

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 May 2012

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APPLICATION REF. NO:	12/00224/CU
STATUTORY DECISION DATE:	21 May 2012
WARD/PARISH:	COLLEGE
LOCATION:	Danesmoor House, 158 Carmel Road North, Darlington
DESCRIPTION:	Change of use from offices (B1) to children's day nursery (D1) along with the creation of new pedestrian access to the site; erection of a temporary disabled access ramp to front entrance of the building, and the erection of fencing and a story tellers chair within the grounds (additional information received 3 April 2012)
APPLICANT:	Mr Adrian Crumpton

APPLICATION AND SITE DESCRIPTION

Danesmoor House is a large detached building accessed off Carmel Road North. It is a Grade II listed building last used for office purposes. The proposal involves the change of use of the building from an office to a day nursery and the works would include internal alterations and the erection of a timber disabled ramp to the front entrance. Palisade timber fencing would be erected within the site to separate the parking areas from the external play area and a new pedestrian access would be created alongside the existing vehicular access.

The day nursery use would operate from 0730 to 18:30 Monday to Friday only but there may be the occasional staff training course and open day. A section of the existing garden to the south of the main building would be enclosed to create an outdoor play area. The Nursery is planned for a total of 60 children with the break down as follows:

- 30 places at pre-school age
- 15 places below 2 years of age
- 15 places from 2 – 3 years old

The applicant has confirmed that there will not be more than 60 children on site at any one time and only the pre school children will have free access to the outdoor play area.

The surrounding area is predominately residential with the dwellings on Carmel Road North and Dansmoor Crescent located to the north and Spruce Grove and their associated garages located to the east and south. The gardens belonging to St Clare's Abbey are located to the west on the opposite side of Carmel Road North. The trees within the site are covered by a tree preservation order dated 1959

An application (reference number 12/00221/LBC) for listed building consent also forms part of this Agenda.

PLANNING HISTORY

The site has a long Planning History but the most relevant and recent entries are:

8/95/593/DM In January 1996 planning permission was REFUSED for the change of use of the property to Bed and Breakfast Accommodation. An appeal was ALLOWED IN October 1996

98/00111/CU In April 1998 planning permission was GRANTED for the change from residential (Class C3) to offices (Class B1) and formation of car park extension

98/00103/LBC In April 1998 listed building consent was GRANTED for internal alterations, demolition of outbuildings and formation of car park extension

98/00250/FUL In September 1998 planning permission was GRANTED for the erection of a conservatory

98/00251/LBC In September 1998 listed building consent was GRANTED for the erection of a conservatory

98/00443/FUL In October 1998 planning permission was GRANTED for the erection of entrance wall and gates

98/00444/LBC In October 1998 listed building consent was GRANTED for the erection of entrance wall and gates

06/00713/FUL In September 2006 planning permission was GRANTED for an application for the removal of condition (1) of planning permission reference number 98/00111/CU (personal planning permission) and continued use of building as (Class B1) offices

PLANNING POLICY BACKGROUND

The relevant planning policies are:

National Planning Policy Framework

Borough of Darlington Local Plan 1997

E2 Development Limits

E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011

CS1 Darlington's Sub Regional Role and Locational Strategy

CS2 Achieving High Quality, Sustainable Design

- CS14 Promoting Local Character and Distinctiveness
CS15 Protecting and Enhancing Biodiversity and Geodiversity
CS16 Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Four letters of objection have been received and can be summarised as follows:

- *The junction at Abbey Road/Carmel Road North and Hummersknott Avenue is very busy, and the development is situated on a rise/incline which causes blind spots and has the benefit of being obscured by the mature trees that are situated along Carmel Road causing a serious entry/egress position. The proposal is for 60 children to be accommodated on site together with 15 members of staff. At peak times there will be 120 vehicular movements onto an already congested road. This is not counting staff/tradesmen's vehicles.*
- *My property (10 Spruce Grove) overlooks Danesmoor House and due to site levels is below the site and persons within the grounds of Danesmoor look straight down on to us, with noise coming straight over the fence/hedge, with the possibility of up to 75 people being in the garden corner near us this would be extremely obtrusive. There is also a back entrance to the property from Spruce Grove which again is directly in front of us, this entrance which is situated next to the Electricity Sub Station is not identified on the site plan submitted. This door opens onto Spruce Grove and was regularly used when Danesmoor was both a Nursing Home and Office Accommodation.*
- *Spruce Grove is a cul de sac and we already suffer serious congestion at peak times, with vehicles fully parking on pavements and double parking and ignoring the road markings on Abbey Road, to grant this proposed development will further exasperate a difficult situation (we already come into our home at these peak times as we cannot enjoy our front garden due to the obtrusiveness of drivers sitting with their engines running).*
- *We wish to object to permission being given to convert Danesmoor House into a day nursery. As we live next door to this building we do not want to see a high fence every time we look out of our kitchen window, and as I understand this fencing must be put in place. The reason we bought our property was due to the size and quietness of the garden, it is quite private and even though it is on a main road it can be a really peaceful place to sit, as I am no longer working due to ill health I take every opportunity to spend time in my garden, and I would not like the peacefulness to disappear as I fear it might if this application is granted. We also feel that there is a possibility of this project devaluating the price of our property, who is going to compensate us, if this happens to be the case. Also the amount of traffic on Carmel Road North is constant at most parts of the day, but with the extra traffic entering and leaving these premises at staggered times, it would greatly impinge on the flow of traffic on Carmel Road North. There is some plans in place to build a nursing home directly opposite Danesmoor House, this would make leaving either premises extremely hazardous for both parties, if I car were to cross over the road to go right and the other crossed to go left it would be a recipe for disaster, I do not understand how permission for either of these applications is to be granted.*
- *I understand that the proposed change is a more intensive use of the building and the proposed nursery would wish to operate between the hours of 07:30 and 18:30. My concern is the intensification of the use of the building which would generate intrusive noise especially the location of the external play area which I understand is adjacent to Spruce Grove*
- *The access is close to the brow of a hill off a busy road. This road is extremely busy at school drop off and pick up times and the rush hours. I also understand that there is no*

proposal to increase parking within the scheme. This is of particular concern as Spruce Grove suffers from increased traffic and parking due to its close proximity to Abbey School. Whilst this is manageable at present there is a risk that if sufficient parking is not provided within Danesmoor then it is possible that persons using Danesmoor will park in surrounding streets including Spruce Grove.

Consultee Responses

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

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

The **Council's Environmental Health Officer** has no objections from a contaminated land viewpoint but considers that a planning condition should be imposed to secure the submission of a Phase 1 Desk Top Study on contaminated land

The **Council's Transport Policy Officer** has raised no objections to the proposal

Darlington Association on Disability has no objections to the proposal

PLANNING ISSUES

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

Residential Amenity

Highway Safety

Impact upon the setting of the Listed Building and the Surrounding Area

Disabled Access

Impact upon Trees

Contaminated Land

Residential Amenity

The site is within a predominately residential area. The neighbouring dwellings on Carmel Road North lie to the north of the application site and Spruce Grove lies to the east and south. No 168 Carmel Road North is a detached dwelling and Spruce Grove is a cul de sac consisting of three storey terraced dwellings with their garages located to the east of the application site.

The day nursery would operate between the hours of 0730 to 18:30 Monday to Friday only and not at all on a weekend or on Bank Holiday. The grounds surrounding the House would be utilised as play areas, especially an area to the south which would be enclosed by a 1.5m high palisade fence. A storytellers chair would be located in the northern section of the site between the House and No 158 Carmel Road South.

The grounds of the House are enclosed by a mix of fencing and hedging and also fencing on top of an existing brick retaining wall (on the boundary with the Spruce Grove development). It is obvious that when the children are using the outdoor areas there will be an increase in noise compared to what has been a relatively quiet site in the past. There are other examples of day nurseries in residential areas (Cleveland Avenue and Elton Parade and High Grange, Faverdale which is currently operated by the applicant) and the Council's Environmental Health Section have not registered any complaints from residents in these locations about noise. It is considered that the proposed use will not adversely affect the amenities of the neighbouring dwellings to justify a refusal of planning permission and that, subject to the imposition of appropriate planning conditions, the use is acceptable in this location.

There is a gate at the rear of the application site leading directly onto Spruce Grove. The applicant has agreed to a planning condition ensuring that the gate is not used as a pick up or drop off access or for deliveries in the interests of residential amenity

Highway Safety

The site is currently accessed off Carmel Road North and a new pedestrian access would be created directly off the public footway. There are currently 14 parking spaces within the site. The applicant considers that the busiest time for pick up and drop offs will be from 08:00 – 8:30 and between 17:00 – 18:00. They anticipate the rest of traffic both by car and on foot is then spread evenly throughout the day for the children attending free sessions in the pre-school and two year old room.

The applicant needs to reinstate a lockable pedestrian garage to the right hand side of the existing vehicular access. This will enable safe access for those on foot and in wheelchairs as well as providing a safe route for people with visual impairments.

The standards in the Design Guide recommend a parking provision of 1 space per 2 members of staff and 1 space per 5 children for such a use. There will be 11no. full time equivalent staff and this would equate to 5/6no. spaces. The parking for pick up/drop off would be 12no spaces for the number of children proposed. The overall recommended parking provision would therefore be 17/18no spaces. In this case, there is a theoretical under provision of 3/4 spaces. However, the nature of such facilities is that pick up and drop off does not occur at fixed times during the day therefore Council's Highways Engineer states that provided there is suitable provision for the temporary parking of vehicles close to the entrance that is kept clear for this activity it is unlikely that there will be a spill over onto the public highway. There is such an area and there is also a turning facility within the site to enable vehicles to manoeuvre within the site and exit in forward gear. .

The access to the site is currently gated and there is the need for the site to be secure. However the gate must be open to allow access for vehicles at times when children are being picked up/dropped off to prevent vehicles queuing on Carmel Road North. The applicant has stated that the gate will be open at all times with the exception of the times during the day when children are given supervised access to the wooded areas of the grounds which would not be at the pick up and drop off times. The gates would be reopened as soon the children are back inside the main building

To ensure that the turning area in front of the House is kept free of staff parking and kept available for the exclusive use of pick up /drop off vehicles and to ensure that the entrance gate is not locked at inappropriate times it is recommended that a condition is included requiring the submission of a Management Plan to outline the measures that the applicant can put in place to ensure that vehicles do not end up queuing on Carmel Road North.

Visibility achievable at the access onto Carmel Road North is consistent with advice in Manual for Streets. Also, given the sporadic nature of trips generated by the pick up/drop off of children at nurseries it is not considered that there will be a significant traffic impact.

A new separate pedestrian access is to be provided to ensure that there is segregation between pedestrians and vehicles. Works will be required within the public highway to provide a link to the existing footway on Carmel Road North. A condition will be required to secure this element of the work.

The building has a large basement area which can be accessed from the garden area that can provide a storage area for cycles. The Council's Transport Policy Officer is satisfied with this arrangement.

It is considered that the proposed change of use will not have an adverse impact upon highway safety.

Impact upon the setting of the Listed Building

Paragraph 134 of the National Planning Policy Framework (the NPPF) states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*".

Paragraph 132 of the NPPF is concerned with ensuring the conservation of heritage assets and appropriate protection of their significance: "*...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...*"

The external alterations to the building and the additional structures within the grounds of the building are a disabled ramp; a story tellers chair; palisade fencing and a new pedestrian access and gate within the existing boundary wall.

It is considered that these features have been sympathetically designed and located within the site and they would not cause harm to the setting of the listed building, in accordance with the NPPF and Policy CS14 of the Core Strategy

In general terms, the external alterations to the building and the additional structures within the grounds would not have an adverse impact upon the visual appearance and character of the surrounding area in accordance with Policy CS2 of the Core Strategy. The site is well screened from the public highways by the existing mature trees on the site.

Disabled Access

The proposal involves the erection of a new disabled access ramp to the main entrance and the new footway has been designed to provide safe access to the ramp for wheelchair users. Darlington Association on Disability welcomes and supports the proposal and the access arrangements.

Impact upon Trees

The trees that are located within the site are covered by a tree preservation order dated 1959. The proposed footway would run through alongside some of the trees on the Carmel Road North frontage. It would be constructed from permeable materials to allow rainwater to get to the tree roots and shallow foundations (120mm) would be used to ensure that the root system of the trees are not adversely affected. If any shallow roots are present they will not be cut or removed but covered with dolomite and compressed gravel will allow for movement of the ground. Rigid material such as block paving will not be used.

A planning condition will be imposed to secure protective fencing around the trees during the construction period.

Contaminated Land

Whilst the history of the site does not indicate any past contaminative uses on the site, the applicant has stated that soil will be imported onto the site for planting and for the new footway and therefore due to the nature of the end use it is considered appropriate to impose a planning condition to secure a Phase 1 Desk Top Study relating to contaminated land.

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 change of use of the building to a day nursery is acceptable in this residential location. The proposal will not cause harm to the character and appearance of the existing building or the surrounding area. The proposal does not adversely affect car parking provision on the site nor impact on highway safety but it is considered appropriate for the Local Planning Authority to secure the submission of a Parking Management Plan by the imposition of a planning condition. The use, subject to appropriate planning conditions will not give rise to conditions prejudicial to residential amenity. The proposal complies with the relevant planning policies set out below:

National Planning Policy Framework

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. The day nursery use hereby approved shall operate between the hours of 07:30 to 18:30 Monday to Friday only and shall not operate on Saturdays, Sundays or on Bank Holidays unless otherwise agreed in writing with the Local Planning Authority
3. REASON: In the interests of residential amenity
4. J2 – Contamination
5. Notwithstanding the submitted details and prior to the commencement of the pedestrian footway hereby approved, a Method Statement for the construction of the footway shall

be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved Statement

REASON: In order to safeguard the life of the preserved trees in the interests of visual amenity

6. Measures to protect the trees covered by the 2008 (No 9) Tree Preservation Order shall be erected prior to the construction phase of the approved development. The measures shall accord with 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. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
 - a) The raising or lowering of levels in relation to the existing ground levels;
 - b) Cutting of roots, digging of trenches or removal of soil;
 - c) Erection of temporary buildings, roads or carrying out of any engineering operations;
 - d) Lighting of fires;
 - e) 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.

7. Prior to the commencement of the development, precise details of works within the public highway will be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interest of highway safety

8. Prior to the commencement of the use, a Parking Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include measures to be adopted to ensure that vehicles can safely access and egress the site. The use shall be implemented and operated in complete accordance with the details within the approved Plan

REASON: In the interests of highway safety

9. All deliveries and all vehicle and pedestrian access to the site shall occur at the existing vehicular and approved pedestrian accesses off Carmel Road North. The gate on the eastern boundary of the site shall not be used for such purposes

REASON: In the interest of the amenities of the neighbouring residential properties

10. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the proposed change of use of the building to a day nursery is acceptable in this residential location. The proposal will not cause harm to the character and appearance of the existing building or the surrounding area. The proposal does not adversely affect car parking provision on the site nor impact on highway safety but it is considered appropriate for the Local

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- CS16 Protecting Environmental Resources, Human Health and Safety

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to construct new footpath link, and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.