

# Public Document Pack

02 July 2007

Dear Councillor

A meeting of the Planning Committee will be held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 9th July, 2007 at 6.00 pm

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Templeman', is written over a light grey rectangular background.

**R TEMPLEMAN**

**Chief Executive**

## **AGENDA:**

1. Apologies for Absence
2. Minutes of Previous Meeting (Pages 1 - 10)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 11 - 34)  
Report of Head of Planning and Environmental Health

(please note that the meeting may be recorded for clerical purposes only)

This page is intentionally left blank

## **THE DISTRICT COUNCIL OF CHESTER-LE-STREET**

Report of the Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street on Monday 11 June 2007 at 6.00pm.

### **PRESENT:**

Councillor G K Davidson (Chairman)

### **Councillors:**

P Ellis	W Laverick
R Harrison	P H May
D M Holding	M Sekowski
A Humes	A Turner
	F Wilkinson

Officers: S Reed (Acting Planning Services Manager), C Potter (Head of Legal and Democratic Services), J Bradley (Assistant Solicitor), Matthew Gibson (Planning Assistant) and D Allinson (Democratic Services Assistant)

Also in Attendance: Six Members of the Public

### **9 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors K Potts, D L Robson, L E W Brown, P B Nathan and T H Harland.

### **10 MINUTES OF MEETING HELD 21 MAY 2007**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 21 May 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to the wording in the last paragraph being amended to advise that Councillor Brown proposed to move that the application be refused."

The Chairman proceeded to sign the minutes.

### **11 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS**

Councillor Humes declared his personal interest in Item No. 3 of the report, as he knew the applicant. Councillor Harrison declared his personal and prejudicial interest in Item No. 2 of the report, as his wife is a trustee of Sacriston Community Centre. Councillor Turner also declared his personal and prejudicial interest in Item No. 2 of the report as a representative of the Committee and Trustee of Sacriston Community Centre.

## 12 **CONFIRMATION OF SPEAKERS**

The Chairman referred to the list of speakers, copies of which had previously been circulated to each Member and confirmed their attendance.

## 13 **REPORT OF HEAD OF PLANNING AND ENVIRONMENTAL HEALTH – PLANNING MATTERS**

A report from the Head of Planning and Environmental Health was considered, copies of which had previously been circulated to each Member.

### **(A) District Matters Deferred**

The Chairman advised that because there had been no response received from Durham County Council Highways Authority this Item should be deferred for consideration until this had been received.

The Acting Planning Services Manager advised that it was a statutory requirement to consult with Durham County Council Highway's Authority and confirmed that the Case Officer had tried to contact the Highways Officers, however no response had been received.

#### **(1) Proposal: Proposed change of use of games room to private Members club**

**Location: White House, Greenford Lane, Ouston**

**Applicant: Sylvia Pallas – Reference 07/00201/COU**

RESOLVED: "That this item be deferred until comments had been received from Durham County Council Highways Authority on the proposal."

### **(B) District Matters Recommended Conditional Approval**

**Prior to consideration of the following item, Councillors R Harrison and A Turner declared their personal and prejudicial interest in this item for the reasons outlined in Minute No. 11. They both left the meeting and returned once a decision had been made.**

**The Acting Planning Services Manager referred to photographs in relation to the proposal, which were displayed for Members information.**

#### **(2) Proposal: Erection of new Community Resource Centre, multi-use-games-area, bowling green and associated car parking**

**Location: Sacriston Community Association, Front Street, Sacriston**

**Applicant: Ms L Surtees – Reference 07/00155/FUL**

Councillor Laverick advised that this was a much awaited facility within Sacriston which would contribute to the works that had already been done on Sacriston Front Street that he felt should be commended.

Councillor Holding who was in support of this proposal, spoke in relation to the comments received from the Design and Conservation Officer at Durham County Council recommending a landscape strip, which he was pleased to note had been taken on board.

Councillor Laverick proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Holding. Members were in agreement with this decision.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for conditional approval in respect of the application be agreed, subject to the following conditions."

01A The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

10B The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and/ or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy RL1 of the Chester-le-Street District Local Plan.

10A Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within the first planting season following completion of the development (or of that phase of the development in the case of phased developments) and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority, within the first 5 years of the planting being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.

Extra 1: Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and/or roofs of the building (s) have been submitted to, and approved in

writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy RL1 and RL2 of the Chester-le-Street District Local Plan.

Extra 2: Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion.

Extra 3: Notwithstanding the details shown on the submitted plans, full and final site layout plans showing the proposed car parking layout, to be restricted to no more than 35 car parking spaces and to provide for the provision of cycle stands, and proposed surface materials, incorporating the use of “grasscrete” blocks or similar, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and any such agreed scheme shall be fully implemented in accordance with those details within three months of the substantial completion of the building works (where substantial completion is taken to mean the completion of the demolition and making good of the existing community centre and any ground works required to enable the implementation of works specified under conditions of the planning permission), in order to respect the character of the area and in the interests of sustainable development and to accord with the aims of Policies RL1 and RL2 and T17 of the Local Plan.

Extra 4: Any existing trees identified within the development site boundary which it is proposed/ required to be retained, shall be protected by a protective fence or barrier, to the satisfaction of the Local Planning Authority and in accordance with the provisions of BS3998, in order to ensure that building materials, plant and machinery are not stored around the base of the tree, in the interests of the long term health and well-being of the tree and in the interests of visual amenity.

Extra 5: Notwithstanding the details shown on the submitted plans, full details of the proposed bowls area and MUGA shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and thereafter the development shall proceed wholly in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority, in order to ensure the development respects the character of the area and meets relevant Sport England criteria.

Extra 6: The hereby approved development shall be carried out in accordance with a Green Travel Plan to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the management of transport users within the development in the interests of sustainable

development and in accordance with the provisions of Policies NE1 and T17 of the Chester-le-Street District Local Plan.

**At this point, Councillors R Harrison and A Turner returned to the Meeting.**

**Prior to consideration of the following item, Councillor Humes declared a personal interest in this item, as he knew the applicant. He remained in the Meeting but took no part in the discussion or decision on this application.**

**The Acting Planning Services Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

**(3) Proposal: Resubmission of 06/00457/FUL – Proposed erection of 1 no dwelling to West of existing dwelling including new vehicular access**

**Location: Land at 1 Ash Meadows, Washington, Tyne & Wear**

**Applicant: Mr M Adamson – Reference 07/00182/FUL**

**Mr Endean the applicant's agent spoke in relation to the application.**

The Chairman spoke in response to the objections that had been raised on the drain and the covenant and advised the Committee were well aware that these were not planning considerations.

In response to a query from Councillor Turner, the Acting Planning Services Manager referred to the photographs and outlined the location of the entrance and access point on the proposed application.

He also clarified for Councillor Turner that out of the 15 letters of objection all but one was from the residents of Ash Meadows. The other was from a resident on the other side of the boundary fence to the rear of the proposal.

The Acting Planning Services Manager outlined the comparable percentages of footprint coverage and plot size of the dwellings within the estate for Councillor Turner's information.

Councillor Laverick spoke in relation to the character of the estate and the unique design of the dwellings and advised that although the proposal was on a prominent position on the estate it would be well screened, he therefore felt there was no reason to refuse the application.

Councillor Turner proposed to accept the Officer's recommendation of conditional approval, which was seconded by Councillor Laverick. Members were in agreement with this decision.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for conditional approval in respect of the application be agreed, subject to the following conditions."

01A The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

02A Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and/ or roofs of the building (s) have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

10B The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and/ or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP9; of the Chester-le-Street District Local Plan.

20A Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

65 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie. development permitted under Schedule 2, Part 1 (Class A-H inc.) and Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the



development upon completion and in the interests of visual and residential amenity.

Extra 1: Any existing trees identified within the development site boundary which it is proposed/required to be retained, shall be protected by a protective fence or barrier, to be agreed in writing by the Local Planning Authority, in accordance with the provisions of BS5837 2005, in order to ensure that building materials, plant and machinery are not stored around the base of the tree, in the interests of the long term health and well-being of the tree and in the interests of visual amenity.

Extra 2: Notwithstanding details contained within the application, provision shall be made for a suitable means of enclosure/privacy screening along the common boundary with No 1 Ash Meadows. Details of such screening shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development on site. The agreed privacy screening shall thereafter be erected prior to the first occupation of the proposed dwelling. In the interests of securing the privacy for occupiers of both No 1 Ash Meadows and the occupiers of the new dwelling, in accordance with the provisions of Policy HP9 of the Chester-le-Street Local Plan.

**At this point Councillor Humes left the Meeting at 6.55pm.**

**(C) Development Control Performance Update**

Consideration was given to a detailed update on the Development Control discipline's performance during the financial year 2006/07. The Acting Planning Services Manager briefed Members on the report, which focused on the following areas of development control activity:

BVPI 109 (speed of decision making)  
BVPI 204 (percentage of appeals dismissed)  
BVPI 205 (Quality of service checklist)  
PLLP 33 (% of pre-application enquiries responded to within target)  
PLLP 02 (% of householder planning applications determined in 8 weeks)

The Chairman spoke in relation to the staffing situation within the Planning Department where vacant posts were still awaiting to be filled and advised of the knock on effect this was having on the team's performance indicators.

The Acting Planning Services Manager gave a brief synopsis on how the team had performed last year on the national performance indicators and spoke in relation to quick responses achieved by the team on dealing with planning applications. He also acknowledged the poor performance achieved in relation to response times for dealing with pre-application enquiries. He advised that he expected this performance to improve once the vacant posts were filled.

RESOLVED: "That the contents of the report be noted."

**(D) Public Speaking at Planning Committee**

The Chairman spoke in relation to the draft planning leaflet on public speaking, which he hoped Members had taken the opportunity to look through to feedback their comments. Following consultation with the Acting Planning Services Manager and the Head of Legal and Democratic Services he informed Members that comment No. 2 in relation to allowing Parish Council's the right to speak would be removed. This was because Parish Councils were already fully consulted on planning applications at present and any correspondence they submitted was attached as an appendice to the planning report. It was proposed that Parish Council's would be given the same opportunity to speak alongside any other members of the public.

Discussion ensued on public speaking and the conflicts of interest for dual-hatted Members who were on both the Parish Council and the Planning Committee which were clarified by the Head of Legal and Democratic Services. He outlined the changes in the Members Code of Conduct on prejudicial interests.

Councillor Turner advised of his concerns on speakers handing out supporting photographs and documentation on the night of the Meeting. The Chairman advised that the amendment set out in number 3 of the report should help to rectify this problem.

The Chairman felt that we should include within the planning guidance leaflet the fact that direct lobbying of Members of the Planning Committee was not accepted which was noted by the Acting Planning Services Manager. Discussion ensued on the procedures for allowing public speaking at the Chairman's discretion.

RESOLVED: "That approval of the revised leaflet in relation to speaking at planning committee be noted."

**14 EXCLUSION OF PUBLIC AND PRESS**

RESOLVED: "That under Section 100 (A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act."

**15 PLANNING ENFORCEMENT PERFORMANCE UPDATE**

Consideration was given to a report to provide Members with a comprehensive and detailed update on the planning enforcement discipline within the Authority, for the financial year Apr06 – Mar07.

Following a query by Councillor Turner, the Acting Planning Services Manager gave an update on the progress of the outstanding enforcement cases within the report. It was noted that the Enforcement Officers workload was being heavily affected by the current staffing situation, however arrangements were in place to fill the vacant posts.

RESOLVED: "That the contents of the report be noted."

The Meeting terminated at 7.05pm.

This page is intentionally left blank

**REPORT OF THE PLANNING SERVICES MANAGER****ITEM1**

District Matters Recommended Refusal

1.

**Reference: 07/00160/FUL**

**Proposal** Construction of 109 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment

**Location** Site of Former County Council Depot Picktree Lane Chester-le-Street  
Durham DH3 3RW

**Applicant** Premier Quality Developments Ltd

---

**Application Summary**

**Ward:** Chester North

**Case Officer:** Stephen Reed

**Contact Details:** 0191 387 2212

[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of recommendation:** The development would be harmful to the living conditions of adjacent residents. The development would provide for an unacceptable form of design which would be harmful to the character of the area. The development has failed to provide for public artwork.

---

**The Proposal**

This report relates to a full application for the erection of a 109 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment on land known as the former County Council Highways Depot, Picktree Lane, Chester-le-Street.

The site comprises previously developed land, being the site of a former storage depot. The site is presently hard surfaced, part of works which have recently been carried out on site to keep alive a previous grant of planning permission for a 60 bed care home (see further details below). The size of the site amounts to some 0.76 hectares. The proposed

care home would be accessed direct off Picktree Lane, with a secondary access located along the southern elevation facing onto Hogarth Court.

The surrounding land uses are predominantly residential, comprising a mix of traditional two storey terraced and semi detached dwellings, together with apartments in the form of the recently completed Sandringham Court development to the immediate north. A commercial operation, in the form of the Northern Bus Depot adjoins the site to the east.

#### Relevant Planning History

00/00337/OUT – Erection of three storey residential care home incorporating 60 bedrooms, 20 car parking places, landscaping works and utilising existing vehicular access and new vehicular access from Hopgarth Gardens - Approved 5 April 2001

04/00582/VAR – Variation of condition 2 of Outline Planning Permission ref; 00/00337/FUL to extend the period for submission of the Reserved Matters application to 31/12/04 – Approved 17 September 2004

04/00725/REM - Application for Reserved Matters Approval in respect to details of landscaping scheme required by Condition 1 of Outline planning permission 00/00337/OUT for residential care home – Approved 29 November 2004

#### Consultation Responses

Durham County Council as Highway Authority for the area comments as follows: -

My view is that the proposed parking provision is at the absolute minimum that is acceptable, and this is due to the relative close proximity of the site to the town centre and public transport links. There is effectively no margin for surplus parking demand and I am acutely aware that this conclusion is based upon the quoted staffing numbers being representative and not exceeded. Ultimately however I consider a recommendation for refusal based on parking provision would be unlikely to be sustained.

The proposal has not made reference to separate measures within its control (cycle parking, previously mentioned to the architect) nor (despite having 70 employees) adoption of a staff Travel Plan, both of which would encourage reduced trips by motorcar. In any approval I regard it as essential that these be conditioned.

While I note attempts to presumably address previous concerns by residents regarding vehicular access to the site via Hopgarth Gardens, I must raise the issue of how closure of the southern access gate to permit sole use for 'emergency operational and emergency services purposes' (para 3.16) accords with '...Household and Specialist Waste Collection Services who can enter and leave the site in a forward gear' (para 4.23). I have used a template overlay for a 9.0m non-articulated refuse vehicle which shows a turning manoeuvre cannot be performed within the site. The applicant should acknowledge that there will be a need to open the southern gate in such circumstances, or, alternatively, justify para. 4.23 comments'

The Council's Regeneration Manager has no comments to make.

Durham County Council Design Team comment: 'Overall I consider that the design of this scheme fails to meet the criteria in PPG1 in that the proposed development is not appropriate for its context and fails to improve the quality of the area. The Design and Access statement does not demonstrate how the scheme has developed and addresses the site conditions and is based too much on engineering and space standards.

In my view this application needs to be redesigned and reduced in scale with greater emphasis on creating a pleasant external environment and an interesting building that relates better to the site and its neighbours.

I would recommend refusal on design grounds by virtue of the fact that the scheme fails to meet the criteria in PPG1 in that the proposed development is not appropriate for its context and fails to improve the quality of the area.'

Durham County Council Adult and Community Services comment: 'There has been no consultation with this service about the proposed development and as the major funder of care home placements at present this is a significant oversight and of serious concern to us. The report is inaccurate (page 4) in saying that the proposals 'reflect the future trends of the care home industry' because, although the elderly population is increasing, future generations of older people will not wish to enter care homes. It is therefore the stated intention of both the Government and this Authority to provide alternative forms of care to enable people to remain at home.

Indeed Adult and Community Services are already successfully reducing the numbers of older people being admitted into care homes. The proprietor of Premier Quality Care Developments is well aware of this as it has been discussed with all care home providers and is contained within our Social Care Commissioning Strategy, which all providers have a copy of. The only way in which new care home developments can be successful within this strategic direction, is for other care homes to go out of business, and while this may drive up quality this matter is conveniently omitted from the report.

The authors of the report appear to be somewhat confused about the size of the home, as it initially states it will be for 109 residents, but on pages 14 and 15 there is reference to 92 residents. Either of these sizes is considered by this authority to be too large. It is true that we are trying to improve both environmental and quality standards for care homes, we also recognise that owners need to provide a cost effective service which cannot be achieved in small houses. However we do consider that quality would be achieved by such a large home – indeed it is likely the that this would mean the home being seen as an institution, which is of course contrary to what we are trying to achieve. In addition to which, such a large home would put pressure on certain health services, particularly the health service.

Should the proposal revert back to the original one of 60 places, we would not hold the strong views expressed above'.

Durham Constabulary – Police Architectural Liaison Officer - has no comments to make.

The application has been advertised by way of press and site notices and direct consultation with surrounding occupiers. In response 7 letters of objection have been received. Objections are raised on the following grounds:

- The development will generated additional traffic in the locality, adding to an already congested road system
- The development would be taller than the adjacent Sandringham Court development
- The devolvement would lead to a loss of light into adjacent residential properties. This would lead to a loss in residential amenities
- Concerns are raised as to how the proposed primary and secondary access arrangements could be enforced
- The development will add to already congested on street parking in the area, in particular as it is considered the amount of car parking is inadequate for the operational needs of the development
- The development would provide for a depressing outlook for the proposed residents
- Consideration needs to be given to the impact the development would have on the occupiers of Sandringham Court
- The calculations used by the applicant to assess the length of shadow the development would cast are inaccurate
- The development would provide for a fire risk to proposed residents
- Construction on site has already caused vibration concerns to adjoining residents
- The development would restrict a neighbouring residents ability to park within his curtilage
- The scale of the development would be intrusive to adjacent residents

In support of the application the agents raise the following points:

- The application has been submitted following extensive pre-application discussions with Officers during which time the applicant has endeavoured to meet all the requirements made by Officers
- There is an extant consent for the development of the site, which has been lawfully implemented. The revised proposal seeks to deliver a scheme which will provide for a reduced impact on adjacent residents than that proposed by the extant scheme
- The application proposes no worse conditions on adjacent residents than that approved by the Council at the time of approval of the Sandringham Court development
- The proposal complies with the requirements of Policy HP 9 of the Chester-le-Street Local Plan
- The proposals will lead to the redevelopment of an unsightly site located in a central position within Chester-le-Street. As such it is considered the proposals will assist in the regeneration of the District
- The proposals will generate some additional investment of approx £1.8 million a year in Chester-le-Street and create between 70 and 80 new jobs
- The proposals will deliver state of the art elderly care management to Chester-le-Street
- The proposals comply with the relevant access and car parking standards as detailed by the County Council as Highways Authority
- The applicants point out it is not the role of the planning system to restrict competition. They also point out that the County Council has been consulted as part of the development of the proposals



- The applicant considers there is a demonstrable level of need for the facility, pointing out the existing population is ageing with 16% 65 yrs and over.

### **Relevant Planning Policies and Considerations**

The proposals raise a number of issues for consideration having regard to the relevant Policies contained in the County Durham Structure Plan and Chester-le-Street Local Plan.

#### **County Durham Structure Plan**

Policy 2 of the Structure Plan seeks to ensure new development is directed to locations that minimise the need to travel. Policy 3 expands on this approach by advising that the provision of new development should be well related to the County's main towns. Policy 9 seeks to ensure that new housing development is located within sustainable locations being well related to existing towns and transport infrastructure, and also seeks to ensure that priority is given to the redevelopment of derelict or redundant sites. Policies 70 and 71 provide for a presumption in favour of development proposals that will realise environmental improvements within the County, although emphasis is given to ensuring proposals achieve good quality design.

In assessing the proposals against these relevant Structure Plan Policies it is considered that they are generally acceptable in principle. The proposed site is located within the main settlement within the District and is also located in a sustainable location, close to the Town Centre.

#### **Chester-le-Street Local Plan**

Policy HP 17 of the Local Plan – Residential Institutions and Hostels provides relevant advice in relation to proposals for premises providing group accommodation, including elderly residential care homes.

The policy follows a similar approach to policies relating to new build residential development, including HP 9 – Residential Design Criteria – by requiring new development proposals to meet a number of detailed criteria. Of particular relevance to this new build proposal, Policy HP 17 requires proposals;

- Being well related to public transport, shopping and community facilities;
- Provides adequate open space within the site to meet the needs of residents
- Is compatible with other Local Plan policies
- Is appropriate in scale, character and appearance to the surrounding area

The supporting text to the Policy advises new build schemes should also have regard to the requirements of Policy HP 9. Of particular relevance to these proposals are the HP 9 requirements that development should;

- Relate well to the surrounding area, respecting its predominant character street pattern setting and density and avoiding damage to the amenities of surrounding properties
- Provide an attractive, efficient and safe residential environment
- Provide adequate privacy to existing and proposed residents

- Provide convenient and safe access

In addition, being a development which would cost more than £500,000 the requirements of Policy BE2 – Public Art are also considered material. This Policy encourages the devotion of 1% of development costs to public art work projects, accessible by the general public.

Having regard to the requirements of the above relevant development plan policies, and through an appraisal of all issues raised, including those made by consultees, the applicant and neighbouring occupiers, it is considered that the following are the principle material planning considerations raised by the application.

#### Design / Impact on Street Scene / Character of Area

Members will be aware that one of the key aims of present Central Government Planning Policy advice is to secure high quality design through the planning system. This consideration has taken on increased weight in recent years through the publication of Planning Policy Statement 1 (PPS 1) in January 2005. This document is quite explicit in it's advice at paragraph 13 that:

‘Design which fails to take the opportunity available for improving the character and quality of an area should not be accepted’

As discussed above the general thrust of this advice is followed in relevant Local Plan Policies HP 9 and HP 17. As a result of the need to ensure that particular careful attention is paid to the design of the proposals the application has been referred to the design team at Durham County Council for comments. As Members will note from the representation section above the Design Officer has objected to the proposals.

Particular attention is drawn to the concerns raised about how the scale and massing of the development would fit with the existing street scene, including along the Picktree Lane, Hopgarth Court elevations. An unreasonable large part of the site is given over to the access road and the orientation of the building means the landscaped areas are predominantly in shade.

The prevailing built form in this area is traditional 2 storey housing. The recently constructed Sandringham Court development to the immediate North has departed from this approach slightly with the introduction of a 2 and a half storey block along the Picktree Lane frontage. Notwithstanding this the view is taken that this development fits well with the street scene, providing for a form of development that has been sensitively designed to reflect the scale and massing of the surrounding area.

However concern is raised in relation to the general scale, massing and design proposed with this application. The proposals provide for a 3 / 3 and a half storey structure along the same elevation. This would introduce an incongruous form of development that it is considered would not fit with the prevailing character of the surrounding area.

In addition, in an attempt to try and reduce the floor to ridge height of the proposal the angle of the roof pitch has been substantially reduced. Whilst this has admittedly helped to reduce the floor to ridge height of the structure it has conversely added to the harm the

proposals would cause to the general design of the scheme and as such the character of the surrounding area. The shallow roof pitch proposed is considered out of keeping with the traditional housing stock of the surrounding area and as such this would introduce an alien and somewhat 'institutional' form development into the street scene.

Members will note that the applicant has drawn reference to the existing, extant approval he has for a 60 bed care home on the site, and the fact it is considered this provides justification for the scheme now proposed. However it is noted that this development proposed a substantially smaller form of development, in particular along the Picktree Lane / Hopgarth Court elevation, where it was restricted to a mix of 2 and 3 storey development. As such it is considered there are clear material differences between the present scheme and the earlier approval and as such this issues should attract little weight in the decision making process

In summary and having regard to the concerns raised by the Design Officer, and taking into the account issues relating to the scale and massing of the proposal, including in particular the incongruous massing along the Picktree Lane / Hopgarth Court elevation it is considered the development fails to meet the requirements of Central Government Planning advice, and the ensuing relevant development plan policies, in respect to the need for high quality design.

#### Impact on amenities of adjacent residents

Policy HP 9 of the Local Plan requires new development to respect the amenities of existing nearby occupiers.

In regard to this issue concern is raised as to the impact that the elevation facing onto Hopgarth Court would have on the occupiers of these properties. As discussed above, the existing extant approval provided for an elevation of split 2 and 3 storey in height along this frontage of the site. This provided for a floor to ceiling height of between 7.5 and 10.3 metres.

However the increase in the number of storeys proposed along this elevation has increased the proposed height to between 11.2 metres and 11.8 metres. Whilst the new proposals do provide for the elevation being set back from the rear elevations of the dwellings on Hopgarth Court by an additional 2 metres the view is taken that the increased scale and massing of this elevation would unacceptably harm the amenities of the occupiers of Hopgarth Court. In arriving at this conclusion it is considered important to note that the proposed elevation to run across the whole of the rear elevation the units along Hopgarth Court, and would not provide for oblique or glancing views.

The applicant has pointed out, that subject to the use of obscure glazing in some window openings (an approach which was used in the extant approval) that the layout would meet the minimum separation distances between properties as detailed in Appendix 1 of the Local Plan. Whilst this is noted, it should be borne in mind that the separation distances are concerned with privacy / overlooking issues and do not seek to provide advice in relation to issues such as general over bearing impact between existing and proposed properties. The amenity of proposed occupiers and existing occupiers would be unacceptably compromised.

Percent for Art

Members will be aware that Policy BE 2 of the Local Plan requires development with a value of more than £500,000 to devote 1% of construction costs to public artwork projects. Indeed Members will be aware that a number of major developments recently approved in the District, following the adoption of the Local Plan, have been the subject of Section 106 Agreements to secure these facilities.

However in this particular instance the application as submitted has made no reference as to how the applicant intends to meet his obligations in this respect. Indeed at the time of report compilation no response had been received to Officers requests for a response on this matter.

Accordingly the view is taken that the development has failed to comply with a relevant Local Plan Policy and would cause demonstrable harm by virtue of failing to make a positive contribution to public artwork within the area.

Other Issues Raised

As will be noted from the representation section above a number of comments have been made in relation to this application, which although not necessarily considered material to the recommendation made nevertheless require appraisal.

The Issue of Need

Members will note that the Adult and Community Services Team at Durham County Council have objected to the application, ostensibly on the grounds that they do not consider the development fits with their own strategy for elderly care within the County. In response the applicant has contended that there is a need for the development and that furthermore it is not the planning systems role to prevent competition.

In response to this issue, whilst clearly the County Council's negative comments could be construed as casting some significant doubt on the applicant's claims of need for the development, the view is taken that it would not be appropriate to resist the application on such grounds. As Members will be aware it is not the purpose of the planning system to restrict competition, nor to seek to implement the policies of other agencies that may have an interest in an application. This is therefore not a relevant planning issue.

Car Parking / Highway Safety

A number of objections to the development have been made on the grounds that the development would not provide for the requisite amount of off street parking. However whilst the County Council, as Highways Authority have cast some doubt on some of the assertions made by the applicant, it must be borne in mind that they have not seen fit to lodge a formal objection to the proposals. It should also be noted that the application site is located in a highly sustainable location, being located in close proximity to good public transport links and a wide residential catchment area. Accordingly it is not considered appropriate to resist the proposals on lack of car parking grounds. Should permission be granted conditions could be attached for a green travel plan to mitigate the impact to some degree.

In relation to highway safety issues again the proposals are considered acceptable, based on the comments received from the County Council as Highways Authority.

#### Fire Risk

This issue would be addressed as part of other regulatory functions in the event of permission being granted. This is not therefore a relevant planning issue.

#### Vibration Caused by Construction Phase

This is not a material planning consideration and rather would be a civil matter to be resolved between the developer and adjacent landowners

#### Regeneration / Economic Factors

The applicant has made reference to a number of positive factors he feels the development would realise. These include; securing the redevelopment of an unsightly site; employment creation (both at the construction and operational phase) and the ensuing increased expenditure in the local economy generated by staff and visitors choosing to shop within the town centre.

In response Officers acknowledge that these issues are relevant planning considerations but do not outweigh the fundamental design and amenity issues.

#### The Fall back Position

Much of the applicant's case rests on the establishment of the fall back position he has. This comprises the ability to construct the 60-bed care home on site, as approved in 2001 by application 00/000337/OUT. For the avoidance of doubt it should be acknowledged that this approval is live, as construction has commenced prior to the expiry of the application, with all conditions of approval being discharged.

However it is considered there are clear material differences between the earlier approval and the present application. Not least of these is the fact the development now proposed is significantly larger, and has a materially different scale / massing and design. As a result of this it is considered that the fall back position should be given little weight in the determination of this application. Each application should be considered on its own merits.

#### Relationship With Other Approvals

Part of the applicant's supporting case seeks to draw a parallel with other developments permitted by the Council elsewhere within the District. However as Members will be aware each planning application needs to be considered on its own particular merits. Officers are satisfied that there are clear material differences between the other sites referred to by the applicant and the present application. Accordingly little weight should be attached to this issue.

## **Conclusion**

In conclusion, having regard to the above, it is considered that whilst the proposals would undoubtedly have some positive benefits it is considered that these are outweighed by the harm the development would cause to the character of the surrounding area, the amenities of the residents of Hopgarth Court and by the failure of the scheme to provide for appropriate public art work provision.

Accordingly it is recommended that planning permission be refused.

## **RECOMMENDATION**

Refuse FOR THE FOLLOWING REASONS: -

Extra 1.

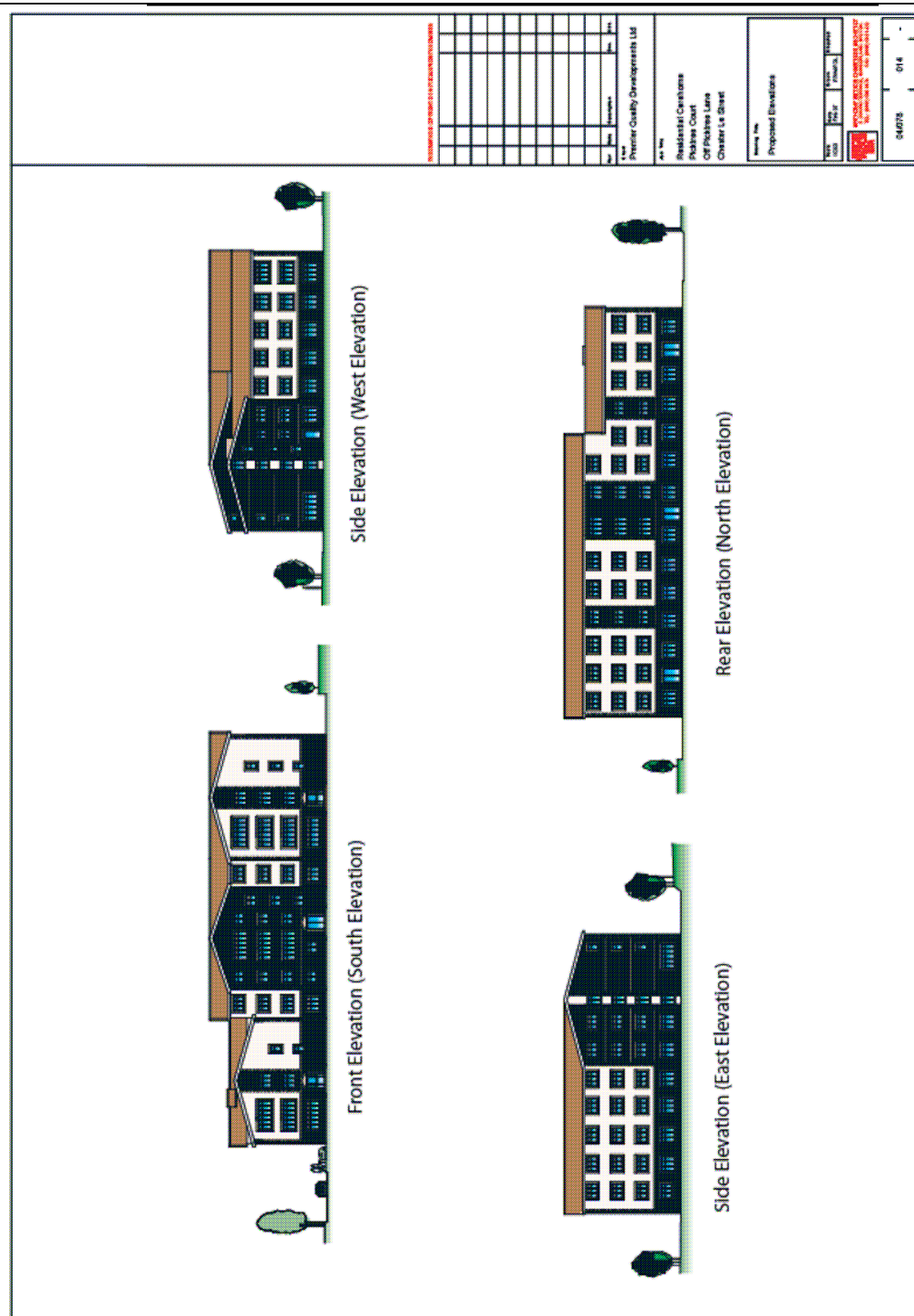
The proposed development would have an unacceptable impact on the amenities of the occupiers of the adjacent properties at Hopgarth Court, by reason of overbearing impact and accordingly would be contrary to the aims of Policies HP 9 and HP 17 of the Chester-le-Street Local Plan

Extra 2.

The proposed development would provide for a form of development, which would be harmful to the scale and character of the locality and accordingly would be detrimental to the visual amenity of the area and the character of the existing street scene contrary to the requirements of Policies HP 9 and HP 17 of the Chester-le-Street Local Plan

Extra 3.

The proposed development fails to provide for a mechanism for providing for works of public artwork in the locality and accordingly is considered contrary to the aims of Policy BE 2 of the Chester-le-Street Local Plan 2003







2.

**Reference: 07/00201/COU**

**Proposal** Proposed change of use of games room to private members club  
**Location** White House Greenford Lane Ouston Chester-le-Street Durham DH2 1BD  
**Applicant** Sylvia Pallas

---

**Application Summary**

**Ward:** Urpeth  
**Case Officer:** Sarah Bough  
**Contact Details:** 0191 387 2145

[sarahbough@chester-le-street.gov.uk](mailto:sarahbough@chester-le-street.gov.uk)

**Summary of recommendation:** The proposed change of use to a private members club is considered to represent an unsustainable form of development and would have an unacceptable impact on the openness of the Green Belt.

---

**The Proposal**

Detailed planning permission is sought for the change of use of an existing detached games room to a private members club.

Members will recall that this application was deferred at the Planning Committee on 11th June 2007 pending comments from the Highway Authority.

The building measures 15.7 metres x 8 metres with a finished ridge height of 4.6 metres. It is situated within the curtilage of The Whitehouse, located approximately 30 metres west of the main dwelling. The proposal does not involve any alteration to the fabric of the building.

**Relevant Planning History**

Planning permission was granted for the demolition and re-building of existing storage building to provide games room in February 2005. The games room is now the subject of the current planning application.

## **Consultation Responses**

The application was advertised by way of a site notice. No letters of objection have been received as a result of the site notice.

The Highway Authority's comments have now been received and are summarised as follows: -

The site is reached directly from a de-restricted, rural, unlit classified road with no street lighting or footways. While I note the applicant's comments made regarding good accessibility links, I cannot agree that this is actually the case. The nearest settlements of Kibblesworth and Ouston are a minimum of 1200m distance away and neither can be reached by a lit footway. Given the nature of the private members club, when activities within can be reasonable expected to take place in the evening predominantly, i regard the lack of a lit pedestrian route to be a serious shortcoming.

Given it's location, pedestrian links and vehicular access arrangements, i recommend that this application be refused. In particular, it does not meet the aspirations of PPG13 in terms of locating such facilities at sites where sustainable transport modes are likely to be encouraged.

The accessibility of the site for pedestrians and drivers is likely to create conditions prejudicial to highway safety both in terms of the lack of a lit segregated footway from nearby settlements and the standard of vehicular access from the White House premises to the C5 road.

In support of the application the following statements have been submitted: -

- The establishment of a private members club would provide recreational facilities to the applicant, employees and the residents of Bewicke Main, increasing people's quality of life.
- The caravan site at Bewicke Main has no social club or meeting place and the club would therefore promote social inclusion and community cohesion.
- The government encourages local authorities to promote the creation of recreational facilities in such areas and the development of areas of managed countryside. The proposed establishment of a private members club and its unique circumstances in this area, fits into this category.
- Government Policy states that "where planning permission is to be granted for such land uses, local planning authorities should ensure that facilities are accessible by walking, cycling and public transport as alternatives to the use of the car." The site is accessible via footpaths and by cyclists.
- The proposed membership of the private members club would be between 35 -50 people. The majority of members will be from the applicant's own work force Unit 1 Bewicke Main.
- The number of vehicles anticipated would be no more than 4 at one time.
- The proposal would not set a precedent for further developments within the Green Belt and would not prejudice the openness of the Green Belt as the building is already there.
- The applicant anticipates employing 4 members of the local community.

- The application is supported by Cllr Nick O' Neil whose constituency covers Bewicke Main

### **Relevant Planning Policies and Considerations**

Planning Policy Statement 1 sets out the overarching planning policies on the delivery of sustainable development and seeks to protect and enhance the quality, character and amenity value of the countryside and states that " a high level of protection should be afforded to the most valued landscapes and natural resources." Furthermore PPS1 emphasis the requirement to protect the countryside from the impact of development and also reduce the need to travel.

Planning Policy Guidance Note (PPG) 2 - Green Belts, 1995 provides relevant central government advice on the subject of control of development within the green belt.

The PPG advises in favour of strong control over inappropriate development within the Green Belt and advises that development, which is not recognised as appropriate, should not be approved. The PPG advice goes on to advise that one of the key purposes of Green Belt control is to safeguard the countryside from encroachment and advises that inappropriate development should only be allowed when very special circumstances can be proved by the applicant.

There are a number of policies contained the development plan, which follow the general thrust of this advice.

### **County Durham Structure Plan**

Policy 4 of the Structure Plan requires, amongst other things, that new development should: -

- Wherever possible be located within the existing physical framework of towns and villages
- Avoid being located in the open countryside where development does not need to be exceptionally located there.

This application site is located within the open countryside, within the North Durham Green Belt and outside the settlement limits of Ouston and Urpeth. Whilst accepting that the applicant is looking to provide a private members club as a facility for employees and residents of the nearby Caravan Park, it is not accepted that the facility needs to be located at this site.

Policy NE4 of the Chester-le-Street Local Plan provides advice on appropriate development in the Green Belt. The policy recognises the need to impose strict control on the nature and form of development within Green Belt areas and advises that planning permission will only be granted in very special circumstances for uses, which preserve the openness of the Green Belt.

The supporting text to this Policy goes on to state that planning permission will not normally be granted, except in very special circumstances, for the change of use of existing buildings for purposes that will lead to a materially greater impact on the Green Belt.

Having regard to the aims of the above Development Plan Policies, it is considered that the principal material considerations raised by the proposal are the impact of the proposal on the Green Belt and sustainable development.

#### Impact on the Green Belt

It is noted that there would be physical change to the appearance of the building and therefore, its impact on the green belt would be no greater, in physical terms, than the existing building. However, the building is currently used as an ancillary games room associated with the existing residential property and movements to and from the building are likely to be typical of that which you would expect to find within a residential setting. However, it is considered that the proposed use would, as indicated by the agent's supporting statement be utilised by 35 to 50 visiting customers, the associated vehicle movements and intensified car parking within the site would introduce a more commercial use.

#### Impact on Sustainable Development

As previously outlined, PPS1 seeks sustainable forms of development which protect and enhance the quality, character and amenity value of the countryside. Furthermore, this Policy emphasises the requirement to protect the countryside from the impact of development and also reduce the need to travel.

It is considered that the location of the proposed development would be unsustainable, encouraging the use of the private car. In accordance with Planning Policy Guidance Note 13, leisure facilities, such as that which is being proposed, should be located in areas, which are easily accessible by public transport, walking and cycling. This means locating such facilities within existing built up centres/villages. However, the site of the proposed development is outside of any settlement boundary, in an isolated location where, inevitably members would access the club by private car.

In light of the above it is considered that the proposal would be contrary to Planning Policy Guidance Note 13 and Local Plan Policy T17, which echoes the thrust of PPG13.

Notwithstanding the supporting comments put forward by the applicant, it is considered that there are no special circumstances demonstrated to outweigh the harm of the proposal.

#### Conclusion

In conclusion, it is considered, for the reasons outlined within the report that the proposal would be contrary to both National and Local Planning Policy, by virtue of its unsustainable location and the likely impact of the proposal on the Green Belt. It is accordingly recommended that planning permission be refused.

**RECOMMENDATION**

Refuse

FOR THE FOLLOWING REASONS:-

Extra 1.

The proposed location of the development would, in the opinion of the Local Planning Authority, represent an unsustainable location, encouraging the use of the private car and would therefore be contrary to the aims of Planning Policy Guidance Note 13 and Local Plan Policy T17.

Extra 2.

The proposal would be contrary to Local Plan Policy T15 in that the accessibility of the site for pedestrians and drivers is likely to create conditions prejudicial to highway safety both in terms of the lack of a lit segregated footway from nearby settlements and the substandard vehicular access from the application site.

This page is intentionally left blank

**ITEM 2****Planning General**

# **Chester-le-Street District Council**

Civic Centre, Newcastle Road, Chester-le-Street, Co. Durham DH3 3UT

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

**27 June 2007**

## ***List of Planning Appeals and Current Status***

The Planning Applications listed below have been, or are currently, the subject of appeals against the decision reached by the Planning Committee. Planning Appeals are considered by a Planning Inspector from the Planning Inspectorate, a body which is independent of Chester-le-Street District Council.

### **Key to Appeal Type Code**

W - Written Representations  
 I - Hearing  
 P - Public Inquiry

If you wish to view a copy of an Inspector's decision letter regarding any one of the appeals listed below please contact the Planning Division on 0191 387 2172 or 0191 387 2173 in order to arrange this.

<b>Application Number / ODPM reference number</b>	<b>Applicant</b>	<b>Appeal Site</b>	<b>Proposal</b>	<b>Appeal Type / Appeal Start Date</b>	<b>OS Grid Reference</b>	<b>Status / Date of Appeal Decision</b>
-------------------------------------------------------------------	------------------	--------------------	-----------------	--------------------------------------------------------	------------------------------	---------------------------------------------

<b>Application Number / ODPM reference number</b>	<b>Applicant</b>	<b>Appeal Site</b>	<b>Proposal</b>	<b>Appeal Type / Appeal Start Date</b>	<b>OS Grid Reference</b>	<b>Status / Date of Appeal Decision</b>
05/00521/COU /	Harbour House Farms	Land at Harbour House Farm/ Former Cricket Pavilion Wheatleywell Lane Plawsworth Chester-le-Street Durham	Change of use of former cricket pavilion to farm shop. Extension and alteration of existing building including improved vehicular access.	W / 08.08.2006	E:428274 N:548262	Appeal Dismissed / 29.12.2006
06/00210/TEL /	Hutchinson 3G	Highway Verge West of 11 Brandon Close Chester-le-Street Durham	Installation of 10m high slimline streetworks monopole with ancillary equipment housing.	W / 06.11.2006	E:425772 N:550062	Appeal Allowed / 20.03.2007
06/00286/ADV /	Mr Martin Stephens	Tesco Stores South Burns Chester-le-Street Durham	Installation of illuminated display panel.	W /	E:427219 N:551634	Appeal Dismissed / 23.08.2006
06/00295/VAR /	Mrs C. Marshal	17 Graythwaite Chester-le-Street Durham DH2 2UH	Application to carry out works to trees contrary to the provision of Condition 61 of permissions 93/00103 & 93/00334, to remove 1 no Sycamore tree at the rear of the property and pollard Tree 2 (Ash) at front of the property.	W / 29.12.2006	E:425826 N:551172	Appeal In Progress /



<b>Application Number / ODPM reference number</b>	<b>Applicant</b>	<b>Appeal Site</b>	<b>Proposal</b>	<b>Appeal Type / Appeal Start Date</b>	<b>OS Grid Reference</b>	<b>Status / Date of Appeal Decision</b>
06/00306/FUL /	Mr N. Carris	Twizell Dykes Farm Cottage Grange Villa Chester-le-Street Durham DH2 3JZ	Demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling.	I / 06.03.2007	E:422752 N:552000	Appeal In Progress /
06/00311/FUL /	Mr Allan Carr	4 Ouston Spring Farm Cottages Milbanke Close Ouston Chester-le-Street Durham	Two storey extension to gable of property, installation of gable roof over existing flat roof to rear and conservatory to side.	W / 25.10.2006	E:426482 N:554236	Appeal Dismissed / 14.03.2007
06/00339/FUL /	Christopher Dixon	Land Adjacent to Humbleburn Lane Stanley Blackhouse Durham	Erection of 10 box stable block and barn.	W / 28.11.2006	E:422419 N:550672	Appeal Dismissed / 14.03.2007
06/00357/OUT /	Mr G. Raw	Land to The South of 11 - 16 Edgewood Court Sacriston Durham	Outline application for development of 18 no dwellings (All matters reserved).	W / 06.12.2006	E:423807 N:547812	Appeal Dismissed /

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00325/FUL /	Mr J Tinkler	12A Ellesmere Bournmoor Chester-le-Street Durham DH4 6DZ	Erection of 1.53 metre high fence and gates. (Retrospective)	W / 19.03.2007	E:430829 N:551090	Appeal In Progress /
06/00494/FUL /	Mr W. A. Lowe	Rear Garden of 2 Blind Lane Chester-le-Street Durham	Construction of detached 3 bedroomed dwelling within rear garden and new vehicular access.	W / 29.12.2006	E:427447 N:552580	Appeal Allowed / 26.04.2007
06/00570/COU /	Sightdirect Ltd	Unit 2e Drum Road Chester-le-Street Durham DH2 1AG	Proposed change of use from B2 to mixed use B2 and A1 (retrospective)	I / 15.05.2007	E:426472 N:552961	Appeal In Progress /
07/00006/FUL /	Mr & Mrs Sutherland	20 Dunstanburgh Court Woodstone Village Houghton-le-Spring DH4 6TU	Two storey rear extension to existing dwelling to form larger kitchen and additional bedroom.	W / 23.04.2007	E:430944 N:550323	Appeal In Progress /

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00051/TEL /	O2 (UK) Ltd	Land at Waldridge Road (South West of Roundabout) Chester-le-Street Co Durham	Erection of 12.5 metre high streetworks telecommunications column with ancillary equipment.	I / 03.05.2007	E:425581 N:550413	Appeal In Progress /

This page is intentionally left blank