

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 10 March 2008 at 6.00 pm

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

R Harrison	D M Holding
L E W Brown	W Laverick
P Ellis	M D May
T H Harland	P B Nathan

Officers:

S Reed (Development and Building Control Manager), C Potter (Head of Legal and Democratic Services), D Chong (Planning Enforcement Officer) and D Allinson (Democratic Services Assistant)

Also in attendance: Councillors T J Smith and J Shiell (non-members of Planning Committee) and 29 members of the public.

61. APOLOGIES FOR ABSENCE

Apologies for Absence were submitted on behalf of Councillors A Humes, K Potts, D L Robson, A Turner, M Sekoski and F Wilkinson.

62. MINUTES OF MEETING HELD 11 FEBRUARY 2008

Councillor Brown referred to Minute No. 60(C)(2) and queried whether a response had been received from Durham County Cricket Club, Durham County Council and the police in respect of the parking problems that were to be raised with them following his request at the last Meeting. The Development and Building Control Manager confirmed that a response had not yet been received, however he would follow this up and report back to the next Meeting.

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 11 February 2008, be confirmed as being a correct record."

63. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest received from Members.

64. CONFIRMATION OF SPEAKERS

The Chairman referred to the list of speakers and confirmed their attendance.

At this point Councillor Holding entered the Meeting.

65. PLANNING MATTERS

A report from the Development and Building Control Manager was considered, copies of which had previously been circulated to each Member.

The Chairman suggested that in recognition of the number of speakers present, the order to the agenda be changed so that the applications were considered in the following order – Item Nos. 2,1,3.

(A) District Matters Recommended Approval - Refused

(2) **Proposal: Construction of 104 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

Applicant: Premier Quality Developments Ltd – Reference 07/00539/FUL

Due to the number of speakers wishing to speak in relation to this item, the Chairman requested that Standing Orders be suspended in relation to the 10 minute speaking rule for speakers and the speaking time be extended to allow the speakers who were objecting to the application three minutes each to speak in relation to the application. Members were in agreement with this proposal and also agreed that the applicant and his agent be allowed to speak for as long as the objectors had been given.

The Development and Building Control Manager updated Members in relation to the proposal as follows:

He advised that since the report had been submitted he had held further discussions with the Engineers at Durham County Council Highways Authority who expressed concerns in relation to condition Extra 9 that refuse deliveries and HGV deliveries would not be able to turn around within the site. The Development and Building Control Manager therefore proposed to reword the condition so that HGV delivery vehicles and refuse vehicles would be allowed to use the Hopgarth Gardens entrance into the site.

He advised that Durham County Council Highways Authority had also made reference to Extra condition 11 in the recommendations and pointed out that

travel plans could only be informed after a development had commenced use. He therefore proposed that the wording of this condition be amended to state that the travel plan had to be submitted within three months of bringing into use of the development on site.

The Development and Building Control Manager updated Members on comments that had been received following the publication of the report from the applicant Mr Oats and the agent Mr Self. The Development and Building Control Manager advised that he did not propose to go through all of the issues raised in detail, on the grounds that both Mr Oates and Mr Self were registered to speak at the meeting. However a summary of the issues raised was provided as follows:

- That there were no objections to this application received from any of the statutory consultees.
- That they had assessed the levels of objections received to the scheme as well as the nature of the objections and that they felt that these had been largely addressed.
- That 21 out of the 23 objections received related to access concerns, specifically the access shown on the original plans going through Hopgarth Gardens.
- The plans have been changed to accommodate a request from Officers to show the access on Picktree Lane to be the primary access.
- With the exception of the refuse vehicles no other large commercial vehicles are expected to visit the site.
- Four objections have been raised on the amount of parking provided within the plans. Because the site is less than 5 minutes walk of transport terminus within the Town Centre they feel that the amount of parking available is acceptable.
That there had been 7 objections received on the grounds of the impact of the proposal on the amenity of the existing residents. It was pointed out that the Sandringham Court development had been built in full knowledge of the live grant of planning permission that already existed for the 60 bed care home.
- That Council Officers including the County Council's Urban Design Officer had been involved fully in the preparation of the plans and those Officers had not raised any objections to the proposal.
- Four letters of objection had been received on sewerage issues and that the Water Authority had been fully consulted on the scheme and had offered no objections.
- That all contamination issues had been resolved as per a contaminated land report which had been submitted on the last application.
- One letter had been received alleging a case of corruption in relation to the £24,500, which was proposed as part of this application to comply with the public artwork policy as per Local Plan policy BE2. In the opinion of the applicant's agent this was a slur on the applicant's good name and that those monies were being offered for valid planning reasons and not for any other method.

- The applicant's agent considers that over 90% of the objections have been resolved by changing the access priority around as per the recommended condition.

The applicant had also requested that an update be given on the following matters:

- The applicant does not accept that the recommendation is finally balanced.
- The application had been submitted following extensive pre-application discussions with all Officers including Planning and the Urban Design Officers of the County Council.
- He also requests that it be recorded that the County Council as Highways Authority Officers had considered in detail the carriageway width both at Picktree Lane and Hopgarth Gardens and have given quite a clear steer view that there is to be no objection raised to this application on Highway grounds.
- That the Highway Authority had pointed out that it was a Town Centre Site and a Brownfield Site.
- That there have been a number of meetings and discussions over the years with Council Officers and Durham County Council's Design Officer on the external appearance and the massing of the design. The County Council's Design Officer has clearly recorded in the application that in her opinion there was no reason to reject the application on matters of design, scale, massing or external appearance.
- That the plan area of the development was reduced from the plan area in his opinion on the extant consent so there was no significant greater increase footprint.
- Amendments have made at the request of the Planning Officer to reduce the impact and overlooking.
- Northumbrian Water have raised no objections in relation to the sewerage impact and the applicant points out that he has allegedly reached an agreement with the Water Authority on the sewerage issue.
- No objections have been received from the Police, the Council's Environmental Health Officer or the Regeneration Team.
- Concern was expressed that the County Council as Adult and Social Community Services team were not the relevant body that regulates new care homes and feels that their points are not material to the consideration of the planning application.
- In his opinion there is a greater need for adult care provision than what the County Council have claimed. He points out that his existing care home on Mains Park Road was allegedly operating at 97% occupancy completion for most of last year.

The Development and Building Control Manager referred to photographs in relation to the proposal, which were displayed for Members information.

Mr Knight, Mr Hall, Mr Hutchinson, Mr Smith, Councillor Shiell and Councillor Smith (the objectors) and Mr Self (the applicant's agent) and Mr Oats (the applicant) spoke in relation to the application.

Councillor Brown thanked the speakers for their presentation and spoke in relation to the history of the site and queried the staff ratio in relation to the number of car parking spaces. He expressed concerns in relation to the development and advised that he could not support the Officer's recommendation of conditional approval because of the following reasons:

- Dense form of Development
- Scale of the Development
- Lack of open amenity space
- Reduction in Car Parking Spaces
- Criteria in respect of the RSS Policy 5b, HP17 and HP 9 not being met

In response to a query raised by Councillor Brown on the ratio of staff in relation to the car parking spaces it was confirmed by the applicant that out of 70/80 full time jobs the maximum number of staff at any one time on the premises would be 25 on a shift basis.

The Development and Building Control Manager advised that whilst this was a valid point that had been raised, the ratio of parking compared to previously was far less than what is was with the earlier approval. He advised that the applicant had discussed this matter at length with Durham County Council's Highway Authority. He referred to new initiatives that were being introduced from Central Government to encourage car users to use alternative methods of transport and the introduction of green travel plans.

Councillor Holding also raised concerns in relation to the lack of car parking facilities and referred to the amount of deliveries that would be necessary for meals and laundry. Mr Oats confirmed that there would be no HGV deliveries and other deliveries that were necessary would be carried out in normal working hours. It was noted that the laundry delivery would not be necessary as there was on site laundry function on the premises and the development had 4.5 metre carriageways internal to the development and that emergency vehicles and delivery wagons would be able to turn within that space.

The Development and Building Control Manager advised that he concurred with the comments made by Mr Oats and confirmed that Durham County Council as Highways Authority were happy with the infrastructure proposed for vehicles.

Councillor Nathan expressed concerns in relation to the proposal particularly in relation to the lack of greenery and aesthetic qualities for the residents. In his opinion this proposal did not enhance the local area.

The Development and Building Control Manager referred to the issues raised by Councillors Nathan and Brown which, in his opinion had included the two

key planning issues for consideration which were the impact on the surrounding residents by the footprint and scale of development proposed and also the design and how it fits in with the wider area. He pointed out that in Durham County Council's Design Officer's opinion these two issues were acceptable.

The Development and Building Control Manager referred to the previous design of this development which this Council had approved approximately 6 years ago and outlined the material differences between the two schemes. This included an increase in eaves and ridge height along the Hopgarth Court and Sandringham Court elevations.

Councillor Harrison also raised his concerns on the proposal in relation to car parking, risk of flooding and the scale and massing of the development.

Councillor Ellis advised that he agreed with the concerns expressed by one of the objectors in relation to the site being unsuitable for the increase in traffic and the quality of life for the surrounding residents. He therefore advised that he did not support the Officer's recommendation of conditional approval.

Councillor Laverick referred to the footprint of the live application and sought clarification on this from the Development and Building Control Manager who confirmed that the previous proposal which was currently live did have a smaller footprint than the proposed application which was before Members at this meeting. In Councillor Laverick's opinion there was a demand for nursing care within the community.

Mr Oats clarified the points raised by Councillor Nathan in relation to the type of resident and garden facilities and highlighted where the proposed gardens, patio areas and seating facilities would be located for use by the residents who would be persons with dementia and nursing requirements, which when compared to his other nursing home would be used for 5% of the year. Mr Oates also clarified his intentions with regard to sewerage facilities to be installed as part of the development.

The Chairman explained that if Members were minded to accept the proposal it would be subject to amendments to conditions Extra 9 and 11 that he had referred to earlier.

After much discussion and consideration of the points raised by the speakers Councillor Brown proposed to move that the application be refused for the reasons of the scale of the development and design impact on the street scene and the proximity of the adjacent residents. This was seconded by Councillor Harrison.

Prior to a vote being taken on this proposal the Development and Building Control Manager advised that if Members were minded to refuse the application he was satisfied in principle that the reasons proposed were valid material planning considerations for refusing this application, however he remained of the view that this proposal should be approved.

The proposal to refuse this application for the reasons suggested was carried.

RESOLVED: "That notwithstanding the Officer's recommendation of conditional approval, the application be refused for the following reasons.

Extra 1 The proposal would provide for a form of development that would be harmful to the amenities of surrounding residential occupiers by virtue of undue overlooking and overbearing impact contrary to the aims of Policy HP9 of the Chester-le-Street Local Plan.

Extra 2 The proposal, by way of inappropriate scale, massing and detailed design solution, would provide for a form of development that would be incongruous within the street scene and as such would be detrimental to the visual amenity of the wider locality, contrary to the aims of PPS1 and PPS3, Policy 5b of the Regional Spatial Strategy, and Policies HP9 and HP17 of the Chester-le-Street Local Plan.

At this point Councillor Harland left the Meeting at 7.30pm.

(B) District Matters Recommended Refusal

(1) Proposal: Erection of single storey extension at side of dwelling and erection of detached garage in garden area at side/front (amended plans received 18 February 2008)

Location: 3 Kingsmere, Chester-le-Street

Applicant: Mr and Mrs Cree – Reference 07/00544/FUL

The Development and Building Control Manager referred to photographs in relation to the proposal, which were displayed for Members information.

The Chairman referred to a letter from Fairhurst that had been circulated to Members at the Meeting and allowed Members time to digest the information.

Mr Abercrombie the applicant's agent spoke in relation to the proposal.

Councillor Holding advised that although he thought the garage could be of better design he had no objections to this proposal and would support the application.

Councillor Laverick referred to the leylandi trees and advised that there were no powers to ensure that these would be retained and therefore he supported the Officer's recommendation of conditional approval.

The Development and Building Control Manager advised that the trees that Councillor Holding had referred to were not owned by the applicant therefore

condition could not be applied in the event of approval to require that those trees did remain in situ.

Councillor Brown advised that he felt the main issue was the access to the rear garden which required the proposal to be built forward of the property and that he was minded to go with the Officer's recommendation of refusal.

Councillor Nathan agreed with the comments expressed by Councillor Laverick and Brown and was also minded to support the Officer's recommendation.

Councillor Laverick proposed to move the Officer's recommendation of refusal, which was seconded by Councillor Harrison. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager to refuse the application be agreed for the following reasons.

Extra 1 The proposed detached garage by virtue of its position is considered to have a negative impact upon the character and openness of the existing street scene creating a detrimental impact on the visual amenity of the street scene and is considered to be contrary to the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

(C) District Matters Recommended Approval

(3) Proposal: Various tree works to Sycamore trees (no's 1,2,4 and 5 on plan), including removing epicormic growth, remove dead wood, crown clean and reduced sail area by 20%. Also management of one Sycamore and one Willow tree (no's 3 & 6 on plan) on coppice basis (3 to 7 year cycle) and pruning of overhanging branches onto public highway from trees along Southern and Western boundary of garden.

Location: 1 Hermitage Gardens, Chester-le-Street

Applicant: Mr and Mrs Goulding – Reference 08/00048/TPO

Councillor Holding proposed to move the Officer's recommendation of conditional approval which was seconded by Councillor Harrison. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions."

Extra 1 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).

Extra 2 All tree works to be carried out in conjunction with the Bird/Bat Risk Assessment as produced by Barry Anderson Environmental Biologists on 6th February 2008 in order to safeguard the amenity and long term well being of the trees in accordance with Policy NE11 of the Chester-le-Street Local Plan.

Extra 3 All tree works to be carried out in accordance with BS3998 in order to safeguard the amenity and long term well being of the trees in accordance with Policy NE11 of the Chester-le-Street Local Plan.

Extra 4 All existing trees to be retained and protected in accordance with BS5837:2005 in order to safeguard the amenity and long term well being of the trees in accordance with Policy NE11 of the Chester-le-Street Local Plan.

(D) Planning General

(1) List of Planning Appeals and current Status

It was noted that since this list had been produced there was some amendments, which would be updated for the next meeting.

RESOLVED: "That the list of Planning Appeals and current Status be noted."

(2) Development Control Performance Update to end of Quarter 3 for 2007/08

Consideration was given to a report to provide Members with a detailed update on the Development Control Team's performance during the first three quarters of 2007/08 for the following indicators:

- BVPI 109 – Speed of Decision Making
- BVPI 204 - Percentage of Planning Appeals Allowed
- PLLP 33% of Pre-application Enquiries Responded to within target
- PLLP 02% of Householder Planning Applications Determined in 8 weeks

The Chairman referred to the problems of staffing levels, which had been a problem for the Planning Services Team over the last 12months and had caused performance to drop. The Development and Building Control Manager gave thanks to the Chairman and Councillor Laverick whose comments at the Overview and Scrutiny Management Board had helped (in his opinion) prompt a quick response for approval to be granted from CMT to fill the vacant post of the Planning Officer.

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

66. EXCLUSION OF PUBLIC AND PRESS. TO RESOLVE:-

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 paragraph 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act."

67. 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.

The Chairman advised that if Members did have queries in relation to planning enforcement or any issues to report they should contact David Chong the Enforcement Officer.

The Enforcement Officer spoke in relation to the staffing issues in the Planning Team which had delayed progress on some of the enforcement work, however he was pleased to report that performance was now improving since vacant posts had been filled.

The Chairman gave thanks to Lisa Morina the newly appointed Planning Officer who had assisted the Enforcement Officer during staff shortages.

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

The meeting terminated at 8.05 pm