

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 28th July 2010

Page

APPLICATION REF. NO:	10/00304/FUL
STATUTORY DECISION DATE:	12/07/10
WARD/PARISH:	Haughton East
LOCATION:	Site of former St Andrews School, Haughton Road Darlington.
DESCRIPTION:	Creation of Memorial Garden and associated car park.
APPLICANT:	Denise Parkin, Haughton Residents Association

APPLICATION AND SITE DESCRIPTION

The site is located north of Darlington Town Centre directly to the west of Haughton Road, adjacent to the grounds of St. Andrew's Church, Haughton Green. The site is 0.3ha, covered in grass vegetation on a generally sloping ground with more rough vegetation to the south of the site.

The Haughton Residents Association and St. Andrew's Church identified the need to create a new memorial garden in 2008. Over the past two years the Residents Association and St. Andrew's Church have been working in partnership with Darlington Borough Council and Groundwork North East to develop the proposals for a new memorial garden as the current memorial garden is now full.

In the early stages it was hoped that the memorial garden could also be used for burials. A Tier 1 Risk Assessment and Trial Pitting was carried out as per Environment Agency guidelines. This identified standing water at a depth of 1.1 metres in each of the trial pits. As a result it was concluded that burials would not be viable and that the garden would purely be for memorial purposes.

Groundwork North East was commissioned to develop the design. Initially the Landscape Architect met with the Residents Association and the Vicar to scope out the requirements.

An initial layout was drafted and the views of the group and residents of Cottage Mews were requested. The residents of Cottage Mews were opposed to the idea of burials behind their properties on a strip of land between their rear fence and the existing churchyard.

Following discussions with the residents and group this part of the proposal was dropped and all agreed that the proposed site for the memorial garden was acceptable.

Two designs for the Memorial Garden were then developed with the Group and St. Andrew's Church and from this a final design was developed and agreed upon.

The applicants have submitted a Design and Access statement which gives details of the site and the proposals :

The site comprises of a carpark that is accessed from a new entrance off Houghton Road and a memorial garden. The proposals use the existing contours of the site.

The new access of Houghton Road would be 4.8m wide and comprise of new gate piers, gates and drop kerbs to the highway. The access road into the carpark, 4.1m wide, would be tarmac and the car park would be constructed from either an open textured porous tarmac or gravel filled cellular block. Both options would improve drainage. The area will be free draining following existing site contours. If soakaways are necessary these will be installed once the site work is complete and can monitor the drainage.

The carpark has two designated disabled places and gives a level access into the memorial garden. The main visitor access from the carpark is 1.5m wide.

The memorial garden can be accessed from the car park or the existing churchyard. The new proposed path from the existing Churchyard is under the canopy of the Horse Chestnut and therefore the following will be implemented.

1. Where paths are proposed beneath the canopy spread of the existing tree a no dig construction will be specified.
2. Where branches overhang proposed paths we will seek the involvement of the tree officer whilst undertaking these works and request attendance at setting out to agree path alignments.
3. Tree protection measures will also be implemented with agreement of the tree officer, where possible to latest standards.

The garden comprises of various features to create an attractive area in which people can reflect and remember people. This includes an area for memorial plots, seating, memorial walls, artistic entrances and appropriate planting.

The existing retaining wall for the west side of the existing memorial garden will be used as a memorial wall which needs repointing and rendering.

Two new memorial walls will be built to a height of 2m high and rendered so that plaques can be mounted onto them. One of these is in the central feature area which is the site for a future feature in stone, wood or metal which will be no more than two metres high.

The fence to the north of the site is currently a derelict wooden post and rail. This would be replaced with a 1.2m estate style 3 bar post and rail fence.

The main footpaths will be tarmac with resin bound gravel and secondary paths will be bound gravel.

The style of seats haven't been chosen yet but are likely to be metal.

The occasional entrance is for the use of pallbearers and mourners for funerals. This would be three metres wide and whilst an entrance arch hasn't been designed yet the maximum height would be 3.5m.

ACCESS

The memorial Garden can be accessed from the carpark and the existing churchyard. The carpark has two designated disabled parking bays and is at the same level as the memorial garden. This access is 1.5m wide.

The path from the existing churchyard will have a slope and the part within the existing Churchyard will have to be installed through a no dig method. There is a change in levels and as such this path won't be DDA compliant regarding the slope. A handrail will be installed.

PLANNING HISTORY

There have been no planning applications on the site since the school was demolished in 1992 except a proposal to erect a special care unit which was refused permission in 1993 on access and impact on the Conservation Area and Listed Building grounds.

PLANNING POLICY BACKGROUND

The following are considered to be the most relevant planning policy headings in relation to this development:

Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy Statement 25 – Development and Flood Risk

Darlington Local Plan –

E7 – Landscape Conservation

E29 – Setting of new development

RESULTS OF CONSULTATION AND PUBLICITY

Environment Agency – No objections to the proposals but request conditions relating to surface water drainage.

Environmental Health - No objections to the proposals but request conditions relating to land contamination.

Arboricultural Officer – Some concerns relating to the impact of the new footpath on the roots of existing trees.

Highway Engineer – No objections providing the temporary hearse parking site is removed from the scheme. (Applicant has agreed and submitted a revised plan). Also requests conditions.

Local residents were consulted and an advertisement posted in the local newspaper.

Objections have been received from three residents raising the following issues :

1. Inappropriate proposals within a Historic environment and Setting of a heritage asset
2. No evidence that the proposal does not result in significant harm to Biodiversity and Geological Conservation
3. No evidence that the proposal does not cause a Noise conflict between the proposed memorial plots/ garden and a private garden, in either direction
4. No evidence has been given to demonstrate how our garden security will be maintained
5. No evidence has been given to demonstrate this development does not flood, cause issues within the neighbourhood or down river.
6. No evidence has been given with regard to local character and distinctiveness Landscape character
7. No evidence has been given to demonstrate this development is beneficial to Wildlife Corridors
8. No evidence of level information to ensure Access for People with Disabilities are appropriate
9. No evidence has been given to demonstrate the proposed highway access junction is designed to highway standards
10. New car park will cause road safety problems on nearby roads – existing car park could be extended

The applicant has responded to the above objections as follows :

1. *Inappropriate proposals within a Historic environment and Setting of a heritage asset.*

- We feel that the proposals do not contravene PPS5 as they do not significantly alter ‘or negatively detract from the setting of the listed building and therefore do not ‘affect *the ability to appreciate*’ the heritage assets.
- The proposals do not constitute inappropriate development within a Conservation Area or adjacent to a listed Building.
- The proposals positively contribute to the use and enjoyment of the area and relate in an appropriate manner with the listed building and its setting.
- English Heritage, the Rector, the Parochial Church Council have all been consulted. All have expressed the view that a Garden of Remembrance would enhance the environment surrounding the Church and Churchyard. An e-mail from English heritage confirms.
- The Reverend met with DBC’s Conservation Officer and urban designer in Dec 2009 and both were happy with the proposals.
- The view of the area is currently unkempt and infrequently maintained the space which is proposed for development at present detracts from the vista of the ancient Church as you approach it from Darlington. Parishioners and Church Members would welcome the area being tidied up and used more effectively.
- The proposed use of the site is appropriate as an extension to the existing churchyard and in keeping with the current adjacent uses.
- The current view of the church across the field from Haughton Road is a relatively recent view as the former school buildings obstructed this view.
- The existing memorial garden is closer to Haughton Road and the proposed garden will experience the same or reduced levels of noise disturbance from the road.
- The extensive use of the Garden of Remembrance in the Churchyard, which is now full, reveals the deep-felt need in the community for a local space both to remember and to inter or scatter the cremated remains of loved ones. The hard work of the Residents Association in support of this project also provides further evidence that there is a groundswell of support for it.
- Application site was formerly a school and a brownfield site.

2. *No evidence that the proposal does not result in significant harm to Biodiversity and Geological Conservation*

- DBC’s Countryside Officer was consulted regarding biodiversity. The hedgerow at the north of the scheme that will go up to the garden of the property will be a mixed species hedgerow as suggested by the Officer.
- It falls outside the buffer zone for great crested newts
- The area to the west of site up to the River Skerne is staying as it is so providing a varied habitat which includes a wetland and the strip of land between cottage mews and the church yard is staying the same. This will ensure continuity between the existing wildlife corridors.
- The Countryside officer also recommended buffer areas next to the hedges, on the North side of the Hedge that marks the Northern boundary this is possible and currently provides some of this type of habitat. On the southern side of the hedge it will have a more managed feel to it to reflect the style of the memorial garden.

- It's felt that if any harm it is very limited as the surrounding habitat is remaining undisturbed.
3. *No evidence that the proposal does not cause a Noise conflict between the proposed memorial plots/ garden and a private garden, in either direction.*
- The objectors have a garden which is already close to the current Churchyard, separated at one point by as little as 5 -10 meters. As far as we know, their activities have never disturbed anyone in the Churchyard, and we have not heard from them that someone visiting the Churchyard has caused them anxiety.
4. *No evidence has been given to demonstrate how our garden security will be maintained.*
- The actual memorial garden is fenced as part of the setting with a mixed species hedge that will adjoin the residents property.
 - This could be enhanced further by additional planting in the North West corner with thorny hedgerow plants
 - The Church and Residents group will monitor usage and work with neighbours re inappropriate usage
 - Whilst the gates can be locked to prevent car access, pedestrian access will always be possible just as it currently is within the church yard and existing memorial garden
5. *No evidence has been given to demonstrate this development does not flood, cause issues within the neighbourhood or down river.*
- The main issue is drainage.
 - The proposed Garden itself is in an area where the old School was situated, and the high water mark very rarely encroaches here.
 - The Environment Agency have been consulted throughout the process and also made their recommendations through the planning process.
 - If exceptionally extreme conditions occur the gates to the car park can be closed
6. *No evidence has been given with regard to local character and distinctiveness Landscape character*
- See comments under concern 1.
7. *No evidence has been given to demonstrate this development is beneficial to Wildlife Corridors*

See comments under concern 2.

8. No evidence of level information to ensure Access for People with Disabilities are appropriate

- Access to and the proposals within the Memorial will address DDA requirements. Access into the churchyard will not be DDA compliant due to existing tree restrictions that have been discussed with the LPA's arborist. We are currently working out the slope on this section of path as requested by Gordon Pybus at DAD

9. No evidence has been given to demonstrate the proposed highway access junction is designed to highway standards.

- DBC Highways department have been consulted and the proposals amended (prior to lodging the planning application) in accordance with their comments as noted on the drawing WDD1252.04 as revision A. The drawing also notes that the design and layout are subject to approval by the Highway Authority.
- The suggestion that the Church asks the residents of Ted Fletcher Court for permission to use their parking bays is not an option as these parking bays are linked with individual properties and their for those residents to use without any restrictions.

10. In the event this application is granted planning permission, we would request the following conditions be included. Restrictions on evening usage, a management policy of how to control the proposals during the night and a restriction on artificial light levels.

- There is no plan to introduce artificial lighting.
- The Garden will have a gate, and the Church who will manage the use of the Garden will monitor the patterns of use, and determine whether it is appropriate to lock the gates at night. They will liaise with the local police to help monitor and manage any disturbances.
- The experience of the use of the current Churchyard reveals that nuisance presence is spasmodic and not typical.

PLANNING ISSUES

The application site lies on the site of the old St Andrews school which was demolished in 1992. Since that time the land has reverted to a grassed over condition which isn't regularly maintained and as such whilst it was originally a Brownfield site it has now reverted to Greenfield status.

The main planning issues considered to be relevant to this application relate to the impact of the development on the character and setting of the nearby church and churchyard, the impact on road safety and the impact on local residents. Flooding of the site is also considered below. The other numerous issues raised by objectors have been responded to by the applicant and these responses are considered to be satisfactory by Officers.

Character and setting of church and environs – the site lies adjacent the existing memorial garden and some 50 metres from the church. The nature of the development is such as to reflect the ambiance of the adjacent memorial garden, providing new memorial walls, seats and landscaping, all with the approval of the church and other interested parties. The car park will cater for the needs of visitors of the new and existing memorial gardens and its design is considered to be such as to not detract from the character of the locality as much as a traditional grid layout would.

In view of the distance to St Andrews church, any visual impact is considered not to be material to its setting; the proposed landscaping and grassed memorial plots are considered to be acceptable as a foreground feature to any views of the church from Haughton Road, particularly as the land is set on a lower level than the road.

Impact on road safety – the Highway Engineer has studied the proposals and made recommendations prior to the application being submitted. Amended plans have now been received and the proposals are now considered to be satisfactory.

Impact on local residents – the nature of the use is such that it is considered very unlikely that bona fide visitors to the site will cause disturbance to local residents and there is no record of visitors being inconvenienced by the activities of nearby residents. In addition there is substantial landscape screening between Cottage Mews and the site (see aerial photograph).

Flooding – it is accepted that the site occasionally floods however the Environment Agency do not consider that to be a risk to the public nor is the development considered to be such so as to cause problems of flooding downstream, therefore it is considered that the proposals are acceptable in terms of their impact on flood risk in the locality.

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 site is currently an unused area of grassland adjacent to a memorial garden which is full to capacity and requires extending. The proposed extension to this facility includes features that would normally be associated with a memorial garden and as such is considered to be in keeping with the context of the locality. The provision of a car park is considered to be acceptable and in the interests of users of the proposed and existing memorial garden and is of a layout and design which will not harm the character of the locality or the setting of St Andrews church.

Impact on local residents is not likely to be material in planning terms and the impact on local road users and pedestrians is not considered to give rise to road safety problems.

Overall the development is considered to be acceptable subject to certain conditions being imposed as set out below.

RECOMMENDATION

That the development be approved with the following conditions

1. A3 – time limitation
2. This permission shall relate to the revised plan showing the omission of the proposed provision of temporary Hearse parking on Haughton Road received by the Local Planning Authority on 15th July 2010
3. K4 – Surface water drainage
4. J2 – Contaminated land survey
5. Before development takes place, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: all surface treatments, memorial wall construction and materials, gates, fences and other features as shown on the submitted plans.
6. E2 – Landscaping scheme
7. E3 – Implementation of E2

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out above, and to all relevant material considerations, including National Government Guidance.

INFORMATIVES

- *The applicant is advised that works are required within the public highway, to reinstate redundant vehicle crossing and provide new vehicle crossing, 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.*