

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 10 March 2010**

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<b>APPLICATION REF. NO:</b>	<b>09/00912/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>17 February 2010</b>
<b>WARD/PARISH:</b>	<b>HUMMERSKNOTT</b>
<b>LOCATION:</b>	<b>Woodburn Nursery, Salutation Road</b>
<b>DESCRIPTION:</b>	<b>Renewal of temporary planning permission (reference number 05/00017/DC dated 21 March 2005 for erection of temporary extensions to existing polytunnels and temporary detached polytunnel) for a further 5 years, and variation of condition No. 2 to increase the hours of operation to 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays (amended description)</b>
<b>APPLICANT:</b>	<b>DIRECTOR OF CORPORATE SERVICES</b>

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**APPLICATION AND SITE DESCRIPTION**

In March 2005, planning permission (ref no: 05/00017/DC) was granted for the erection of temporary extensions to existing polytunnels and a temporary detached polytunnel. The extensions to the polytunnels measure 19.5metres x 13.1metres and 31metres x 13.1metres with an overall height of 3.55metres. The overall lengths of the tunnels are 69metres and 72metres. They are double span and constructed from polythene with green shade netting on the sides for ventilation purposes. The detached single span tunnel measures 23.4metres x 6.4metres with an overall height of 2.74metres. The polytunnels are used for bedding plants. This planning permission will lapse in May 2010

The approval was given subject to a planning condition, which states:

*Notwithstanding the details in the submitted application, commercial traffic movements shall not occur at the site outside of the hours of 08:00 – 18:00 Monday to Friday or 10:00 – 17:00 Saturdays and Sundays.*

*REASON – In the interests of the residential amenities of neighbouring dwellings.*

This is an application submitted under Regulation 3 of the Town and Country Planning Regulations 1992 to renew the 2005 approval for a further five years and to vary the above condition to increase the hours of operation for commercial vehicles to 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays.

The Community Services Section has requested to vary the planning condition to support the Streetscene service currently being operated from the facility and to allow for business vehicles to operate from the Nursery from 07:30 to 18:00 Monday to Friday. The hours of operation for a weekend would remain unchanged.

The general types of vehicles, which access and egress the site include motorcycles; cars, light vans; medium and large vehicles; mini buses, agricultural vehicles tracked vehicles and mowing machines. These vehicles are both private and commercial.

Under the provisions of this application, personnel would be permitted to access and egress the site in their private vehicles prior to and after the revised time limits only. However, it is also envisaged that the Council's Forestry Team may have to gain access to the site outside of these hours in order to deal with emergency tree work on an occasional basis.

Woodburn Nursery is in a predominately residential area, with West Cemetery forming the northern and western boundary. Nos 296 and 298 Coniscliffe Road, which are adjacent to the entrance of the site, have recently been designated as Grade II listed buildings.

### **PLANNING HISTORY**

7868/x1 In March 1951, planning permission was GRANTED for a greenhouse.

7868/1 In June 1963, planning permission was GRANTED for a greenhouse.

7868/2 In August 1972, planning permission was GRANTED for a greenhouse, garage and offices for horticultural purposes

DC/8/76/372 In August 1976, planning permission was GRANTED for an extension to garages which houses Parks Dept. vehicles

DC/8/90/487 In August 1990, planning permission was GRANTED for a polytunnel

DC/8/95/240 In June 1995, planning permission was GRANTED for the renewal of DC/8/90/487 for a further five years

01/00054/DC In March 2001, planning permission was GRANTED for the renewal of DC/8/90/240 for a further five years

03/00102/DC In April 2003, planning permission was GRANTED for a temporary polytunnel

04/00793/DC In August 2004, planning permission was GRANTED temporary polytunnel

05/00017/DC In March 2005 planning permission was GRANTED for the erection of temporary extensions to existing polytunnels and a temporary detached polytunnel

### **PLANNING POLICY BACKGROUND**

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

E3 – Protection of Open Land

## H15 – Amenity of Residential Areas

**RESULTS OF CONSULTATION AND PUBLICITY**

One detailed letter of objection has been received from the occupier of No 298 Coniscliffe Road. The occupiers of this property have been in a long dialogue with the Council about the management of the site. The concerns can be summarised as follows:

- *Industrial scale polytunnels/services/vehicles are inappropriate temporary industrial development of this area;*
- *Permitted commercial vehicle movements on site at 0730 would cause us intolerable loss of our amenity and enjoyment of our home that is already surrounded by inappropriate Community Service activity on a daily basis*
- *Condition 2) (on original permission) has been breached with impunity from 2005 onwards*
- *Previous conditions agreed in 2005 were for appropriate landscaping, which have not materialised*
- *There is no effective control of the speed of vehicles entering the site. Signage indicates 10mph but this is generally observed in icy conditions only. Manoeuvring and parking a vehicles off road is often very close to the side and rear of No 298 Coniscliffe Road*
- *Vehicles are used with flashing lights on view past our windows. There is a frequent use of horns when exiting gate*
- *There are security issues. Unauthorised persons entering the site when the gates are open*
- *The rear of the site has been overdeveloped with minimal infrastructure for servicing HGVs in an enclosed residential area*
- *No 298 Coniscliffe Road is a listed building (1873, architect Hoskins) and West Cemetery is an area of special interest (early Victorian Cemetery, architect Pritchett of York)*
- *No environmental screening has been put in place after opening up the area for industrial use as a vehicle/storage./working compound*
- *Established stone and brick wall boundaries and buildings surrounding this enclosed backland site naturally act as an amplifier to the noises being generated by this unrestricted development over twenty years.*
- *The walled and gated site entrance/exit onto a single-track roadway/footpath has only partial visibility. It crosses a public footpath and also leads directly onto two busy public roads and our driveway. All nursery traffic is a hazard to passing drivers and pedestrians*
- *The frontal open area is not landscaped and is treated permanently as an industrial vehicle/storage compound/service area and in January as a public dumping ground for Christmas trees. There has been no consideration of our established residence of historical and architectural merit*
- *Site users have no awareness or acknowledge any Government or Council policies regarding environmental degradation*
- *Multiple Community Service users often appear to lack coordination regarding temporary placement of their vehicles. At times the site can appear congested with convoys of vehicles lining up/overtaking/parking off road*
- *There are commercial vans; taxis; minibuses; open lorries; tractors; dumper trucks; trailers; grass cutting vehicles; water tankers; JCB diggers; horticulture delivery*

*vehicles; personal cars, vans and trailers all use the access on a regular and occasional basis*

- We see no reason why our early morning hours should be made more unbearable by high decibel, ground vibrating commercial vehicles/activities being permitted close to our bedrooms as early as 0730.*
- We initially anticipated that the condition of 0800 would be respected but we were mistaken. It should stand as it is*
- We consider that repeated renewal of temporary planning permissions for these industrially developed polytunnels should in fact not be permitted. The current temporary occupiers (Community Services) have not effected or complied with very reasonable conditions put in place to protect the environment by planners five years ago*
- This development has brought about severe ground degradation and provided a bleak, wasteland environment within an established residential area that had no prior history of industrial scale commercial development. Very little appropriate landscaping has taken place*
- The enclosed backland site and temporary makeshift infrastructure is most obviously unsuitable for efficient mobility and the storage/working needs of users without causing our residence nuisances*
- Community Services have effectively erased the original horticultural ground*
- Community Services are privileged to use this site. Their obligation and business is to manage and maintain it without causing environmental deterioration and intermittent nuisance of high decibel noise/vibration at unsocial hours (on occasions from 06:18 in the summer)*

## **Consultation Responses**

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

The **Council's Environmental Health Officer** has stated that he has no observations to make in respect of the renewal of the temporary consent or the extension to the opening hours in respect of the authorised use of the site

## **PLANNING ISSUES**

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

- Planning Policy
- Visual Amenity
- Residential Amenity
- Highway Matters

### **Planning Policy**

The site forms part of the Open Land Network defined by Policy E3 (Open Land Network) of the Borough of Darlington Local Plan. Policy E3 states that in considering proposals to develop land within these areas, the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the Open Land system as a whole. Permission will not be granted for development, which inflicts net material harm on the Network.

The site is a developed piece of land consisting of hard standing areas and temporary and permanent structures and it does not currently contribute to the appearance of the Open Land Network in the Borough. The principle of renewing the 2005 approval for the polytunnels is considered generally acceptable in planning policy terms.

Policy H15 (Amenity of Residential Areas) permits the enlargement or material intensification of non residential uses in residential areas provided that there is no adverse impact upon the character and quiet enjoyment of the area.

### **Visual Amenity**

The two double span tunnels have an overall height of 3.55metres and the single span tunnel is 2.74metres high. They are a common form of development found within horticultural premises and they are not overbearing structures when compared with the other single storey buildings within the site. There are a small number of existing trees within the site, which soften the impact of the polytunnels and therefore the renewal of the 2005 approval is deemed acceptable in terms of its impact on the visual amenity of the locality.

### **Residential Amenity**

The access to the Nursery runs between No 298 Coniscliffe Road and No 6 Salutation Road and both properties have windows in the elevations overlooking this road. The boundary treatment of the two properties with the access road consists of a high brick wall (with No6 Salutation Road) and a mix of brick wall and fencing (with No 298 Coniscliffe Road). There is strip of land, containing a hedgerow, running along the boundary with No 298 Coniscliffe Road and the access road.

The Nursery facility then turns round to the rear of the properties on Coniscliffe Road/ Stonehurst Dive and Carmel Road North. It is considered that the polytunnels are an acceptable distance from the surrounding dwellings to ensure that they are not overbearing and dominant structures when viewed from those locations.

Condition 2) of the 2005 permission was imposed at the request of the Members of the Planning Committee to restrict the traffic movements of commercial vehicles in the interests of residential amenity. It is considered that extending the hours of operation to allow commercial vehicles to access the site earlier in the weekday morning in order to facilitate the continued operation of the Nursery would not have a significant impact upon the residential amenities of the neighbouring dwellings. The need for the Forestry Team to operate outside of the hours, in cases of emergency is not envisaged to be such a regular occurrence that amenities will be adversely affected but the matter should be reflected in the wording of any revised planning condition. Officers should reiterate that the planning condition would not prevent personnel from accessing and egressing the site in their own private vehicles during the working day.

The Council's Environmental Health Officer has stated that he has no observations to make in respect of the renewal of the temporary consent or the extension to the opening hours in respect of the authorised use of the site

A number of the concerns, which have been raised, relate to the general management of the site and Officers are aware that the objector has previously raised concerns directly with the Director of Community Services. Officers have also forwarded the objector's letter to Community Services.

A hedge has been planted along the boundary No 298 Coniscliffe Road and the access road and a close boarded fence has been erected to the rear of the dwelling to accord with a further planning condition (No 3) attached to the 2005 approval, which requested the erection of landscaped boundary treatment. The fence was erected instead of a laurel screen due to poor ground conditions. These features were planted in the interests of the amenities of No 298 Coniscliffe Road.

### **Highway Matters**

The existing access onto Salutation Road/Coniscliffe Road would continue to be used. The Council's Highway Engineer has raised no objections to the proposed development.

### **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**

This is a planning application to renew a temporary planning permission (ref no: (ref no: 05/00017/DC) for the erection of temporary extensions to existing polytunnels and a temporary detached polytunnel and to vary condition 2 attached to the permission to extend the hours of operation of commercial vehicles to 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays. This condition was originally imposed in the interests of residential amenity.

The polytunnels do not raise any residential or visual amenity concerns and they are considered to be acceptable structures in this location.

Since the 2005 approval, a need to increase the hours of operation for commercial vehicles has been identified to support Darlington Borough Council's Streetscene services operating from Woodburn Nursery. Whilst the concerns of the objector are acknowledged, it is not considered that the extension to the hours of operation by 30 minutes at the beginning of the day would unacceptably affect the residential amenities of nearby residents. On balance it is considered that the proposed variation of the planning condition would not significantly affect the amenities of the neighbouring dwellings, subject to an appropriate revised planning condition being imposed.

The following policies within the Borough of Darlington Local Plan were taken into consideration:

E3 – Protection of Open Land  
H15 – Amenity of Residential Areas

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED UNDER REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND SUBJECT TO THE FOLLOWING CONDITIONS**

1. The permission hereby granted shall be for a limited period of five years

REASON: The Local Planning Authority would wish to review the permission at the end of the time period in the interests of the residential amenity and visual appearance of the locality.

2. No business related vehicles shall access or egress the application site, outlined in red on SITEPLAN001 dated February 2010, outside the hours of 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays, with the exception of vehicles used by the Darlington Borough Council's Forestry Team for emergency tree related works.

REASON: In the interests of the residential amenities of the neighbouring dwellings

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

This is a planning application to renew a temporary planning permission (ref no: (ref no: 05/00017/DC) for the erection of temporary extensions to existing polytunnels and a temporary detached polytunnel and to vary condition 2 attached to the permission to extend the hours of operation of commercial vehicles to 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays. This condition was originally imposed in the interests of residential amenity.

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