging car sharing.

Highway Safety Issues

The concern of the school is that children are regularly being dropped off in a 60mph zone with no pavement for children to walk back up to the school. Despite moves to improve access in and around the school, they are still in a position whereby the only approach to the school grounds for any of the pupils, is by walking on a verge, where possible, or the main road, in a 60mph zone. The school have put forward the development subject to this application in order to alleviate traffic congestion but also as a direct concern over the safety of their pupils.

The development would result in the removal of 19 cars from the main carriageway. This would leave a maximum of 9 cars in the morning on Ulnaby Lane and 2 cars in the evening. The Transport Statement states that this would clearly reduce congestion and parking issues upon Ulnaby Lane.

Officers are aware that an alternative drop off/pick up proposal was considered by the school, which involved less of an encroachment outside of the development limits of the village. However, this was discounted by the school as it did not fulfil their requirements, the Council's Highway Engineer had concerns that its impact on parking problems would be minimal and it raised other highway safety issues and it would have resulted in the loss of a high number of trees.

The Council's Highways Engineer has considered the proposed development and commented that *"A Transport Statement has been submitted with the application. This TS clearly outlines*

the characteristics of the existing highway network and the problems caused by drop off/pick up, in particular on Ulnaby Lane. The observation in the TS is that 'Ulnaby Lane is highly congested during peak school times'. Given the poor accessibility of the site by cycle or public transport parent/carers have little alternative to use of the private car. In normal circumstances provision of parking off street, in effect condoning the use of the private car, would not be encouraged. However, there is highway concern about the current parking regime as this effectively reduces Ulnaby Lane to a single track road from the A67 to well past the start of the 30mph limit at peak times. This problem can only really be solved by providing of-street parking facilities.

The provision of the car park will provide this facility and will remove the majority of vehicles from Ulnaby Lane. In doing so this would address the road safety concerns with the current situation.

I would accept the conclusions of the TS that the proposed school pick up/drop off is acceptable on highway grounds and I therefore would recommend approval of the proposal."

The Highways Engineer considers that the current proposals would be beneficial to highway safety and it is accepted that the proposed development is the only option available to address the current problems.

It is recognized by officers that the application, whilst outside of the development limits, is on the very edge of the built up area and it does maintain a visual relationship with the existing school

The proposal not only involves the creation of the car park and drop off area but also a new woodland area, sensory garden, informal community garden and play area would be created within the application site. Whilst precise details of these areas have not been finalized and submitted with the application, it is considered that with appropriate species, planting, management and habitats these mitigation measures would minimize the impact of the development on the character of the area and give it a semi rural appearance.

By extending the school grounds in this way, the school will have an area that is close to the recommended standards for outdoor play space and the land would be used both for play and for activities which complement the curriculum. The community garden would be an opportunity for the school to work closely with established groups in the village and discussions have taken place to establish these links with the local community

There are a number of trees within and on the edge of the school grounds, which are not covered by any tree preservation orders. Whilst the application has not been accompanied by an Arboricultural Implications assessment, an Arboricultural Method Statements nor a Tree Protection Plan, it would appear that the development would be located within the root protection areas of two Turkey Oak trees and a Sycamore tree. The Council's Senior Arboricultural Officer, has stated that the sycamore tree would be worthy of a preservation order, however, the loss of this tree would be compensated by the additional planting in the woodland area and provided measures are put in place to protect the trees to be retained, there are no concerns about its impact on trees.

It is considered that the development, subject to the proposed mitigation measures and suitable planning conditions, would not have an adverse impact on the visual appearance and character of the Area of High Landscape Value.

The application site lies outside of the High Coniscliffe Conservation Area but it lies adjacent to the Area. The impact on the conservation area has, however, assessed as minimal in this case. The Council's Conservation Officer has commented as follows:

"The proposal is to provide car parking and a wooded / garden area on currently agricultural land adjacent to High Coniscliffe Primary School and adjacent to the Conservation Area boundary, to alleviate parking issues during term time.

I understand the need for the parking, which will provide a safer solution when parents drop off and collect their children to and from school. The proposed materials are reasonably sympathetic to High Coniscliffe and therefore the impact on the Conservation Area will be minimal. Consequently I have no objection to the proposal."

An Archaeological Assessment and Evaluation has been carried out and it is almost certain that the site has been used for agricultural purposes only since the Middle Ages and it has no specific archaeological significance.

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 application site lies outside of the development limits for High Coniscliffe and within the Area of High Landscape Value as designated by the Borough of Darlington Local Plan. The objective of the proposed development is to alleviate existing parking problems being experienced at the Primary School. It is considered that under these circumstances, these material planning considerations along with the proposed landscaping mitigation measures would allow officers to set aside the normal planning policies and recommend approval for the development in this rural location. The following policies within the Borough of Darlington Local Plan were taken into consideration, along with Planning Policy Guidance Note 15 – Planning and the Historic Environment:

- E2- Development Limits
- E6- Protection of Agricultural Land
- E7 – Landscape Conservation
- E8 – The Area of High Landscape Value
- E11 – Conservation of Trees, Woodlands and Hedgerows
- E12 – Trees and Development
- E14 – Landscaping of New Development
- E23 – Nature and Development
- E29 – The Setting of New Development
- T2 – Highway and Transport Management – Existing Resources
- T7 – Traffic Management and Main Roads
- T8 – Access to Main Roads
- T12 – New Development – Road Capacity

- T13 – New Development – Standards
- T24 – Parking and Servicing Requirements for New Development

RECOMMENDATION

PLANNING PERMISSION BE GRANTED UNDER REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND SUBJECT TO THE FOLLOWING CONDITIONS:

- A3
- Notwithstanding the details shown on the approved plans, precise details of the woodland area, the sensory garden, informal community garden and play area extension shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall be agreed with the Local Planning Authority but they shall include the species and Management Plan for the area. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of the visual amenity of the surrounding area.

- Prior to the commencement of the development, the details of any means of enclosure, including the access gates, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the surrounding area.

- Prior to the commencement of the development, an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

The raising or lowering of levels in relation to the existing ground levels;
Cutting of roots, digging of trenches or removal of soil;
Erection of temporary buildings, roads or carrying out of any engineering operations;
Lighting of fires;
Driving of vehicles or storage of materials and equipment.

REASON: To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area

- Notwithstanding the details shown on the approved plans, details of cycle parking facilities shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure that a satisfactory cycle parking area is provided and to encourage the use of sustainable modes of transport

- Notwithstanding the details shown on the approved plans, details of dropped crossing and tactile paving at the new access shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the highway and pedestrian safety

- B5 – Detailed Drawings)Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies outside of the development limits for High Coniscliffe and within the Area of High Landscape Value as designated by the Borough of Darlington Local Plan. The objective of the proposed development is to alleviate existing parking problems being experienced at the Primary School. It is considered that under these special circumstances, these material planning considerations and the proposed landscaping mitigation measures would allow officers to set aside the relevant planning policies and recommend approval for the development in this rural location. The following policies within the Borough of Darlington Local Plan were taken into consideration, along with Planning Policy Guidance Note 15 – Planning and the Historic Environment:

- E2- Development Limits
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- E23 – Nature and Development
- E29 – The Setting of New Development
- T2 – Highway and Transport Management – Existing Resources
- T7 – Traffic Management and Main Roads
- T8 – Access to Main Roads
- T12 – New Development – Road Capacity
- T13 – New Development – Standards
- T24 – Parking and Servicing Requirements for New Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to construct access to the car park, and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.