

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 8 April 2009**

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<b>APPLICATION REF. NO:</b>	<b>08/00904/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>12 January 2009</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Lancaster House ,Durham Tees Valley Airport ,Middleton St George.</b>
<b>DESCRIPTION:</b>	<b>Formation of a new vehicular access to Lancaster House.</b>
<b>APPLICANT:</b>	<b>C G Robinson Limited</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated on the northwestern edge of the Durham Tees Valley Airport complex. The proposal involves the formation of a new vehicular access road to serve the Lancaster House site.

Members may recall that planning permission (ref: 08/615) was granted in October 2009 for the redevelopment of the Lancaster House site to provide a 130 bedroom hotel with access to the site via the existing link road between the site and the former main spine road to the airport terminal building. A supporting letter is submitted with the application stating that there remains a possibility that Peel Holdings (the owners of the airport) may legally challenge the use of this access. Therefore the new access which is proposed would provide a fall back position should such a challenge be given any weight in the courts.

The proposed access onto the spine road has already been approved under an outline planning permission (ref: 06/01008/OUT) granted in august 2007 for the erection of an 80 bedroom hotel on the land between the Lancaster House site and the Airport spine road. This would be located approximately 25m from the existing access road which serves Lancaster House. The access has been designed to serve both the approved hotel developments. It would run parallel to the existing access to Lancaster House. The road would be 4.8m in width with and 2m wide footways provided on both sides of the access road.

The application is accompanied by the following documents: -

- Planning, Design and Access Statement
- Transport Assessment; and
- Arboricultural Survey

## **PLANNING HISTORY**

The following history is of relevance:-

06/1166 – Outline planning permission was granted in October 2007 for a 74 bedroom hotel on the Lancaster House site

06/1008- In August 2007 planning permission was granted in outline for the erection of an 80 bedroom hotel on land adjoining and to the south of Lancaster House.

08/615 – Detailed planning permission was granted in October 2008 for the erection of a 130 bedroom hotel on the Lancaster House Site.

## **PLANNING POLICY BACKGROUND**

The following policies in the Borough of Darlington Local Plan are of relevance: -

E11 - Conservation of Trees Woodlands and Hedgerows

E12 - Trees and Development

E13 - Tree Preservation Orders

E14 - Landscaping of Development

T13- New Development – Standards

T39- Conditions for Pedestrians

## **RESULTS OF CONSULTATION AND PUBLICITY**

Two letters of have been received from the operators of Durham Tees Valley Airport objecting to the development on the following grounds: -

- The scheme does not meet the standards for an access road to a 130 bedroom hotel.
- Corner radii on the junction are shown at 9.5-10m whereas the Council's standard is 12m. Given that the hotel will be served by HGV's the radii should be increased.
- Even with the proposed tighter radius when turning left out of the access, protected tree T1 is likely to need removal, contrary to the "protected trees are unaffected" statement in the documents conclusion. Further detailed plans should be provided to set out how this tree and any others in the vicinity of the proposed works will not be affected by the proposed access.
- The proposed road width is only just sufficient for an on-coming car and HGV to pass each other slowly, and could not accommodate two HGV's passing each other. This is not suitable for a 130 bedroom hotel which will have deliveries and guests arriving at various times of the day. The bends in the road is a further pinch point which cannot be alleviated without localised widening which is unlikely to be achievable.
- Given the length of the access road passing bays should be provided to avoid the possibility of vehicles mounting the pavement or HGV's having to reverse out of a sub standard junction onto the airport road.
- The location of the junction in relation to the access for the premises on the southern side of the airport road is contrary to DBC's Design Guidance Standards.

- The proposed junction is immediately after a sharp left bend in the road which at that point is dropping steeply and is derestricted highway used by a mix of cars, HGV's and buses, this together with the unpredictable movements of large camper vans going to and from the premises opposite make the proposal dangerous in our opinion and completely unsuitable for accessing these premises.

**Middleton St George Parish Council** has no comment to make on the application.

## PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Highway Implications, and
- Impact on trees.

### Highway implications

The Council's highways engineer had initially raised concerns regarding increased traffic flows given that the access would serve two hotel developments and also over junction visibility. A Transport Assessment was subsequently commissioned by the applicants to address these which has been assessed by the Council's highways engineer and he has made the following comments:

*"The Transport Assessment provided has addressed the concerns I had in relation to the proposal. In particular the TA has demonstrated that there is sufficient capacity in the proposed junction providing access to the site to accommodate the increased traffic flows. The visibility splays that can be accommodated at the access to the site would only be acceptable if the speed limit on the frontage to the site is changed to 30mph. Initial discussions have taken place with the Police and they have indicated that they would support extension of the existing 30mph speed limit zone to include the access to the site. It would be a planning requirement that the works to implement the extension of the speed limit zone must be funded by the applicant and a condition/obligation would be required to reflect this. The cost would include for the legal order (advertising, officers time etc) and highway works (signs and lines). Should this zone be made a requirement of the planning permission, I would have no issues with the highway arrangements at the site"*

The applicants have offered to enter into a unilateral agreement to undertake this requirement.

### Impact on Trees

The proposed access would cut thorough a line of trees situated alongside the airport spine road. The loss of most of these trees, which are not of any significant visual value, have already been accepted by the grant of the previous application for the 80 bedroom hotel (Application ref: 06/1008). However a number of trees to the east of the proposed access road are subject of tree preservation order. The supporting Arboricultural Survey with the application has identified that two of these trees would need to be removed to facilitate the modified access. The Council's Arboricultural officer has advised that the trees are classified as Category C trees using the criteria outlined in BS5837 and would not normally be considered as a restraint to development but the fact that they are protected would enable the Planning Authority to secure suitable replacement tree coverage elsewhere. In this respect he considers that the loss of these trees can be mitigated by compensatory tree planting elsewhere within the site. Ideally this would be along the side of the new carriageway. However the land beyond the parameters of the carriageway and adjoining footpaths is outside the applicants control and therefore it would be difficult to secure any tree planting. Nevertheless the applicants have expressed a willingness to accept a condition

requiring additional tree planting on land within their ownership, which is considered acceptable to officers.

A number of other protected trees along this boundary, again to the east of the access, would need to be crown lifted to provide for satisfactory visibility sightlines which was recognised in the granting of the previous application.

## **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 proposed development is considered acceptable in this location and will not give rise to conditions prejudicial to local amenity or highway safety. Whilst the proposal will result in the removal of a number of preserved trees it is considered acceptable in this instance as provision has been made for the re planting of a number of additional trees. The application does not raise any issues in relation to highway safety or crime prevention.

## **RECOMMENDATION**

THAT SUBJECT TO THE COMPLETION OF A UNILATERAL UNDERTAKING BY THE APPLICANTS TOWARDS THE COSTS OF RELOCATING THE 30MPH SPEED LIMIT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

- 1) A3 Implementation Limit (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) E2 Landscaping (Submission)
- 4) E11 Tree Protection Measures
- 5) No development shall commence until a scheme for the relocation of the 30mph zone on the adjoining highway, to include the frontage of the site, has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the scheme shall be implemented prior to the occupation of the hotel.

REASON – In the interests of highway safety.

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

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