

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 July 2011

Page

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| APPLICATION REF. NO: | 11/00241/FUL |
| STATUTORY DECISION DATE: | 4 July 2011 |
| WARD/PARISH: | NORTHGATE |
| LOCATION: | County Durham And Darlington NHS Foundation Trust Darlington Memorial Hospital Hollyhurst Road |
| DESCRIPTION: | 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 |
| APPLICANT: | Mr James Gallantry County Durham And Darlington NHS Foundation Trust |

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 to be used for emergency purposes and it is signposted accordingly.

In 2004 planning permission was granted for the erection of a cardio Angiography building subject to a planning application 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 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.

It has subsequently been brought to the Council's attention that for approximately six years a vehicle has been using the Elms Road entrance to deliver oxygen and replenish the oxygen tanks at an existing VIE compound approximately 25 metres to the north west of the entrance. This vehicular movement is a breach of the above planning conditions and this application is to vary the conditions to allow this vehicle only to continue using the entrance.

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/OUTdated 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

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 and they can be summarised as follows:

- *The delivery of oxygen is not an emergency as it is a regular planned delivery and the hospital should find an alternative route to the VIE compound via the existing entrances*
- *The Emergency Only rule should remain in force*
- *Once the entrance is used for non emergency access then it could be modified to allow public use. With Elms Road being a cul-de sac housing the George Dent Nursery school any additional traffic flow would lead to congestion and danger to the children*
- *The hospital have already been given planning permission to build a new car park close to the Elms Road entrance and I am very concerned that the entrance may be used as the entrance to this car park and eventually open to the general public. This would be detrimental to all residents and nursery children and parents*
- *There is no reason why the oxygen wagon cannot access the hospital by a different entrance, the only difference being it would make is it would take the wagon longer to deliver oxygen and leave the hospital grounds. This is not an emergency issue as it is a regular delivery.*

- *The hospital says that there are no alternative entrances wide enough to allow access to the oxygen vehicle but the other entrances could be widened to accommodate the vehicle. They also state that there is no practical cost effective alternative means of delivery. This implies that there is an alternative solution available but at a cost to the hospital which is also not a sufficient reason to change the status of the entrance.*
- *There has been a recent occasion when the Hospital wrote to the residents advising that they would be using the Elms Road entrance to deliver and remove a large crane as it was too big for all the other entrances. Again this is not an emergency use and widening an existing entrance would ensure that this would not present a problem in the future.*
- *It is also stated that the oxygen delivery driver would have a key to the entrance, however this practice is supposed to be discontinued. They state that the parking restrictions at the Elms Road entrance would ensure that the oxygen delivery vehicle has unhindered access. However, this is not always the case as residents have been asked to move cars on several occasions to allow access for the HGV vehicles due to the narrowness of the entrance when other vehicles are parked on the opposite side of the road*
- *The vehicle is very large and noisy and it carried mud onto the road when the hospital grounds are muddy.*
- *The condition of the road has already deteriorated near the entrance and this could be attributed to the heavy construction traffic and delivery vehicles. The sheer size of the wagon causes problems for cars parked in the street and can restrict access for emergency vehicles. Also if the delivery occurs when small children are arriving or leaving the nursery this can be a danger to the safety of these children and parents*
- *I would ask that status for Elms Road remains for emergency vehicles only as per the 2004 and 2010 planning conditions*

Consultee Response

The **Council's Highways Engineer** has raised no objections to the proposal provided that any new planning condition retains the existing restrictions as to the use of the access except for emergency purposes and oxygen delivery only.

PLANNING ISSUES

The main issue to be considered here is whether or not the continued use of the entrance off Elms Road by the vehicle is acceptable in terms of highway safety and residential amenity

The existing planning conditions were imposed to restrict the use of the Elms Road entrance to emergency purposes only in the interest of residential amenity. The delivery vehicle is a three axle rigid bodied vehicle with a fully laden gross weight of 26 tones and it visits the VIE compound on a weekly basis between the hours of 0900 and 1700. The gate is fitted with two locks, one owned and maintained by the Trust and one owned by BOC (the provider). The driver would be able to unlock the gate by using the lock owned by BOC.

The Council's Highways Engineer has stated that vehicles are able to turn within the grounds of the Hospital and therefore there would be no requirements for vehicles to turn in Elms Road itself. There are parking restrictions in place on Elms Road that should prevent any obstruction of the access. Based upon the predicted usage of the entrance, the Council's Highways Engineer has raised no objections to the proposal provided that the existing restrictions on the entrance remain other than to allow it to be used for emergency purposes and oxygen delivery.

Planning permission (10/00592/FUL) has been granted to create an extended car park area in close proximity to the Elms Road entrance but it would be accessed via the existing entrances to the Hospital off Hollyhurst Road. The imposition of an amended condition would prevent the Elms Road entrance being used as the access to this car park. Any applications which may be submitted in the future to relax the amended condition further would be considered on their individual merits.

It is considered that the continued use of the Elms Road entrance by the storage vehicle would not raise any highway safety or residential amenity issues but a planning condition would have to be imposed to prevent the use being used for any other purpose.

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 a variation to planning permission reference numbers 02/00092/RM1 and 10/00592/FUL to allow the continued use of the Elms Road entrance by a vehicle to deliver oxygen to the existing VIE compound would not raise any highway safety or residential amenity issues. The following policies have been taken into consideration:

Darlington Core Strategy Development Plan Document

CS2 – Achieving High Quality, Sustainable Design

CS16 –Protecting Environmental Resources, Human Health and Safety

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:

1. 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

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that a variation to planning permission reference numbers 02/00092/RM1 and 10/00592/FUL to allow the continued use of the Elms Road entrance by a vehicle to deliver oxygen to the existing VIE compound would not raise any highway safety or residential amenity issues. The following policies have been taken into consideration:

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