

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 10 April 2013**

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<b>APPLICATION REF. NO:</b>	13/00065/FUL
<b>STATUTORY DECISION DATE:</b>	16 April 2013
<b>WARD/PARISH:</b>	NORTHGATE
<b>LOCATION:</b>	County Durham And Darlington NHS Foundation Trust, Darlington Memorial Hospital, Hollyhurst Road
<b>DESCRIPTION:</b>	Variation of condition 2 (access for vehicle deliveries of oxygen to the VIE compound to Elms Road) of planning permission 11/00241/FUL dated 26 July 2011 to permit alterations to the access arrangements
<b>APPLICANT:</b>	County Durham and Darlington NHS Foundation Trust

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**APPLICATION AND SITE DESCRIPTION**

Elms Road is a predominately residential street, with George Dent Nursery School located on the eastern side of the road. There is a set of gates at the northern end of the street which lead into the Darlington Memorial Hospital and this entrance is used for emergency purposes and for the delivery of oxygen to the existing VIE compound.

There is a car park in this area which is accessed via the main internal road network of the Hospital and the entrances off Hollyhurst Road. The car park is used between the hours of 0700 and 1900 Monday to Sundays only and it is not open to the public. There are a number of trees to the west of the access, on the common boundary with No 15 Elms Road which are covered by a tree preservation order dated 2012.

In 2004 planning permission (ref no: 02/00092/RM1) was granted for the erection of a cardio Angiography building subject to a planning condition which states:

*The access road on to Elms Road shall be used for emergency access and egress only and not for general use.*

In 2010 planning permission (ref no: 10/00592/FUL) was granted for the creation of new car parking areas within the grounds of the Hospital and the following condition was imposed:

*The entrance to the site on Elms Road shall be used for Emergency purposes only and at no time for the provision of vehicular access to the hospital for staff, members of the public, construction related traffic or any other visitors unless otherwise agreed in writing by the Local Planning Authority.*

Planning permission (ref no: 11/00241/FUL) was granted in July 2011 to vary the two previous planning permissions to permit the continued use of the Elms Road access for vehicle deliveries of oxygen to an existing oxygen compound to the south east of the main hospital buildings. The permission was granted subject to planning conditions, including 2) which states:

*Details of the means for remotely controlling access to the site from Elms Road to ensure that it is used for Emergency purposes and oxygen deliveries to the existing VIE compound only shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for commencing the scheme and thereafter the scheme shall be implemented in accordance with the agreed details and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.*

*REASON - In the interests of residential amenity.*

This is a planning application to vary the above condition attached to the 2011 approval in order to implement alternative access arrangements for the oxygen delivery vehicles off Elms Road.

## **PLANNING HISTORY**

The most relevant entries are:

02/00092/OUT – In April 2002 planning permission was GRANTED in outline for the Erection of a new single storey cardio angiography unit

02/00092/RM1 – In January 2004 planning permission was GRANTED for the Approval of Reserved Matters in pursuance of Outline Planning Approval for the erection of a Cardio Angiography Building (02/00092/OUT dated 10 April 2002)

10/00592/FUL – In October 2010 planning permission was GRANTED for the re-ordering, re-allocation and creation of additional staff car parking spaces

11/00241/FUL - In July 2011 planning permission was GRANTED for the variation of condition 8 (Access to Elms Road) of planning permission 02/00092/RM1 dated 21 January 2004; and variation of condition 8 (Access to Elms Road) of planning permission 10/00592/FUL dated 20 October 2010 to permit continued use of the Elms Road access for vehicle deliveries of oxygen to the VIE compound

## **PLANNING POLICY BACKGROUND**

The relevant policies are:

### **Darlington Core Strategy Development Plan Document**

CS2 – Achieving High Quality, Sustainable Design

CS16 – Protecting Environmental Resources, Human Health and Safety

## **RESULTS OF CONSULTATION AND PUBLICITY**

Three letters of objection have been received following the Council's consultation exercise. The comments can be summarised as follows:

- *This is the second time I have objected to a planning application regarding the change in use of the emergency entrance. I refer to the previous applications where it was agreed for restricted access for the oxygen deliveries, constant monitoring of the emergency access, confirmation that this is for oxygen delivery and emergency vehicles only*
- *My objections are my property (18 Elms Road) is within 35ft of the existing entrance and when I purchased it I was advised by the local council that the entrance was for Emergency vehicles only. However the hospital has already succeeded in varying its use to include non-emergency vehicles carrying oxygen.*
- *The outlook from my property was previously onto green grass and several mature trees supporting local wildlife. This has now changed to a view of a car park.*
- *The proposed railings are very ugly and do not fit in with the surrounding area*
- *There is no reason to move the entrance if it is only to be used for Emergency vehicles and oxygen delivery. The vehicles are restricted to the hours 09.15-11.30, 12.00-1500 and 16.00-1700 weekdays and currently stop at the entrance and turn their engines off when awaiting entry.*
- *It is not cost effective to make these alterations. All that is required is for the gate to be fitted with a lock that can be controlled by remote access by hospital security staff.*
- *There is no need for a pedestrian access as no pedestrians use the existing entrance*
- *Elms Rd is a cul-de-sac not a through road and should remain so.*
- *There has already been a significant effect on the wild life just within the hospital grounds*
- *There have been several attempts by the hospital to make changes to the use of the entrance and it is feared that it will eventually become an alternative public entrance.*
- *The adverse effects of these alterations on the re-sale value of my house(18 Elms Road)*
- *I am the owner of the property at 20 Elms Road and I am writing to object to the above planning application. My house is situated directly next to the entrance on Elms Road. The proposed fence and driveway will make it look as if it is a public entrance and this will encourage people to try and gain entry. We already have people coming in to my garden trying to get over my wall to get into the hospital when they realise the gate is locked. I feel that this will only get worse if it looks like there is an entrance next to my house.*
- *I feel that it is a waste of money to build a new fence and driveway when all that is required is a remote controlled gate.*
- *I am also very concerned that the hospital will eventually use this entrance as a public entrance as they seem to be achieving this by gradually varying the conditions of access. This will have a detrimental effect on all home owners and residents of Elms Road.*
- *I would like to object because my house is situated right next to the entrance and it will affect my living conditions and effectively diminish the features of my property.*
- *If large vehicles pass through it will not only cease noise pollution to us residents but to the rest of the street including a nursery full of young children. It is already a small street can get busy during the nursery opening times, my husband works late nights and the use of this road for large vehicles will inevitably disturb him. These large vehicles also carry and will cause more dirt around our house*

The **Council's Environmental Health Officer** has raised no objections to the scheme

The **Council's Highways Engineer** has raised no objections to the scheme

## **PLANNING ISSUES**

At present the driver of the delivery vehicle stops at the turning head, leaves the vehicle and unlocks the access gate and drives into the hospital grounds to make the delivery and then exits using the same access after locking the gate. The gate has a dual bolt and padlock locking system so that the Trust and driver can unlock the gate without the need for the attendance of other persons.

The aforementioned condition was imposed onto planning permission reference number 11/00241/FUL by Members of the Planning Application Committee in order to reduce the impact upon the amenities of the dwellings on either side of the road of a vehicle being parked on the highway, with its engine running.

When considering the requirement to install a remote controlled mechanism for using the Elms Road access, the Trust considered that such a mechanism would not improve the current situation and reduce any adverse conditions for the neighbouring properties for the following reasons:

- A remote access gate would be noisy and slow, increasing both the lorry wait time and overall noise.
- Installation of a remote gate would impact on trees which are covered by a tree preservation order to allow for the travel of the gate.
- Automation would take longer than the current process. The driver would need to pull up and phone security, security would then need to check the driver credentials and only then activate the gate to open. During this time the vehicle would be standing.
- The proposed arrangement would bring the lorry forward of the houses most affected, reducing the impact on them while the driver dismounts and opens the padlock.
- From operational point of view, our operational colleagues were very uneasy regarding the automated solution because it complicates entry and could delay urgent delivery.

The main issue to be considered here is whether or not the proposed alternative access arrangements for the entrance off Elms Road by the delivery vehicle is acceptable in terms of highway safety, residential amenity and visual amenity

### **Highway Safety**

The proposal would allow vehicles to park off the public highway and would not impact upon traffic movements of other vehicles on Elms Road. The Council's Highways Engineer has raised no objections to the proposal.

### **Residential Amenity**

Elms Road is a predominately residential street, although George Dent Nursery is located on the east side of the street. Nos 18 and 20 Elms Road are semi detached dwellings located to the right hand side of the access gate. No 15 Elms Road is a detached bungalow to the left hand side of the access gate.

The proposal would move the entrance further away from the frontages of these immediate neighbouring properties which would minimise potential noise issues from waiting vehicles using the access gate.

The vehicle would be parked further into the site whilst the driver leaves the vehicle and unlocks the gate. The dwellings on West Crescent (Nos 48 – 52) , which would back onto the revised

location for the access gate would be screened from the site by an existing brick wall, approximately 3m high. This would provide a noise barrier and minimise any noise issues with those neighbouring dwellings

The existing car park is monitored by CCTV cameras, which would provide security for access and the existing car park..

### **Visual Amenity**

The existing access consists of two metal gates attached to two brick pillars on either end. There is also a smaller pedestrian gate which is also locked attached to the central pillar the remaining boundary wall that bounds the site.

The proposal would involve the complete removal of the gates, the retention of brick pillars and the erection of two sections of palisade fencing on either side of the road leading to a palisade style gate which would again be dual locked. The palisade fencing would be approximately 2.1m high. The new gates would be set approximately 21m into the site. The road leading to the gates would be hatched and signed No Parking.

It is considered that the proposal would not have an adverse impact upon the visual appearance of the street scene.

### **Planning Conditions**

The conditions relating to the usage and hours of operation of the entrance which were imposed on the previous planning permission would be reiterated onto any grant of planning permission

### **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**

It is considered that the proposed alternative arrangements for the access off Elms Road are acceptable and will not have an adverse impact upon residential amenity or highway safety. The proposal would not have a detrimental impact upon the visual appearance of the street scene and it would accord with Policy CS2 (Achieving High Quality, Sustainable Design) and Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

### **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The development hereby permitted shall be completed not later than the expiration of three months from the date of this permission.  
REASON: In the interests of residential amenity
2. The entrance on Elms Road shall be used only for emergency purposes and to enable oxygen deliveries to the existing VIE compound and at no time for the provision of

vehicular access to the hospital for staff, members of the public, construction related traffic or any other visitors unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of residential amenity.

3. The delivery vehicle shall only enter the Elms Road access during the hours 9:15 - 11:30; 12:00 - 15:15 and 16:00 - 17:00 weekdays only unless otherwise agreed in writing with the Local Planning Authority.

REASON - In the interests of highway safety.

4. The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.

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

#### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

It is considered that the proposed alternative arrangements for the access off Elms Road are acceptable and will not have an adverse impact upon residential amenity or highway safety. The proposal would not have a detrimental impact upon the visual appearance of the street scene and it would accord with Policy CS2 (Achieving High Quality, Sustainable Design) and Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.