

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 August 2010

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APPLICATION REF. NO:	10/00466/FUL
STATUTORY DECISION DATE:	7 September 2010
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Open Land Adjoining, Carmel Road North
DESCRIPTION:	Erection of temporary construction site compound and welfare facilities, including car parking
APPLICANT:	Northumbrian Water Limited

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of a temporary construction site compound and welfare facilities, including car parking.

The temporary site compound is required to service works to upgrade the existing sewer network of the area. This is part of Northumbrian Water's programme of investment to remove the risk of flooding to properties.

The site compound would be enclosed with steel mesh fencing which would be in the region of 2m in height with access through 6m wide security gates.

The use of the site compound would be for site offices, secure storage, canteen and toilets. Less than 10 temporary car parking spaces would be provided for the duration of the construction works. These spaces would be within the compound.

The site compound would be 25m by 30m and would be set 4m from Cardinal Gardens.

The works for which the site compound is required is scheduled to start in October 2010 and to be completed by March 2011.

The application site consist of Council owned public open space to the east of Cardinal Gardens. There are protected trees on the site and the open space is directly bounded by the rear gardens of residential properties to the south. To the west of the site (opposite Cardinal Gardens) is Worsley Park residential home.

In the Design and Access Statement submitted with the application it is stated that a feasibility study was carried out which identified possible options for the upgrading of the combined sewer system. The effectiveness of these options was assessed for whole life cost, impact on third parties, buildability, space to build and hydraulic performance.

It is identified in the Design and Access Statement that four possible sites were considered. These were: the school playing field to the south of Abbey Road; the tennis courts in the park to the north of Abbey Road and adjacent to Stanhope Road North; the public open space to the south of the junction with Carmel Road North; and the public open space to the east of Cardinal Gardens.

In the Design and Access Statement it is stated that the School would not allow a section of the playing field to be used for the proposed site compound; that the tennis courts had already been used for the first phase of the sewer network and subsequently have recently been resurfaced; and that the public open space at Staindrop Road is adjacent to a roundabout at the junction of Carmel Road North and close to the junction with Woodland Road and that therefore this site was discounted because of the risk to pedestrians and traffic.

The Applicant's Agent has provided additional information regarding vehicle movements, staff numbers and deliveries.

The actual number of vehicles regularly using the proposed compound cannot be confirmed until after the award of the contract as this will be subject to the travel arrangements used by the successful contractor. It has, however, been advised that the following regular vehicles may be anticipated:

- Site Manager (one car)
- Site Engineer (one car)
- Site Foreman (small van)
- Site Operatives (6 to 8 vehicles – cars / small vans)
- Small dumpers for movement of materials and equipment to working sites (3 vehicles anticipated).
- Site Supervisor (one car – daily visit, for part of the day)
- Contract Manager (one car - visit 2 / 3 times per week, for part of day)
- NWL Project Manager (one car - occasional visits for part of the day)

All staff are anticipated to arrive between 7.30 am – 8.00 am. Following a briefing, operatives will depart for their work locations. The number of operatives on the site will depend on the logistics employed by the successful contractor. However, current available information indicates that the contractor would utilise three gangs, each comprising up to five operatives. Operatives will generally return to the compound for a morning break, typically 10.00 am – 10.20 am and lunch break, typically 1.00 pm – 1.30 pm. During the day, the Site Manager, Site Engineer and Site Foreman will make visits to the working areas. The frequency and duration of visits will depend on what work is being undertaken on a particular day.

The following type of plant vehicles may also be anticipated:

- Hiab type flat bed wagon(s) for delivery of site cabins and temporary fences
- JCB 3C type excavator for establishment and removal of site compound
- Self-loading skip wagon for delivery and collection of skips for recycled materials.
- Tipper wagons for delivery of stone for construction of site compound and removal on completion
- Hiab type flat bed wagon(s) and or small flat bed wagons for delivery of small plant and materials.

- Small dumpers for movement of materials and equipment to working sites

The following materials will pass through the site compound:

- Type 1 stone to provide a hard surface within the compound – to be removed on completion of the scheme
- Concrete flags to provide safe pedestrian access between the cabins
- Bulk bag deliveries of sand
- Bagged cement on pallets
- Pallets of bricks
- Manhole covers and frames
- Re-cycled materials in skips and general rubbish
- Small diameter pipe work and pipe fittings

The majority of deliveries will be directly to the appropriate working areas. Some materials, such as pallets of bricks and manhole covers, which cannot be conveniently stored at the point of use, will be delivered to the proposed site compound and stored there. The timing of these deliveries will be determined by the Contractor. Materials stored within the site compound will be collected in a small vehicle, van or dumper, for delivery to the appropriate location. The timing of vehicle movements will be subject to the progress on construction.

Large pipes and other bulky construction materials will not be delivered to the proposed site compound. These materials will be delivered directly to the appropriate working areas and off-loaded where they will be used. The size of plant required to construct the works (excavation and pipe laying) is such that it will be delivered directly to the point of use and will be serviced /maintained in that location.

A number of large deliveries will be required when establishing the compound and on removal and reinstatement. These will include rigid flat wagons / hiabs delivering the offices, stores and welfare units. The timing of these deliveries will be arranged to minimise the impact on the medical centre. Subject to the approval of Northumbrian Water and Darlington Council, it may be appropriate to have these deliveries made outside the opening hours of the medical centre, or at the weekend.

PLANNING HISTORY

There is no planning history associated with this application.

PLANNING POLICY BACKGROUND

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

- E12 – Trees and Development
- E29 – The Setting of New Development
- E46 – Safety and Security
- H15 – The Amenity of Residential Areas
- T24 – Parking and Servicing Requirements for New Development

Planning Policy Guidance 17: Planning for Open space, Sport and Recreation (2002) is relevant to the application.

The Council's Open Space Strategy (2007) is also relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to neighbouring properties advising of the proposed development and a site notice was also displayed. At the time of writing, 31 objections have been received. The points raised are summarised below:

- *Traffic is already a problem in the area due to the doctors' surgery.*
- *Access to Cardinal Gardens is a single road for some sixty properties, a Doctors Surgery, Pharmacy and a Residential Complex for the elderly.*
- *The additional traffic will cause unacceptable congestion and become an additional hazard on an already busy road where there is no alternative entrance and exit.*
- *Access and egress via Carmel Road North and Nunnery Lane is problematical throughout the day and subsists in acute form between 7.45 am to 9.00 am and 3.30 pm to 6.00 pm. These are precisely the times during which the compound will be at its busiest since the working day (according to application) is stated to commence at 8.00 am and to finish at 6.00 pm. Quite simply the junction of Nunnery Lane and Carmel Road North is a notorious 'choke point' and the present congestion and delay will be exacerbated by the addition of lorries, plant hire vehicles and the like.*
- *In this context I trust the Committee will ask their Planning Officer for the following information: the number of vehicles regularly to be involved; the nature (types) of the vehicles to be involved; the nature of the materials to be 'hauled'; the degree of vehicular activity (approximately) throughout the working day i.e. incidence, timing and regularity; and the number of operatives usually on site during the working day.*
- *There is a lack of appropriate investigation into the already considerable traffic congestion.*
- *The main access for the proposed compound would be off the narrow access road to Cardinal Gardens.*
- *The Cardinal Gardens Road was designed primarily as a residential access road and additional developments have taken place that were not envisaged at the time.*
- *Occasionally the road is completely blocked by inconsiderate parking.*
- *Currently people park not only in the surgery but on the road outside which causes problems.*
- *At the entrance to Cardinal Gardens are situated a very busy medical centre/ practice and immediately adjacent a pharmacy which is commensurately busy. The latter borders on the 'green space'. There is a car park common to both which is inadequate for the numbers who attend at either or both premises. Resultantly, the road width (which is only 5.5m wide) is almost invariably occupied by vehicles on alternative sides from the junction as far as the entrance to a nursing home approximately 100 metres from the junction. At the present time there are difficulties every day with drivers attempting to enter Cardinal Gardens and others attempting to leave via a single available lane. The difficulty is further exaggerated by those leaving the surgery car park at the same time.*
- *There would possibly be restricted access for emergency vehicles.*
- *I trust the Committee will ask their Planning Officer for the following information: how will large lorries (presumably hauling large pipes) and other potentially heavy plant negotiate the single narrow lane from Nunnery Lane to the site entrance during surgery hours? Is it possible to introduce parking restrictions? if so will the wheelchair bound (and their carers), the infirm, the young mothers with babies and push chairs or the*

emergency services be informed where they might park if the car park is full? is the proposed entrance to the compound, which is directly opposite to the nursing home entrance, a deliberate stratagem designed to provide a greater turning circle for large vehicles, or is it merely coincidental?

- *When the site was used as a parking area last year, without informing us, considerable grievance resulted.*
- *There are additional hazards for vehicles exiting Cardinal Gardens such as; cyclists using the cycle track to cut in front of cars attempting to turn right onto Nunnery Lane; school children either as pedestrians or cyclists cutting across the Cardinal Gardens Junction; elderly residents from Worsley Park making their way to and from the two Nunnery Lane Bus Stops.*
- *The proposed entrance to the site will be directly opposite the entrance to Worsley Park which is a sheltered retirement scheme. The increase in traffic, both with cars and machinery, will mean more noise and disturbance.*
- *The main access for the proposed compound would be off the narrow access road to Cardinal Gardens.*
- *An entrance for lorries from Cardinal Gardens to the site and frequent construction vehicular traffic to that site will increase the lines of parked vehicles conceivably impacting on the entrances to the private gardens of properties nearest to the site and without a doubt substantially aggravate the already existing vehicle movements difficulties which already exist.*
- *It is only some six weeks since I contacted our Councillors regarding the traffic problem in Cardinal gardens. They state the road was built too narrow in the first place.*
- *The planning application covers winter time with increased risk of poor visibility of pedestrians and other road users.*
- *Would the Council please consider the creation of a mini roundabout or traffic lights at the junction of Nunnery Lane and Carmel Road North?*
- *The land on which the scheme is proposed is designated within the development plan as open land. As a consequence it is afforded considerable protection from inappropriate development by Policy E3 of the Local Plan. Our view is that this application clearly contravenes this policy as it will have a detrimental impact on the character and appearance of the land and on the wider amenity of the area.*
- *National planning advice contained within Planning Policy Guidance 17 (Planning for Open Space, Sport and Recreation) advises that local planning authorities should avoid any erosion of recreational function and maintain or enhance the character of open spaces. Again my view is that the proposal contravenes this policy.*
- *Planning Policy Guidance 17 advises that local authorities should also undertake audits of existing open space and advise that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. We are aware that the site was appraised through the Council's Open Space Strategy which was adopted in 2007. The site was found to comprise an informal recreation area within the urban area of Darlington and was actually considered to be of high quality.*
- *Residents would lose their peaceful repose from a combination of the visual impact and general business activity.*
- *My two grandchildren and myself use this land two or three times a week for playing football or cricket. To continue our activities this would mean us having to travel about half a mile to the nearest open space.*
- *It is open green land and popular with children and families.*

- *It seems to me to be quite bizarre that amongst all the public areas available for siting a compound, this particular small recreational 'green space' should be chosen. It is difficult to conceive of a proposal worse designed to cause maximum inconvenience to a large and diverse section of the public within a very small and discrete area.*
- *As part of the original planning consent in 1987 for the building of Cardinal Gardens estate, the applicant builders (McLean Homes) were enjoyed to preserve and landscape the green area which is now the subject of the application. This was done to the satisfaction of the Council and the area has subsisted in the same form without let or hindrance for upwards of 20 years.*
- *Recent subsidence has occurred in the roadway (a gaping hole appeared in the tarmac roadway exposing underground services). Concern is expressed regarding extra weight / traffic on road surfaces / man holes etc.*
- *It would take a further six months or a year to restore the area assuming no trees would be cut down. It would lower the value of property on the estate (even if it is only temporary).*
- *Would the inconvenience lead to a large rates reduction?*
- *The compound will be a considerable nuisance to residents.*
- *It is noted that a generator is sited very near to the homes in the first cul-de-sac on Cardinal Gardens and opposite to the nursing home. It is assumed that this is required (inter alia) to illuminate the compound during the hours of darkness for security purposes. Are the Committee to be advised on the potential for actionable nuisance (or does the generator operate silently)?*
- *The overall area around the proposed compound is residential and to use it for storing and moving construction plant would not only be dangerous but extremely dirty, especially as the work is proposed over the winter period.*
- *According to the plan it is being sited at the residential end of the land with hazardous material and waste nearest to the house.*
- *I was surprised in the applicants biased reasoning for not wanting to use some of the area along the extensive grassed space to the north of Staindrop Road.*
- *If the Staindrop Road location were used, 90% of its grassed area would still be available.*
- *There is a much larger expanse of open ground to the north side of Staindrop Road.*
- *There is substantial confusion regarding your considerations for the use of alternate land for the compound.*
- *We think that the 7 months timescale is optimistic and we ask if another suitable site can be found for this project.*
- *Three alternative sites have been looked at and these have all been discounted for various reasons. This has lead the applicant to conclude that this automatically means that this site is appropriate when in reality it should also be discounted.*
- *The Staindrop Road alternative, considered by the applicant and already rejected appears to be far more suitable as a temporary place for the applicant's purposes, as it does not have the same traffic problems. The existing traffic control system there seems to be an asset, rather than an impediment as the applicant seems to think; and that site is very much larger than the Cardinal Gardens plot, there would be a large amenities area left for residents around that site and thus not deprive them of their recreation area.*
- *The second available grassed space in Staindrop Road is .41 of a mile from the roundabout, the third is .53 of a mile and the fourth is .74 of a mile. These are eminently suitable.*

- *There are no plans for security on the site. we currently have problems with anti-social behaviour by youths on this land and on Worsley Park grounds, especially early to late evenings and I feel that anything left unguarded, even if fenced off, will encourage them.*
- *Cardinal Gardens has suffered from crimes such as car theft and burglary.*
- *Cardinal Gardens Medical Practice has suffered low level vandalism.*
- *The proposed compound is likely to be a prime target for people looking for anything of value.*
- *If break-ins on the proposed compound do not yield anything of value no doubt a wider search will be made including residential properties.*
- *The application fails to accurately identify the location of the proposed temporary compound.*
- *The application drawings annotate an area within the compound as being allocated for parking, however, on the application forms zero is identified for every type of vehicle listed.*
- *I could not see any mention on the site plan of any public rights of way crossing the site as required by the 'National Validation Requirements'.*
- *The application is for use of virtually all of the grassed area as a fenced in compound which I assume will be covered with hardcore and then this hardcore removed on completion and the grass reinstated. This will be a huge amount of stone to be hauled to site.*
- *This should not be an area which can be appropriated by any business or private organisation.*
- *We feel not enough detail is on the planning notice for residents to appreciate the full implications of the plan.*
- *Has a risk assessment exercise been conducted or health and safety factors considered?*
- *We are aware that the land is owned by Darlington Borough Council and are wondering whether it is a fait accompli situation and the council has a monetary agreement in place with the applicant in terms of a rental agreement for the use of the land for a temporary period. If this is the case we believe the Council's impartiality to determine this application will be compromised.*

The **Highways Officer** raised no objection to the proposal.

The **Environmental Health Office** raised no objections to the proposal but recommended that the time limit of the temporary use be controlled by condition on any approval.

The **Arboricultural Officer** commented that tree protection measure will be required.

PLANNING ISSUES

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

- Planning Policy
- Residential Amenity
- Highways Matters
- Other Matters

Planning Policy

National Planning Guidance Note 17 (Planning for Open Space, Sport and Recreation) 2002 states that the recreational quality of open spaces can be eroded by insensitive development or incremental loss of the site. In considering planning applications - either within or adjoining open space - local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.

The proposal would be for the temporary use of part of an area of open space. The temporary nature of the proposal can be controlled via planning conditions as can the reinstatement of the area of the land used. The proposal is required to facilitate the upgrading of sewers in the area to help alleviate problems of flooding. This could be considered to be a benefit to the community that would outweigh the temporary loss of part of the area of open land.

Policy E3 (Protection of Open Land) is relevant to the application as it is proposed as being constructed on open land. This Policy states *inter alia* that permission will not be granted for development which harms the visual relief, character and openness afforded by open space or the provision for informal recreation.

Policy 2 of the Council's Open Space Strategy (2007) states that locally important open space will be protected and managed to meet the sport and recreational needs of local people close to where they live and to maintain and enhance the visual amenity, biodiversity and local distinctiveness of the Borough.

The area of open space is used for informal sport and recreation. This could still take place even with part of the site used for the proposed temporary compound. The temporary nature of the proposal is such that the long term visual amenity of the area will not be harmed.

The area of open space contributes to the character of the area and provides an area for informal recreation. The proposed site compound would detract from the appearance of the area and would reduce the capacity for informal recreation in the area. The site compound is, however, only a temporary structure and much of the area of open space would remain unaffected. The compound would be self contained and securely fenced off from the remainder of the open space. As a temporary arrangement, the proposal would not cause significant harm to the area of open space or to informal recreation in the area.

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees on and adjoining the site. A condition could be placed on any permission requiring details of tree protection measure during the construction of the site compound.

Policy E29 (The Setting of New Development) of the Borough of Darlington Local Plan ensures that new development will respect the character of its setting in terms of siting, design, materials and landscape. Policy E46 (Safety and Security) requires that new development will reduce opportunities for crime whilst creating a safe and secure environment. The site compound would be a temporary addition to the area and following the completion of the works to upgrade the sewers would be removed. The site compound would appear as a temporary feature and would not, in these circumstances, have a significant detrimental impact in relation to visual amenity.

Residential Amenity

Local Plan Policy H15 (The Amenity of Residential Areas) states that permission will not be

granted for the establishment, enlargement or material intensification of non-residential uses, which would unacceptably conflict with the amenities of surrounding residential areas. The nearest residential properties are located some 25m to 30m from the location of the proposed site compound. Due to the serration distances from neighbouring properties, the proposal would not be likely to result in any significant detrimental impacts with regard to residential amenity. The Environmental Health Officer has raised no objections to the proposal.

Highways Matters

Policy T24 (Parking and Servicing Requirements for New Development) identifies that appropriate space for vehicle parking should be provided within the site. The Highways Officer has raised no objections to the proposal. There are existing issues with vehicular parking congestion in the immediate area. Whilst the proposal would result in some increase in traffic (including the construction and eventual demolition of the compound), this is not considered to be so significant to justify the refusal of the application.

Other Matters

Some of the points raised by the objectors require further consideration. Responses to some the points raised (that have not already been addressed) are set out below:

- The proposal does not include the felling of any trees as has been suggested as a possibility.
- The impact of the proposal on the value of properties in the area is not a material planning consideration.
- There would not be a reduction in Council Tax as a result of an inconvenience as has been queried.
- Contrary to the statement that the application fails to accurately identify the location of the proposed temporary compound, the plans submitted with the application do clearly identify the location of the proposed temporary compound. The site (the area of open land) is outlined in red as is required. The application drawings show the size and location of the proposed compound. Not all of the area inside the red line boundary is proposed as being used for the compound. This land would remain unchanged.
- A point raised by an objector is that the on the application forms no vehicles (additional parking) have been identified. In fact it is stated that less than 10 temporary car parking spaces would be provided for the duration of the construction works.
- No mention has been made of any public rights of way as there are none within the site boundary.
- A point raised by an objector is that virtually all of the grassed area would be fenced off as a compound. The compound would actually be located in a corner of the grassed area and it would cover less than 25% of the total area of the area of open space.
- Many of the objections have mentioned alternative sites that may be more suitable. A detailed analysis of alternative sites has not been provided and the current application (and the suitability of the site) needs to be considered on its own merits.
- It is queried in an objection that as the land is owned by Darlington Borough Council, whether the scheme can be considered to be a *fait accompli* based on and financial gain by the Council. No details of any land deal between the Council and the applicant have been provided to the Development Control Team. Such issues would not be a material planning consideration. The application has been submitted for consideration and the officer recommendation for the approval of the application is based on an analysis of the

proposal and planning policy (the opinions expressed by local residents has also been taken into consideration).

- Objectors have raised queries over whether parking restrictions can be made and if a mini-roundabout or traffic lights can be provided. These enquiries have been forwarded to the Highways Section.
- An objector has asked whether locating the proposed entrance to the compound directly opposite to the nursing home entrance is a deliberate strategy designed to provide a greater turning circle for large vehicles. The Applicant's Agent has advised that the entrance to the compound was positioned at a point where the open land is at the same level as the footpath.
- An objector has also asked if any risk assessment has been carried out. The Applicant's Agent has advised that a Design Safety Reviews and Risk Assessments have been undertaken as a continuous process throughout the development of the scheme, from feasibility study through to detailed design and issue of the invitation to tender. This included an assessment of the possible sites available for the temporary site compound.

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 compound is required to facilitate works to upgrade the sewers in the area to help prevent the risk of flooding. The temporary nature of the proposal can be ensured by condition. The proposal is acceptable for a temporary period and will not cause significant harm the area of open space during its operation. The Highways Officer has raised no objections to the proposal. The proposal would not result in any significant detrimental impacts in relation to residential amenity.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The permission hereby granted shall be for a limited period expiring on 31 June 2011 when the use shall cease.

Reason – The site compound hereby approved is only required for a temporary period.

2. Within one month from the date of commencement of the use of the site compound hereby permitted a scheme and programme providing for final restoration of the site shall be submitted to the Local Planning Authority, for approval in writing. The scheme and programme shall be implemented in its entirety within one month following cessation as defined by this permission.

Reason – To provide for the completion and final restoration of the site in the interest of the visual amenity of the area.

3. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the trees located to the east of the site. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above 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) Erecting 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.

INFORMATIVE

The applicant is advised that works are required within the public highway to construct temporary access and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.A.Ward 01325 388743) to discuss this matter.

Suggested summary of reasons for granting planning permission

The proposed temporary site compound is considered acceptable and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No significant issues are raised in relation to crime prevention. The proposal is considered acceptable in light of the following Policies of the Borough of Darlington Local Plan 1997:

E3 – Protection of Open Land

E12 – Trees and Development

E29 – The Setting of New Development

E46 – Safety and Security

H15 – The Amenity of Residential Areas

T24 – Parking and Servicing Requirements for New Development