

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd JULY 2008

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APPLICATION REF. NO: 08/00322/DC

STATUTORY DECISION DATE: 8 JULY 2008

WARD/PARISH: NORTH ROAD

**LOCATION: North Road Primary School, St. Paul's Terrace,
Darlington**

DESCRIPTION: Erection of new primary school

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.

The application site consists of the existing North Road Primary School site on the southern side of St Pauls Terrace and to the west of Pendleton Road South, together with the playing field and the existing Grass Street Play Area to the east of the highway. The existing school site is surrounded by residential properties at St Pauls Place to the west, St Pauls Terrace to the north and Henry Street to the south. The existing playing field is surrounded by the rear aspect of properties in Redmire Close to the north, allotment gardens to the east and residences in Close Street and Grass Street to the south, with Bob Harrison Court forming an indent in the south west corner of the site.

Approval is sought for the demolition of the existing school building and the redevelopment of the site to provide a new primary school. One of the principal objectives of the scheme is to unify the existing split site to form one discrete site providing the school facilities. This will involve the closure of a short section of highway between the two sites and the diversion of an existing cycle path, in order that this can be achieved. The scheme comprises the following elements:

- The demolition of the existing school and the erection of a new school building on the existing playing field; the building would be in part two-storey, reducing to single storey to its southern elevation; it has been orientated to maximise passive techniques for cooling and ventilation and employs external devices to maximise solar gain together with the employment of rainwater harvesting; its design takes the form of two 'bookends' separated by a elevations to the north and south which includes the use of natural materials in the form of a green roof, timber, and open glass elements;
- The retention of the existing parking area on the existing school site consisting of 50 No. Parking spaces, including 10 No. disabled parking spaces;

- The retention of the existing Grass Street play park to the south extent of the existing playing field;
- The provision of 2 No. mini soccer pitches on the site of the existing school building between St Pauls Terrace and Bob Harrison Court;
- The provision of hard and soft landscaping and new boundary fencing around part of the site, utilising the existing boundary treatment where possible.

A Design and Access Statement has been submitted as required by the regulations.

The applicant carried out community consultation prior to submitting the application in line with the Council's Adopted Statement of Community Involvement. The comments received were collated and used to influence the design of the scheme where appropriate. A summary of the main areas of concern arising from these were summarised in the submitted application.

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI/1999/293) (the 1999 Regulations). As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the LPA has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

99/00377/FUL – In July 1999 planning permission was granted for the erection of a new single storey extension to the school to form a library room.

PLANNING POLICY BACKGROUND

Borough of Darlington Local Plan (1997)

E29 - The Setting of New Development

R1 – Designing for All

R2 – Access for People with Disabilities

R25 - Provision of Community Facilities and Services

E2 – Development Limits

E3 – Protection of Open Land

E11 – Conservation of trees, woodlands and hedgerows

E12 – Trees and Development

E13 – Tree Preservation Orders

E14 – Landscaping of Development

E20 – Sites of Nature Conservation Importance

E21 – Wildlife Corridors

E23 – Nature and Development

E25 – Energy Conservation

E26 – Energy from Renewable Sources

E46 – Safety and Security

E48 – Noise Generating / Polluting Development

H15 – The Amenity Of Residential Areas

R20 – New Sports and Recreation Development

T12 – New Development – Road Capacity

T13 – New Development - Standards

T24 – Parking and Servicing Requirements for New Development

National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006)

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

Planning Policy Guidance 13: Transport (2001)

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

RESULTS OF CONSULTATION AND PUBLICITY

Two objections have been received from local residents raising the following concerns:-

- *I am concerned that the new building will block our south facing gardens sunlight; The intention is to build this new school as a two-storey building, thereby reducing the light that I currently receive; My property and that of others within the same street have gardens that are on a slope leading to the back of the property itself;*
- *I would not like to think that large trees were to be planted to shade our garden and I definitely do not want a really high fence behind my house– I understand that it has to be secure but I do not want to feel like I am living in a cage;*
- *Due to the size of the proposed new structure I have concerns surrounding a lack of privacy – this is also heightened with the fact that there is a proposal to run evening courses at this location meaning that the noise will be more noticeable and it will continue into the evening;*
- *I believe the current design proposal of the building is an eyesore – the building will stand out and be more noticeable;*
- *I have concerns around the reduced security this school relocation will have on mine and other peoples property – a fence will be easy to climb and therefore an intruder could easily access mine and others properties – I have the same fear regarding planting of trees as there are times when people have climbed the trees that are currently in place and accessed properties within my street;*
- *Other options that were put to the representatives of the pre-application meeting do not appear to have been considered.*

Darlington Association on Disability has been consulted and has objected to the application on the following grounds:

I object to this application on the grounds of safety and lack of access to the school from Pendleton Road South when the School is operational. There is a proposal to close Pendleton Road and relocate the right of way to a new cycle / footpath running along the side of the sports field from Henry Street to St Paul's Terrace. The proposed cycle / footpath is an unreasonable distance for many disabled people to be expected to take. The exit / entry points of the proposed cycle / footpath cannot be seen from either end adding to the safety issue. If the cycle / footpath is fenced on both sides people will be vulnerable to attack. If there is no fence between the cycle / footpath and the sports field, then it will be muddled up with cycles and motorcycles. On dark nights this will be a no go area for a lot of vulnerable people.

The School is planning to gate off the south entrance from Pendleton Road. Once the school has started the only entrance will be from Pendleton Road North. Any disabled person needing to visit the school will have to use a new cycle / footpath which is an unreasonable distance to be diverted. This situation will also cause problems for disabled people accessing the school on an evening and weekends when the school is open for community uses.

The Local Authority has a duty to promote equality for disabled people and eliminate discrimination. The proposed relocation of the right of way will only create discrimination by making it unreasonably difficult for some disabled people to access Pendleton Road North or the school from Pendleton Road South once school has started.

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

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

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

Sport England has been consulted and has raised no objections to the proposed development subject to the imposition of a number of planning conditions.

Northumbrian Water has been consulted and has raised no objections to the proposed development.

Northern Electric has been consulted and has raised no objections to the proposed development.

Northern Gas Networks has been consulted and has raised no objections to the proposed development.

Natural England has been consulted and the comments have not been received at the time of writing this report.

PLANNING ISSUES

The principal issue to be considered in the determination of this application are:

- Planning Policy
- Impact on the visual amenities of the area
- Impact on residential amenity
- Impact on ecology
- Highway Issues
- Impact on Trees
- Section 17 of the Crime and Disorder Act 1998

Planning Policy

Policy R25 (Provision of Community Facilities and Services) of the Borough of Darlington Local Plan permits community facilities, which includes educational facilities, where due regard is had to the need to safeguard residential amenity, the character and appearance of the

surroundings, and highway safety. The reasoned justification reinforces this by emphasising that the Council is keen to ensure that the existing range of facilities is retained, and where appropriate, expanded.

Policy R20 (New Sports and Recreation Development) permits new sports and recreation development within built-up areas where their impact on traffic and residential amenity is acceptable, where satisfactory car parking can be provided and where they are sited in locations accessible to public transport users, cyclists and pedestrians.

The proposed development to provide improved facilities within this existing school site and playing field is considered to be acceptable in principle, subject to an assessment of the proposals in respect of detailed matters of development control, which are considered in the remaining sections of this report.

Impact on the visual amenities of the area

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the key principles that should be applied in the determination of decisions on planning applications, in order to contribute to the delivery of sustainable development. The guidance places increased emphasis on the role of high quality and inclusive design in the achievement of the government's objectives.

In turn Policies E29 (The Setting of New Development) and Policy E3 (Protection of Open Land) of the Borough of Darlington Local Plan are relevant. Policy E29 (The Setting of New Development) requires new development to respect the character of its setting in terms of design, materials, landscaping and the protection of other features, such as gardens and open spaces which contribute to the character of the setting, and not to detract from the appearance of its surroundings.

Policy E3 (Protection of Open Land) presumes against development on existing open land that will cause material net harm on the visual relief afforded by open space system as a whole, the character and appearance of the locality, its continuity and any formal or informal recreation afforded by the site.

There are considered to be three principal impacts that flow from the scheme. Firstly, the existing school would be demolished and replaced with mini-football pitches, with the retention of the existing parking area. The school is an attractive building, however it is not exemplified by any statutory controls such as Conservation Area or Listing. Its loss as a public building is unlikely to have a detrimental impact on the locality. Furthermore, a significant number of the existing tree cover around the site is proposed for retention, together with attractive boundary treatment along the northern extent of the site. Overall, this impact is of a degree that is considered to be insignificant.

Secondly, the proposal involves the loss of an area of open space. Although this area of open space is an asset that provides valuable playing pitch provision for the school, the scheme will result in replacement provision on the existing school site, and will open the site up for wider managed community use, and submission and agreement of this can be dealt with by way of a planning condition. To this extent, Sport England has been consulted and has raised no objections. The area of land itself is considered to provide limited visual relief in that some significant hedgerows and trees largely enclose it and residential sites bound it on three sides. The submitted scheme however has respected the context and proportions of the site and retains an element of openness and greenery with the significant landscaping proposals and the retention

of the existing Grass Street Play area. It is recommended that a planning condition be attached to any approval to secure submission and agreement of a detailed landscaping scheme prior to the commencement of any development.

Thirdly, the proposal will have a visual impact in terms of the introduction of a new building on the site to replace the existing school. Its scale is considered acceptable in the context of surrounding buildings that are also two-storey. The design of the building is such that it does not follow any particular architectural style that is present in the locality, or that of the existing school. Rather, the objective of the scheme was to provide a grand and contemporary building that expressed its openness as a community building rather than being seen as solely for school use. Given the above the proposal is considered to be acceptable in terms of its scale, design and appearance.

Overall, the proposed development is considered to be acceptable in respect of its impact on the visual amenities of the locality.

Impact on residential amenity

As existing residences bound the site, there is likely to be some impact on residential amenity. It is however not considered that the level of impact is significant given the distance from properties and the scale of the proposal. Although the site itself is largely level, it is acknowledged that there is a slope outside of the house down towards the dwelling on Redmire Close. This level change is, however, not considered to be significant, particularly given the distance between the proposed building and the dwelling. A condition requiring details of finished floor level is recommended to confirm final levels and any required changes as a result of possible remediation as a result of site investigation so that any change in this impact can be assessed. The Council's Environmental Health Officer has been consulted and has recommended that planning conditions be attached to any approval to secure submission and agreement of details of external lighting together with the standard contaminated land condition. It is also recommended that a noise impact assessment be carried out in order that any identified mitigation to the surrounding properties is adequately addressed.

Impact on Ecology

The application site is not one that is identified as having any nature conservation or ecological interest. There is however a Site of Nature Conservation Importance to the east of the site, outside of the site boundary and there is a known breeding population of Great Crested Newts within this area. The application was submitted with an Ecological Assessment, which identified that there is the potential for GCN to use the existing hedgerow to the site for foraging. The remaining habitats on the site are considered to have negligible value for nature conservation. The report does however proceed to recommend a number of mitigation measures and opportunities for enhancement, as required by local and national guidance. The views of Natural England have been sought and to date, no response has been received. The response will therefore be reported verbally at Planning Committee. The Countryside section were involved in pre-application discussions and it is recommended that a planning condition is attached to any approval to secure implementation of the mitigation measures detailed in the submitted ecological assessment, this is however subject to receiving agreement of this from Natural England.

The developer is aware of the likely requirement for a DEFRA licence for the development to proceed, together with the requirement to comply with the requirements of the Wildlife and Countryside Act 1981 (as amended). A suitable informative is however recommended in order that these requirements are reiterated.

Highway Issues

Access to the site will be achieved from the northern end at the intersection of Pendleton Road South with St Paul's Terrace. The scheme will involve the closure of an existing short section of Pendleton Road South to achieve a composite and secure site. This will result in the closure of a cycle route, which currently runs north south between the two existing sites and its diversion along St Paul's Terrace and south along St. Paul's Place.

The Council's Transport Policy Officer has been consulted and has made the following comments:

In Transport Policy terms, there is a clear preference for the existing Pendleton Road route to be retained through the site in a straight line as a footpath / cycle route. This direct route is also more beneficial for disabled people. However, the necessity to avoid a split site is understood and re-routing the footpath / cycle route is considered to be an acceptable compromise with the proviso that the route is of a high quality.

To this extent, should members resolve to grant planning permission, it is recommended that a planning condition be attached to the approval to secure further submission and agreement of design and surfacing details of the new route, together with surface drainage and street lighting.

The Council's Highway's Officer has been consulted and has raised no objections to the proposed development subject to a planning condition to requirement submission and agreement and implementation of a detailed scheme for the provision of a 20mph traffic calming zone in the vicinity of the development.

On balance, the proposal is considered to be acceptable in terms of its impact on the local highway network, its accessibility and its impact on existing routes.

Impact on Trees

The site contains a number of trees and is bounded by mature hedgerows on two sides. Consequently, the application was submitted with a survey of all of the existing trees together with an assessment on the likely implications of the development for the short and long-term survival of the trees. The scheme submitted includes for the retention of the majority of the trees with those to be removed principally consisting of some poor specimens along the western boundary of the existing school site. The Council's Arboricultural Officer has been consulted and considers that 6 No. Trees to the south of the existing playing field site, together with 4 No. Trees forming the frontage to St Paul's Terrace are worthy of protection for their public amenity and landscape value. The formal process is currently being pursued. The application is considered acceptable subject to a planning condition to secure submission and agreement of further details of means of protection of existing trees prior to and during construction.

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 application is related to an existing educational site. The design and layout of the development is considered acceptable and the development will not give rise to conditions prejudicial to amenity or highway safety. The application raises no crime prevention issues. The development accords with the relevant policy in the adopted development plan set out below:

RECOMMENDATION

THAT SUBJECT TO NO OBJECTIONS BEING RECEIVED FROM THE REMAINING CONSULTEE NATURAL ENGLAND, 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 (Three Years).
- 2) B4 Details of Materials (Samples).
- 3) B5 Detailed Drawings (Accordance with Plan).
- 4) J2 Contaminated Land.
- 5) E2 Landscaping.
- 6) E5 Boundary Treatment Submission.
- 7) Prior to the commencement of the use a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of the development and thereafter operated in accordance with the agreed scheme.
REASON –To accord with the requirements of Sport England and planning policy set out in PPG 17 (Sport and Recreation).
- 8) Within four months of the occupation of the new school building hereby permitted:
 - i) A detailed assessment of ground conditions of the land proposed for the playing field shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.The approved scheme shall be complied with in full within 12 months of the occupation of the new school.
REASON - To accord with the requirements of Sport England and planning policy set out in PPG 17 (Sport and Recreation).
- 9) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in

writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk.

- 10) Noise emissions from plant and machinery, including any boilers and ventilation plant, shall not exceed the background noise level, when measured in accordance with BS4142: 1997.

REASON – To protect the residential amenity of surrounding properties.

- 11) Prior to the development hereby approved being commenced a noise assessment, to include mitigation measures, where appropriate shall be submitted to and approved in writing by the Local Planning Authority. Any works that form part of such a scheme shall be completed in accordance with the agreed details and prior to any part of the development being first occupied or used.

REASON – To protect the residential amenity of surrounding properties.

- 12) Notwithstanding any details submitted with the application, full and precise details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the details as approved shall be implemented prior to any part of the development hereby permitted first being brought into use;

- i) A scheme to provide for the introduction of a 20mph traffic-calming zone on Pendleton Road South and St Paul's Terrace;
- ii) A scheme to provide for a joint cycle / footpath corridor at a minimum width of 5 metres;
- iii) Details of surface water provision for the joint cycle / footpath;
- iv) Details of street lighting;
- v) Details of location and specification of cycle parking provision.

REASON – In the interests of highway safety and in order to provide acceptable movement, accessibility and parking provision for non-car users.

- 13) Prior to the commencement of the development hereby-approved details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained, to include a method statement detailing the means of transporting materials onto the site and any excavation in the vicinity of the RPA of the trees. 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, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any clearance operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of clearance works to allow an inspection of the measurements to ensure their 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:

- i) The raising or lowering of levels in relation to the existing ground levels;
- ii) Cutting of roots, digging of trenches or removal of soil;

- iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- iv) Lighting of fires;
- v) Driving of vehicles or storage of materials and equipment.

REASON - In the interests of the visual amenities of the area and to safeguard the well being of trees within the site.

- 14) Precise details of external lighting, including an assessment of the impact on surrounding properties together with proposed measures to mitigate that impact, i.e. to include a lux contour plan, site layout plan and a management / mitigation plan to show hours of operation of the lighting shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out and thereafter maintained otherwise than in full accordance with the agreed details.

REASON – To protect the amenities of nearby residents and in the interests of public safety.

- 15) The development shall not be carried out otherwise than in accordance with the mitigation measures set out in the submitted Ecological Assessment dated April 2008 prepared by Atkins.

REASON – In order to maintain the habitats of protected species and provide enhancement in accordance with local policy and national policy guidance.

- 16) Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor level of the proposed building on the site and the development implemented in accordance with those details approved.

REASON – In order that the Local Planning Authority may properly assess and confirm the impact of the development on nearby properties and as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application is related to an existing educational site. The design and layout of the development is considered acceptable and the development will not give rise to conditions prejudicial to amenity or highway safety. The application raises no crime prevention issues. The development accords with the relevant policy in the adopted development plan set out below:

Borough of Darlington Local Plan (1997)

E29 - The Setting of New Development

R1 – Designing for All

R2 – Access for People with Disabilities

R25 - Provision of Community Facilities and Services

E2 – Development Limits

E3 – Protection of Open Land

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Planning Policy Guidance 13: Transport (2001)
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that a stopping order under Sec. 247 of the Town and Country Planning Act 1990 is required and the applicant must make contact with Government Office for the North East (tel. 0191 2023704) to arrange for this order to be processed.

The applicant is advised that works are required within the public highway / new engineering works are required (footways, crossing points, footpath / cycle ways, street lighting etc.) and contact must be made with the Assistant Director: Highways and Engineering (Contact Mr A Ward 01325 388743) to discuss this matter.

The applicant is advised that works are required to introduce new 20 mph zone on the school frontage and contact must be made with the Assistant Director: Highways and Engineering (contact Mr D Mitchell 01325 388734) to discuss this matter.

The site is located within a smoke control area. Therefore the Biomass boiler will be required to be an 'exempt appliance' which is certified for use within a Smoke Control Area, The applicant should contact Stephen Pollock, Environmental Health Officer (01325 388571) to discuss and provide full details including the thermal output in kilowatts, the burn rate and the type of fuel to be used (including information regarding its heavy metal content, and halogenated organic compound content, if necessary). An application for a chimney height approval from the Local Authority may be required.

The applicant is advised to contact the Commercial Section of the Public Protection Division (Contact Stephen Todd 01325 388566) to ensure that all facilities satisfy Environmental Health legislation requirements.

The applicant is reminded of the necessity for strict compliance with all conditions, and written discharge of all conditions precedent at the correct time. Should the developer be unable to provide for the discharge of particular conditions at the correct time, contact should be made immediately with the Local Planning Authority (contact Emma Wilkinson 01325 388608) to discuss the matter.

This permission does not relieve the developer of the obligation to obtain any other necessary consent and to comply with other legislation, such as the Wildlife and Countryside Act 1981 (As Amended).