

CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 February 2009

REPORT OF THE DEVELOPMENT & BUILDING CONTROL MANAGER

- ITEM 1 District Matters Recommended Refusal
- ITEM 2 District Matters Recommended Approval
- ITEM 3 Appeals List
- ITEM 4 Development Control Performance Update for Quarter One and Three 2008/09
- ITEM 5 Planning Enforcement Performance Update

**COPIES OF ALL PLANS, ELEVATIONS AND SUPPORTING DOCUMENTATION
CAN BE VIEWED IN THE PLANNING SERVICES DIVISION PRIOR TO THE
COMMITTEE MEETING**

**COPIES OF PLANS AND ELEVATIONS FOR APPLICATIONS WHERE THE
APPLICANT / OBJECTORS / SUPPORTERS WISH TO SPEAK OR FOR OTHER
MAJOR APPLICATIONS WILL BE DISPLAYED IN THE COUNCIL CHAMBER PRIOR
TO AND DURING THE COMMITTEE**

ITEM1 District Matters Recommended Refusal

1.

Reference: 08/00422/FUL

Proposal Erection of 62 bed residential care home with access and landscaping.
Location Former Pelaw Grange Cottage North Road Chester-le-Street Durham DH3 2AD
Applicant W. Todd Builders Ltd

Application Summary

Ward: North Lodge
Case Officer: James Taylor, Senior Planning Officer
Contact Details: 0191 387 2002
jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The proposed 62 bed care home is by virtue of its scale, massing and design an incongruous form of development harmful to the character and appearance of the area. The access and parking provision is inadequate for the use and the Health and Safety Executive have objected to its proximity and risk close to a major hazard site.

Accordingly the application is recommended for refusal.

The Proposal

The application proposes a 62 bed care home over three floors. The development site is located on the Former Pelaw Grange Cottage and fronts with its west elevation facing North Road. The development is broadly rectangular with a prominent central façade emphasised by the north and south wings. To the rear there is an east wing providing further accommodation.

The application site is located off the A167 heading towards Birtley beyond the disused railway bridge opposite the Wheatsheaf public house. To the east of the site lies the hazardous installation of the British Oxygen Company.

Relevant Planning History

04/00069/OUT – Outline application for apartments / residential development – Approved.

06/00123/FUL - Erection of 12 no town houses – Approved.

06/00285/FUL - Outline application for 7 no "self-build" residential plots (including means of access submitted for consideration) – Approved.

07/00333/FUL - Erection of 12 no town houses with associated works – Approved.

Consultation Responses

The County Highway Authority have objected to the proposal on the grounds that the access junction radius is 4.5m and should be 6m where it joins the A6127 for highway safety reasons. Secondly, the manoeuvring space to the rear of parking bays 1 to 7 should be 6m and is shown at 4.4m and as such the widths are unacceptable.

The Council's Regeneration Manager has raised no comments.

The Health and Safety Executive (HSE) are consulted on all applications in close proximity to major hazardous installations. The HSE have raised strong objection to the proposal on the grounds that the risk of harm to people by the proposed development and the proximity to the BOC installation. They state this is sufficient evidence on safety grounds to advise against the granting of planning permission.

The Council's Environmental Health manager has commented that there is a need under planning condition to require, prior to works commencing, a noise and odour assessment of the neighbouring BOC facility, restriction on hours of construction and a condition to require details of potentially noisy construction operations.

North Lodge Parish Council has commented on the amount of traffic generated by the development and impact on the local area. They also request that a wide consultation be undertaken. A copy of their comments are appended to the report.

The application has been advertised by way of press and site notices as well as direct consultation with surrounding occupiers. In response 2 public representations of objection have been received. Objections are raised on the following grounds:

- That the scale of development is excessive for the site area.
- That the parking provision is inadequate.
- Vehicles may have cause to park on the road through lack of parking potentially causing an obstruction.
- That the BOC site remains a notifiable site under Health and Safety regulations and that consideration should be given to evacuation procedures.
- That noise abatement requirements should be incorporated including the fitting of acoustic glazing facing the BOC site.
- That consideration should be given to further tree planting.

Relevant Planning Policies and Considerations

The proposals raise a number of issues for consideration having regard to the relevant Policies contained in the Regional Spatial Strategy (RSS) and the Chester-le-Street District Local Plan.

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system by encouraging social cohesion and inclusion, protecting and enhancing the environment, championing prudent use of natural resources and through sustainable economic growth. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Statement 23: PPS23 Planning and Pollution Control sets out that any impact arising from development that may impact on health is a material planning consideration.

Regional Spatial Strategy

The (RSS) sets out the long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan.

Of particular relevance to the assessment of this application are the following:

Policy 2 – Sustainable Development (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development). Also relevant is the need to promote health and well-being through development.

Policy 4 – Sequential Approach to New Development (which essentially provides support for the priority of the use of previously developed sites in urban areas)

Policy 6 – Locational Strategy (which requires new development to maximise the major assets and opportunities available in the North East and to regenerate more deprived areas).

Policy 7– Connectivity and Accessibility (which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk)

Policy 8– Protecting and Enhancing the Environment (which requires new development to maintain local distinctiveness)

Policy 24 – Delivering Sustainable Communities (planning proposals should assess the suitability of land for development and the contribution that can be made by design).

Policy 30 – Improving Inclusivity and Affordability (developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability).

Policy 38 - Sustainable Construction (to ensure layouts and design of new development minimise energy consumption and encourage energy efficiency techniques as well as renewable energy provision).

Policy 54 – Parking and Travel Plans (seek to minimise parking for non-residential development that link in to public transport and ensure travel plans are sought for major development).

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 residential care homes.

The policy follows a similar approach to policies relating to new build residential development, including HP9, 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;

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

In regard to Policy HP9 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 with a build cost in excess of £500,000 Policy BE2 – Public Art is considered material. This Policy encourages the devotion of 1% of development costs to public art work projects, accessible by the general public.

Policy T15 requires new development to provide safe and accessible access and not create problems to the existing road network. In addition it requires good links to local transport services and requires on site cycling provision.

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.

Principle of Development

The site is previously developed land as it was formerly the site of Pelaw Grange Cottage. The site is in North Lodge ward within the settlement boundary of Chester-le-Street. The site has previously been granted consent for residential development, most recently application 07/00333/FUL for 12 apartments and as such the principle for residential development has been established.

The site is also considered a sustainable location being well within 400m to the nearest bus stop with a public house opposite and a short bus journey to Birtley or Chester-le-Street shopping areas.

Accordingly, the principle of the type of development proposed would be considered acceptable.

Design

The proposal is based around a central main rectangle 46m north to south by 13m east to west. In addition to the main building, the north and south ends have been designed as separate wings as has the rear projection and front west facing projecting façade.

Good design is considered indivisible from good planning and is a key objective to achieving sustainable development that will continue to serve future generations. This is a clear aim substantiated in the thrust of Planning Policy Statement One. To achieve good design in the first instance the proposal must understand and appreciate the context of the surrounding environment so it may respect and enhance the area.

The context to the development site is characterised by a strong linear frontage emphasised by the tree planting. Any development that seeks to interrupt this pattern must enhance this already clear design precedent. In regard to surrounding buildings to the south the land is largely obscured by trees and the former railway but to the north the site is visible from a distance further enhancing its status. Directly opposite are some set-back residential dwellings with the exception of the public house. The public house sits on the pavement edge and is prominent but not overbearing in the street scene being only of a modest two-storey height and dwarfed by the former railway bridge.

The proposal sits 6m from the boundary wall and presents its 46m length to the road edge. At 46m wide and 12.5m high it has an area of 575sqm incorporating the roof and as such makes a very clear statement in the street and is of a scale larger than any of the surrounding properties in the immediate vicinity.

However, the prominent west elevation cannot be considered either a 'landmark' approach, as the elevation is monolithic in nature with marginal differentiation to break up the massing. The monopitch roofs to the outer wings are also at odds with the central dual pitched projecting façade.

The proportions of the central section are incompatible with the slender treatment to the outer wings and the curvature to this central projection does little to lift the design. The development is a mix of traditional massing but with the add-on of contemporary styling that leaves the design without a clear identity or design style.

The design could be largely improved if a traditional or contemporary approach was decided upon. Then the massing could be broken up through projections and changes in height to add interest and character to the proposal losing the monolithic block like mass that is proposed.

In regard to the impact on neighbouring properties as the site borders open space and commercial uses it is considered the proposal will not adversely affect the amenity of surrounding residents. However, a scheme of noise abatement from the surrounding commercial uses for the proposed residents could be secured through a planning condition.

In summary the proposal does not serve to protect or enhance the surrounding area through its poor design relationship and inappropriate scale and massing and as such fails the PPS1 test and is contrary to Policy 8 of the RSS and Policies HP17 and HP9 of the Chester-le-Street District Local Plan.

Highway Safety, Access and Parking

The Parish Council have stated concerns regarding the volume of traffic generated by the proposal. However, the County Highway Authority, subject to appropriate access requirements, do not consider that additional traffic will cause harm to the immediate road network. This is an understandable view bearing in mind that North Road is a classified highway.

The access requirements have however found to be inadequate by the Highway Authority as has the manoeuvrability space for vehicles between parking spaces and as such until these issues are resolved they recommend the application be refused.

In regard to the objections about parking on the street the 6 full time and 64 part time staff are likely to operate on a rota basis as is normal practice in such establishments. The County Highway Authority have examined the potential impact and from experience of other care homes in the County in line with County parking standards the provision is deemed adequate especially having regard to the close proximity to bus stops. A travel plan has also been requested by the Highway Authority, which can be secured by planning condition.

Trees

The significant trees on the site to be retained border North Road. These will contribute to the setting of any proposed development. The applicant's arborist has provided an adequate scheme of protection and requirements for a cellular confinement driveway system. It is concluded that subject to conditions requiring further information the development does not pose a risk to surrounding trees.

Health and Safety

As the neighbouring BOC plant is a notifiable site under planning circular 11/92 the HSE must be consulted on any development in close proximity to a hazardous site. The HSE have strongly asserted that they consider the BOC installation poses a risk of harm to people sufficient to warrant the refusal of the application. Whilst the potential for accidents

is rare there remains a very real risk that such an accident may occur and have severe consequences.

The BOC plant was consulted as part of the application and they have stated that operations may change in the future inferring possibly a reduced risk. However, this is not a certainty and neither does it represent the current situation or advice of the HSE the statutory consultee on these matters and as such their objection is upheld.

Circular 11/92 states that HSE advice is not mandatory but should not be overridden without the most careful consideration.

The previous residential schemes were not for this volume of potential occupants and therefore have not raised previous HSE concern.

Contamination of Land

The application site has recently been granted residential consent and no issues regarding contaminated land were raised and as the site was previously in residential use it represents a low risk of contamination.

The Issue of Need

The applicant has stated that the facility will cater for an identified need in the area as the population is ageing and hence the facility will serve this growing need.

However, 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. In conclusion it is considered that whilst there is no reason to doubt this statement the grounds of need are not material to the determination of the application.

Conclusion

In conclusion, the application proposes a design incongruous with the surrounding area that poorly reflects its context and aspirations. The scale and massing are monolithic in nature showing little differentiation resulting in an imposing design harmful to the character and appearance of the surrounding area contrary to Policy 8 of the RSS and Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

The highway access is inadequate as are the parking arrangements contrary to Policy T15 of the Chester-le-Street District Local Plan.

The site lies within close proximity to a notifiable hazardous installation and the HSE consider the risk of harm to persons resulting from the development is sufficient on safety grounds for advising against the grant of planning permission.

Accordingly it is recommended that planning permission be refused.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS:-

Extra 1.

The development hereby proposed is incongruous in appearance by virtue of its poor design, scale and massing harmful to the character of the surrounding area contrary to Policy 8 of the Regional Spatial Strategy, and Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 2.

The development proposed would result in a level of risk and potential harm to those within the development from the neighbouring hazardous site such that the application should be refused on safety grounds in accordance with Policy 2 of the Regional Spatial Strategy and Planning Policy Statement 23.

Extra 3.

The access to the A167 (North Road) has an inadequate radii and the manoeuvrability space between parking bays is unsatisfactory and as such the proposal is not safe and accessible contrary to Policy T15 of the Chester-le-Street District Local Plan.

Lynne Parker

From: Stephen Reed
Sent: 24 December 2008 11:20
To: Lynne Parker
Subject: Fw: Planning Application 08/00422/FUL

Lynne

Please forward onto case officer and ackobj

Thanks

Sent using BlackBerry

-----Original Message-----

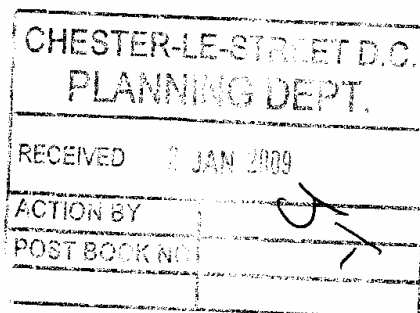
From: North Lodge Parish Council <northlodgepc@tiscali.co.uk>
To: Stephen Reed <StephenReed@Chester-Le-Street.gov.uk>
Sent: Tue Dec 23 17:47:09 2008
Subject: Planning Application 08/00422/FUL

Stephen,

The Parish Council wishes to raise a concern regarding the additional traffic which would enter and leave this site following completion of the development. North Road is already extremely busy, and additional traffic may well create a hazard.

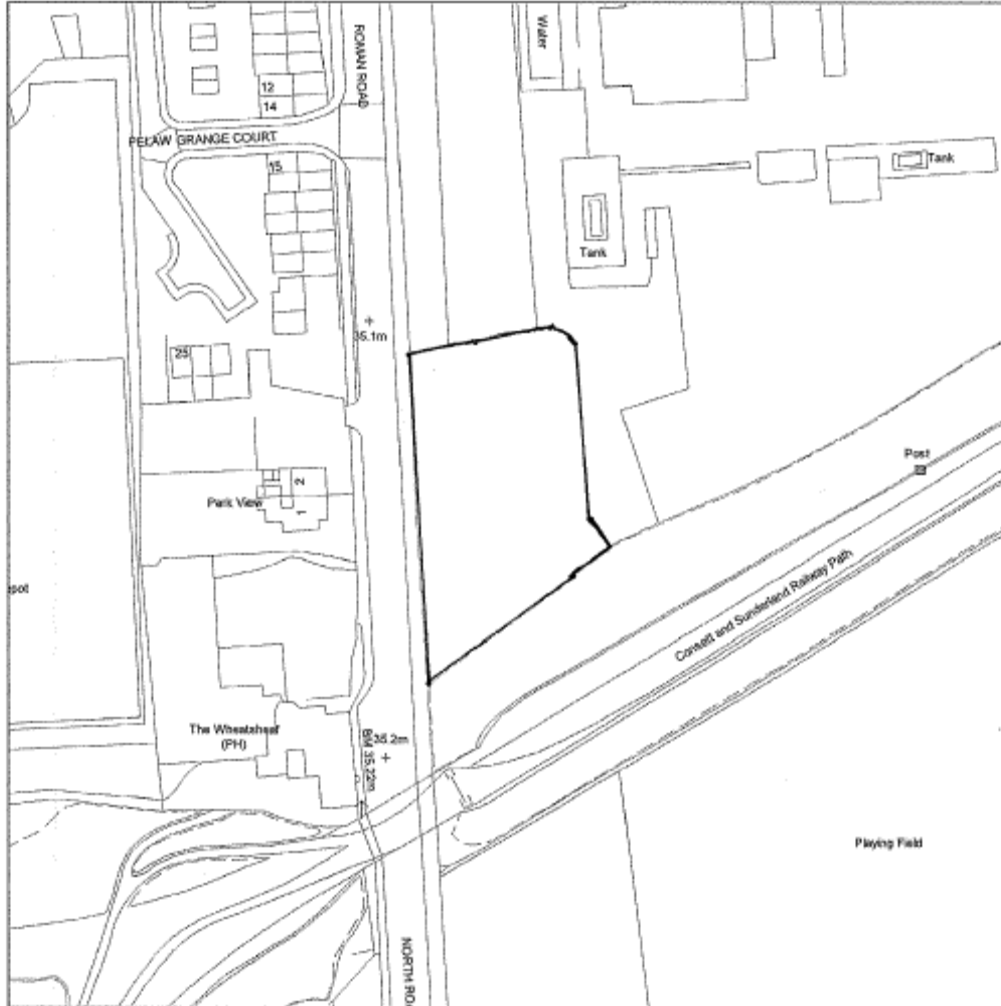
We hope that all residents in this part of North Road will be given the opportunity to comment on this application direct to the District Council, and therefore all properties in the area should be advised directly of the application.

David Murrell
Clerk, North Lodge Parish Council



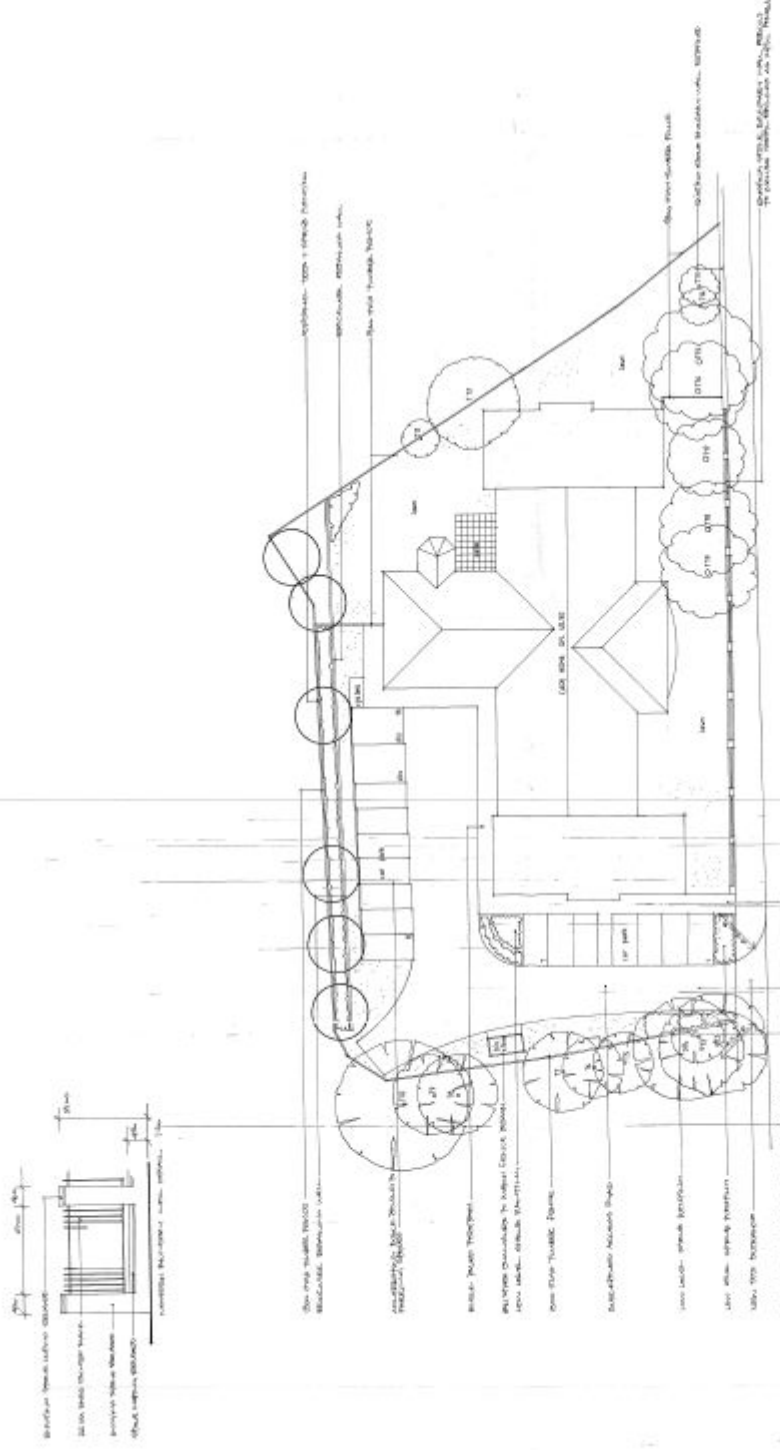
Site of Former Pelaw Grange Cottage


North Road



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



ROOF PLAN  **SITE PLAN 1:200**

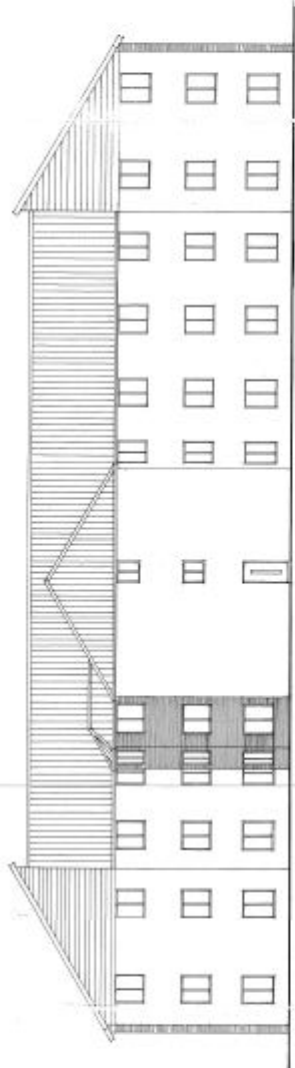
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2	REAR GARDEN	15.0	0.0
3	REAR PORCH	15.0	0.0
4	REAR PORCH	15.0	0.0
5	REAR PORCH	15.0	0.0
6	REAR PORCH	15.0	0.0
7	REAR PORCH	15.0	0.0
8	REAR PORCH	15.0	0.0
9	REAR PORCH	15.0	0.0
10	REAR PORCH	15.0	0.0
11	REAR PORCH	15.0	0.0
12	REAR PORCH	15.0	0.0
13	REAR PORCH	15.0	0.0
14	REAR PORCH	15.0	0.0
15	REAR PORCH	15.0	0.0

CHESTER-LE-STREET DISTRICT COUNCIL
 PLANNING DEPT.
 ROOM 21.57 208
 CHESTER
 CHESHIRE
 CH1 3JQ

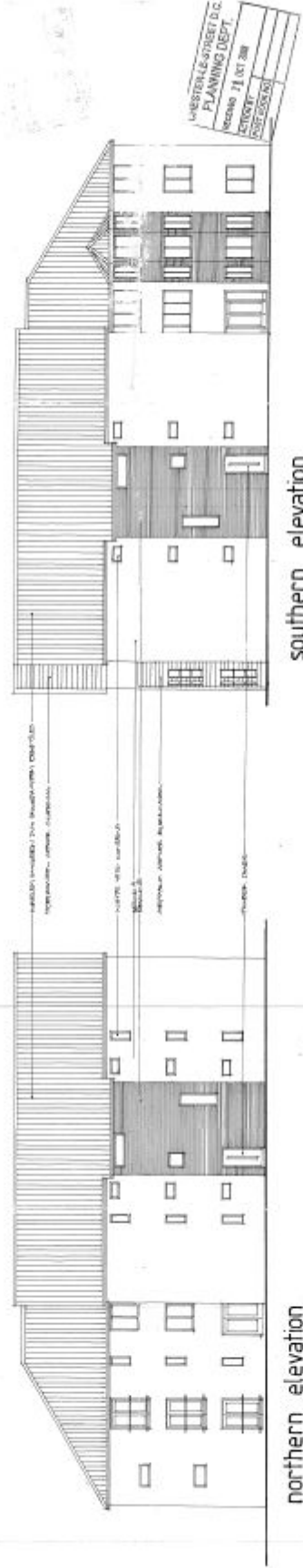
JOHN D. WAUGH, RIBA
Architect
 Broadway Studio, The Broadway,
 Hightown - St. Helier, Jersey, Channel Islands
 JE4 4AS Telephone: 01492 549999

PROJECT: Chester-le-Street, Chester
 DRAWING: AI
 DATE: 01/02/09
 SCALE: 1:200
 SHEET: 01 OF 05
 DRAWING NO: 2009/02/01

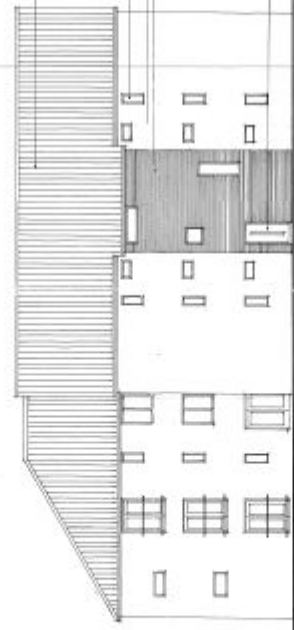
CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



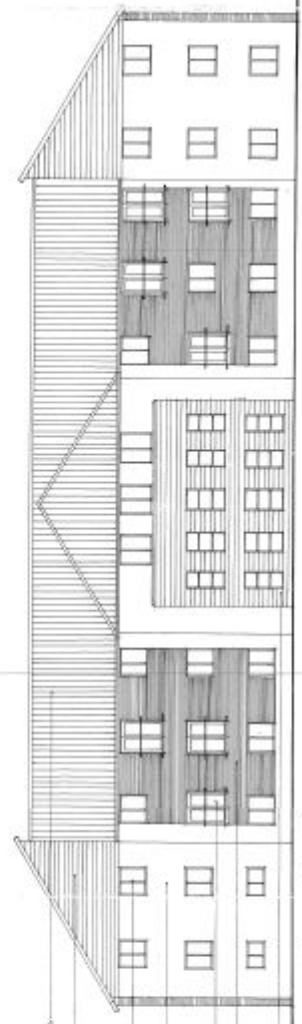
eastern elevation



southern elevation



northern elevation



western elevation

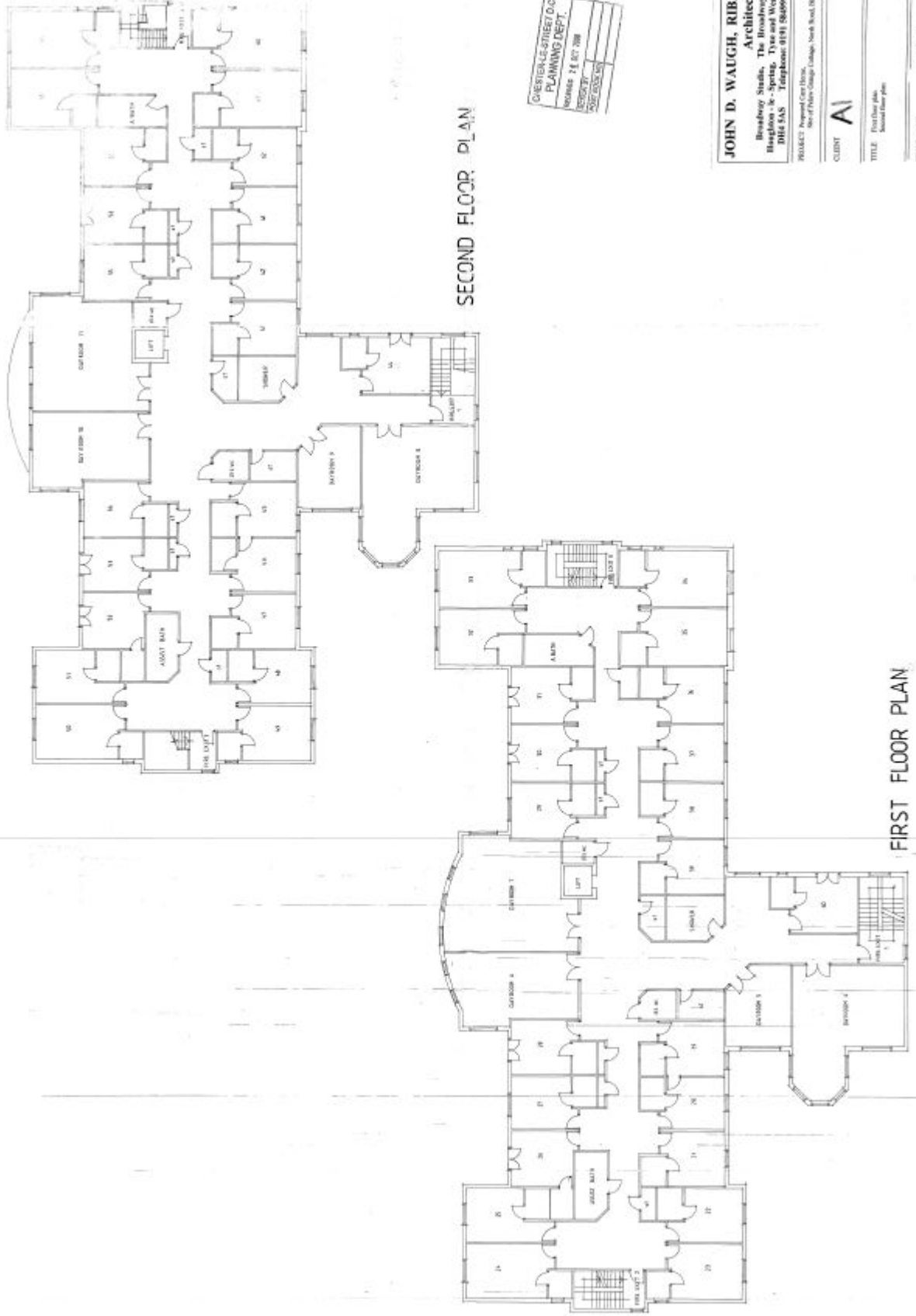
CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 RECEIVED 21 OCT 2008
 PROJECT NO. 08/0015

JOHN D. WAUGH, RIBA
 Architect
 Broadway Studio, The Broadway,
 Houghton - St. James, Tran and West,
 BH4 5AS Telephone: 0191 5849999
 PROJECT NO. 08/0015
 CLIENT: CHESTER-LE-STREET DISTRICT COUNCIL

CLIENT: CHESTER-LE-STREET DISTRICT COUNCIL
 FILE: 08/0015/01/01
 DATE: 14/11/08
 DRAWING NO: 201/18

AI

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 ROOM 14 02 208
 RECEIVED
 09 FEB 2009

JOHN D. WAUGH, RIBA
 Architect
 Broadway Studio, The Broadway,
 Haslington - Springs, Tyne and Wear
 DH4 5AS Telephone: 0191 2840999

PROJECT: Proposed Civic Offices,
 1st & 2nd Floor, 100-102, North Road, Warrington

CLIENT: **AI**

TITLE: First Floor plan,
 Second Floor plan

SCALE: 1:100 DATE: 04/08
 DRAWN BY: JDM DRAWING NO.: 0012

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 February 2009**

ITEM 2 District Matters Recommended Approval

2.

Reference: 08/00456/FUL

Proposal The construction of a 104 bed residential care home including access details, car parking surfacing, landscaping and boundary treatment

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

Applicant Mr J. Oates

Application Summary

Ward: Chester North

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The proposed 104 bed care home is considered on balance to be of an acceptable design, assimilating its massing into the surrounding area by virtue of its commensurate height. The proposal is considered to preserve the amenity of surrounding occupiers and complies with the relevant policies of the Development Plan.

Accordingly the proposal is recommended for approval.

The Proposal

This report relates to a full application for the erection of a 104 bed residential care home including access details, car parking, surfacing, 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 County Council storage depot. The site is presently partly excavated the surface of which is largely unmade ground, 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) and more recently the 88 bed care home approved at the August 2008 planning committee. The size of the site amounts to 0.76 hectares.

The proposed care home would be accessed direct off Picktree Lane, to the north with a secondary access located along the southern elevation facing onto Hopgarth Gardens.

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. The Northern Bus Depot adjoins the site to the east.

This application is most similar in scale, layout, design and massing to application 07/00539/FUL for a 104-bed care home previously refused by Members at the March 2008 planning committee. The reasons for refusal were based around concerns about the impact of the development on the amenity of surrounding occupiers and inappropriate scale, massing and design, which was considered harmful to the appearance of the area. On both points the development was considered contrary to Policy HP9 of the Chester-le-Street Local Plan. No appeal was made against this refusal.

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

07/00160/FUL - Construction of 109 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment – Withdrawn July 2007

07/00539/FUL – Construction of 104 bed residential care home including details of associated access, car parking, servicing arrangement, landscaping and boundary treatment – Refused March 2008.

08/00194/FUL – Construction of 88 bed residential care home including access details, car parking, surfacing, landscaping and boundary treatment – Approved August 2008.

Consultation Responses

Durham County Council as Highway Authority raise no objections to the proposals. They comment that the amount of car parking spaces proposed (26 spaces) is acceptable for the development bearing in mind the sites location close to the town centre and public transport links. However it is also advised that part of any grant of permission should include a condition to require the adoption of a travel plan. The aim being to avoid single occupancy vehicular trips and increase reliance on alternative forms of transport other than the car.

In regard to the objections received from residents concerning the proposed access to the site via Hopgarth Gardens, the County Council advise that they are satisfied that the existing carriageway widths are acceptable to accommodate the anticipated additional traffic generated by the development. This view is formed having regard to the fact that the Highway Authority have appraised the Hopgarth Gardens access on the previous applications and found it to be acceptable.

Northumbrian Water raise no objections to the proposed development having considered the proposal.

The Council's Regeneration Manager has raised no comments.

Durham County Council Design Team refer to their previous discussions and comments on the 104 bed application refused by Members in March 2008. As this proposal is essentially the same in simple design terms (other than minor fenestration changes) they stand by their original comments of no objections.

They previously commented that the changes they requested centred on reducing the height of the building and improving the external appearance.

In particular the building has been reduced in height at both eaves and ridge levels, so that it would now sit more comfortably with its neighbours. In addition the roof has a steeper pitch, and a more domestic appearance. The general design has also been improved to create a more interesting and unified elevations. The Design Team go onto to comment that further details are required of the landscaping, in order to improve the amenity for elderly people.

Durham County Council Adult and Community Services Team have not commented on this proposal. However previously they raised concerns about the lack of pre-application consultation between the applicant and their team, who are available to give advice and information on such proposals. They upheld their comments from their letter of 1st February 2008 on the 109 bed proposal questioning whether there is a need for such a large development as numbers of people admitted to care homes have reduced in the County. They state that occupancy rates hover around 80% in the area indicating enough capacity to serve an aging population. Further objection is raised to the lack of outdoor space being to the detriment of the occupant's quality of life. In conclusion they do however welcome the reduction of beds to 88 and the division into units (self contained clusters), in comparison to the previous application.

The Council's Environmental Health Team has commented that their previous comments on application 08/00194 still stand. This includes that there is a need for noise control conditions at the construction phase in recognition of the scale of development and close proximity to residential property. They have recommended hours of operation and a construction methodology to be conditioned as part of any consent given to tackle any potential noise issues that may occur. They acknowledge that in relation to road noise this was previously assessed on a former application and the acoustic report submitted was deemed acceptable.

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

North End Residents Association object to the proposal on grounds of the size of the building which they consider will overpower the surrounding area and harm the outlook of surrounding residents. They also comment that the additional traffic arising from the development would cause further problems of congestion in surrounding residential areas.

The application has been advertised by way of press and site notices and direct consultation with surrounding occupiers. In response 11 letters of objection have been received, which many are similar to the previous application. Objections are raised on the following grounds:

- Inadequate parking provision.
- That the increase in beds will further exacerbate the impact on the surrounding residential area.
- That the development will create substantial overshadowing and appear overbearing to residents of Sandringham Court.
- Furthermore the application contravenes planning regulations and does not provide adequate daylight to adjacent properties as stated by the applicant.
- That the secondary access on to Hopgarth Gardens should not be given for as many vehicles as previously approved for the 88 bed application. The increase in traffic using this access will prejudice the safety of existing residents.
- That the quality of life for resident's of the surrounding estate will be eroded by the proposal.
- That no HGV traffic should use the Hopgarth Gardens access as the road and area is totally unsuitable.
- That the scale of the development is totally out of character with the scale of surrounding properties.
- Possibility of further drainage problems in the area as a result of the development.
- That the ground is unsuitable for the proposed development, as 'sink holes' have appeared on the site indicating unstable land.
- That surrounding property is at risk from disturbance during the construction stage.

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

- There is an extant consent for the development of the site, which has been lawfully implemented and was previously considered acceptable.
- The proposal complies with the requirements of Policies HP9, BE2 and HP17 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.
- The proposals will generate some additional investment of approx £1.8 million capital spend a year some of which may benefit Chester-le-Street.
- The proposal will create between 70 full/part time jobs, 22 of which will be on site at any one time.
- The proposals will deliver 'First Class' 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 applicant's point out it is not the role of the planning system to restrict competition following the guidance in Planning Policy Statement 6 to this effect.
- 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 and set to increase, therefore the proposal will meet a future growing need.
- Reference is made to the need for consistent decision-making. In this regard the applicant draws attention to other developments approved for similar scale proposals approved by the Council.

Relevant Planning Policies and Considerations

The proposals raise a number of issues for consideration having regard to the relevant Policies contained in Planning Policy Statements, Regional Spatial Strategy (RSS) and the Chester-le-Street Local Plan.

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system by encouraging social cohesion and inclusion, protecting and enhancing the environment, championing prudent use of natural resources and through sustainable economic growth. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Guidance Fourteen: PPG14 sets out the national planning context to developing on unstable land. It establishes the responsibility for investigation and mitigation firmly with the developer of the site.

Regional Spatial Strategy

The (RSS) sets out the long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan adopted July 2008.

Of particular relevance to the assessment of this application are the following:

Policy 2 – Sustainable Development (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development).

Policy 4 – Sequential Approach to New Development (which essentially provides support for the priority of the use of previously developed sites in urban areas)

Policy 6 – Locational Strategy (which requires new development to maximise the major assets and opportunities available in the North East and to regenerate more deprived areas).

Policy 7– Connectivity and Accessibility (which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk)

Policy 8– Protecting and Enhancing the Environment (which requires new development to maintain local distinctiveness)

Policy 24 – Delivering Sustainable Communities (planning proposals should assess the suitability of land for development and the contribution that can be made by design).

Policy 30 – Improving Inclusivity and Affordability (developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability).

Policy 38 - Sustainable Construction (to ensure layouts and design of new development minimise energy consumption and encourage energy efficiency techniques as well as renewable energy provision).

Policy 54 – Parking and Travel Plans (seek to minimise parking for non-residential development that link in to public transport and ensure travel plans are sought for major development).

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 HP9, by requiring new development proposals to meet a number of detailed criteria. Policy HP 17 requires proposals;

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

In regard to Policy HP9 for residential development proposals 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 with a build cost in excess of £500,000 Policy BE2 – Public Art is considered material. This Policy encourages the devotion of 1% of development costs to public art work projects, accessible by the general public.

Policy T15 requires new development to provide safe and accessible access and not create problems to the existing road network. In addition it requires good links to local transport services and requires on site cycling provision.

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, Scale and Massing and Impact on Visual Amenity

Design is considered indivisible from good planning and is at the forefront of Planning Policy Statement 1 (PPS1) which states the following:-

‘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 RSS Policy 8 and 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 & Conservation Team at Durham County Council for comment. They refer to the extensive pre-application discussions when this design was put forward previously and again welcome this proposal.

Members may recall refusal reason two for the 104 bed proposal previously considered at the planning committee in March’08 was as follows:-

“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”.

In considering the issue of scale, reference is given to the previous application for a 104 bed care home which was recommended by Officer’s for approval. Durham County Council Design and Conservation Officers were consulted on the proposal and negotiated with the applicant to establish the current proposal, which as aforementioned is essentially identical to the 2007 104 bed refused application. The County Design Officers have therefore not raised any objection to the proposal.

The negotiations previously from the 109 bed to the 104 bed proposal seen now and refused in March 08 resulted in a number of design amendments. Of particular relevance are the following;

- Increase in the angle of the pitch roof of the premises. Whilst this increases the overall floor to ridge height of the structure the view is taken that this is a positive design feature which will help the massing of the development blend with the locality
- An increased vertical emphasis on the windows of the proposals, which will help the massing of the unit assimilate with the surrounding area, and also help reduce the bulky impression of the development
- A lowering of the eaves height, which again will help reduce the scale of the development
- A reduction in the height of the elevation facing Hopgarth Court in comparison to the withdrawn application for 109 beds.

In considering the issue of scale and design the view is taken that on balance the changes incorporated render the development acceptable in the context of the surrounding area. Whilst the development will undoubtedly have a significant presence in the street scene; especially when viewed from Picktree Lane and Hopgarth Court it is considered that this would not be sufficiently overbearing to warrant the refusal of planning permission.

In arriving at this conclusion Officers are mindful of other tall buildings in the locality. These include the bus depot to the north and the recently completed Sandringham Court development to the west.

The Sandringham Court development follows similar design principles to that now proposed with this development. In particular a 3 storey structure, with rooms in the roof space was considered acceptable as part of this application, along the northern boundary of the site. The applicant has surveyed the Sandringham Court development and provided a section of comparative scales. The proposed care home is shown to not exceed the maximum height of Sandringham Court due to the change in ground levels and should therefore not break the skyline in the surrounding area.

To summarise the following table outlines the comparison differences between the extant outline consent for 60 beds, the approved 88 bed application, and the current 104 bed application. It is not deemed necessary to display information regarding the previously refused 104-bed application as it is of the same dimensions as the current application. Sandringham Court is also included for contextual purposes.

No. of Beds	60 00/00337/ OUT		88 08/00194/ FUL		104 08/00456/FUL		Sandringham Court	
Max Height	10.5m		12.1m		14.4m		12.4m	
Min Height	10.3m		9.0m		11.3m		10.2m	
North Elevation Heights	R 10.4	E 7.5	R 12.1	E 7.8	R 14.4	E 10.7	R 10.4	E 5.0
East Elevation Heights	10.2	7.8	12.1	7.3	11.3	7.1	12.4	8.0
West Elevation Heights (opp Hopgarth Ct)	7.5	5.0	9.0	5.0	11.3	7.1	10.2	5.0
South East Gable Heights	10.2	7.8	12.1	7.3	11.3	7.1	N/A	N/A
South West Gable Heights	7.5	5.0	9.0	4.8	11.3	7.1	N/A	N/A

All measurements in metres.

R = Ridge Height

E = Eaves Height

Impact on the Residential Amenity of Surrounding Occupiers

Members will recall that refusal reason one of the earlier 104 bed application was as follows: -

“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 HP 9 of the Chester-le-Street Local Plan”. Accordingly this issue also requires careful consideration.

Policy HP9 of the Local Plan requires new development to respect the amenities of existing surrounding occupiers.

As Members are aware appendix 1 of the Local Plan advises that a distance of 21 metres should be provided for between the public faces of buildings (i.e. habitable rooms). However the advice does go onto recognise that this distance should not be applied rigidly, and rather states that where dwellings are off set (i.e. do not directly overlook each other) the privacy distances may be reduced.

In regard to the impact on occupiers of Hopgarth Court Officers previously deemed this acceptable.

Members will recall that the principle windows facing Hopgarth Court have been off set by virtue of an obscured oriel window solution. This in effect means that the bedroom windows on this elevation will not directly overlook no's 7-12 Hopgarth Court.

In regard to the impact on Hopgarth Gardens the most affected property is No. 34 and then 33 moving south down the street. The impact of the earlier 104 bed proposed on these properties was influential in Members decision to refuse this application.

The applicant has reduced the level of second floor fenestration from curtain glazing to smaller individual windows, in the south eastern gable end bay feature following Officer requests to preserve the amenity of No. 34 Hopgarth Gardens.

In addition the bedroom windows either side of the projecting bay feature obscure glazing in the interests of further preserving residential amenity. The gable end is 6m from the boundary with the garden of No.34 and while the remaining communal lounge windows do face across No.34's garden, they also take in the wider angle of view such is their height and orientation towards the river. As a result of this it is not considered the now amended level of glazing combined with the unimpeded longer distance outlook, will result in detrimental impact on the privacy of surrounding occupiers.

Members will recall that this change was approved under application 08/00194 for the 88 bed care home. The scale of this south-eastern gable is also identical to the 88 bed approval. The increase from 88 to 104 beds coming principally from the extra storey on the Hopgarth Court side, and the North elevation bordering Sandringham Court.

In regard to Sandringham Court objections have been raised as to the potential for overshadowing to the detriment of the amenity of existing residents. Officers deemed this acceptable for the 2007 application and it is considered that whilst some daylight will be removed from the Sandringham Court apartments it will not be substantive. The dwellings will still benefit from enough daylight and sunlight to preserve residential amenity especially considering the development does not actually cut across any of the principle windows on Sandringham Court as they all face into the central courtyard. During the Spring/Summer months the central courtyard area will benefit from increases in light when the sun is at its highest.

Highway Safety and Car Parking Issues

A significant level of objections have been received to the application on the grounds of concerns about the surrounding highway infrastructure not being able to cope with the additional vehicular traffic likely to be generated by the development, and a perceived lack of car parking provision.

In relation to the car parking provision in accordance with Durham County Highway Authority parking standards some 26 spaces have been provided, and as such no objection is raised.

The view is also taken that the locational characteristics of the site will allow for a high percentage of staff and visitors to use public transport to reach the destination. Members will note that the securing of a Green Travel Plan as part of the development is a recommended condition of approval. Having regard to the above it is not considered the proposal could be resisted on lack of car parking provision.

Turning to the issue of access the vast majority of local residents would prefer Picktree Lane to be used as the primary access to the development. Members may recall that originally Hopgarth Gardens was identified as an access as proposed on the earlier application with the support of Durham County Council Highway Authority. Latterly on the previous application an amendment was sought for Picktree Lane to be the primary access and the Hopgarth Garden's access secondary to preserve the amenity of surrounding occupiers.

As a result the current proposed amended site plan explicitly states that the Hopgarth Gardens access shall be used for emergency, refuse and HGV deliveries only. For certainty this is reinforced through a suitably worded planning condition.

Percent for Art

Members will be aware that Policy BE 2 of the Local Plan requires development with a build cost 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.

In this particular instance the applicant has sought to address his obligations in this respect by the submission of an undertaking, under Section 106 of the Town and Country Planning Act 1990 (as amended) to provide monies to the Council for the provision of public artwork features within the Ward. Officers consider this offer is equitable with similar arrangements made elsewhere in the District and as such, subject to the execution of the undertaking, the view is taken that the development proposed will be compliant with the aims of Policy BE2 of the Local Plan.

Members will note that the securing of this artwork provision is to be controlled through a recommended condition of approval.

Foul and Sewerage Impact

Some objections have been raised in regard to the impact the proposal will have on foul sewerage capacity on the area, and potential disruption to services during the construction phase. In relation to any disruption to infrastructure at the construction phase this is not a material planning consideration. Clearly if this was to occur it would be for the relevant statutory undertaker to take the matter up with the developer.

In relation to the concern expressed about the adequacy of the foul sewerage systems, Members will note from the representation section above that Northumbria Water Ltd have considered this issue and raised no objections.

Although not material to the application the applicant has made reference to a new sewerage layout that has been installed on site following the granting of a diversion order by Northumbrian Water.

Contamination

Comments have been expressed that the site may comprise contaminated land. However a ground investigation report, submitted in 2007 to accompany an earlier application on the land demonstrated that there were no known contamination issues which would prevent development of the site

The Issue of Need

Members will note that the Adult and Community Services Team at Durham County Council raised concerns to earlier applications on the grounds that they do not consider there to be a demonstrable need for the development with occupancy rates at 80% in the County and the number of people entering care homes falling.

By comparison the applicant has stated that the facility will cater for an identified need in the area as the population is ageing and hence the facility will serve this growing need.

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. In conclusion it is considered that grounds of need are not material to the determination of the application.

Vibration and Unstable Land

Objections have been raised as to the potential for unstable land within the site. An objector has drawn attention to the southern wall of the adjacent Northern Bus Depot which, has a crack in its wall that it is alleged appeared following the completion of the sewer diversion. For whatever reason that the crack appeared it cannot be assumed from this that the site is unstable and unsuitable for development. In any case it is the developer's responsibility to ensure the site is stable and fit for development and sole responsibility lies with the developer should instability affect surrounding landowners. An application has been received by the Council's Building Control team from the applicant's structural engineers to remediate the issues with the wall.

It has also been brought to the Planning Authorities attention that some 'sink holes' have been discovered and in accordance with the above advice the applicant would need to mitigate any issues in conjunction with building regulations prior to development.

The Council's Building Control Team have considered the concern about the 'sink holes' and advise that in order to establish an acceptable foundation design a site investigation will have to be submitted as part of building regulations. The site investigation would highlight any ground issues affecting the stability of the foundations, which would need to be rectified prior to any piling works for the foundations. They do not consider the presence of the 'sink holes' to be an issue which would prevent development of the site as a matter of principle.

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; creating employment opportunities (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 material planning considerations in favour of the development.

The Fall Back Position

The applicant has pointed out that he has an established fall back position in the event of approval not being forthcoming for this application. This comprises the ability to construct either the 60-bed and 88-bed care homes previously approved. For the avoidance of doubt it should be acknowledged that these approvals are live, as construction has commenced prior to the expiry of the application.

However, it is considered there are clear material differences between the earlier approved applications. Not least of these is the fact the development now proposed is larger in terms of height and massing with differing levels of fenestration. As a result of this it is considered that the fall back position should be given marginal material consideration as an extant consent, in the context of the aforementioned arguments and the comparison table showing the key differences.

Each application should be considered on its own merits as indeed made clear in the applicant's design and access statement.

In this particular instance taking account of all the material issues, for the reasons previously discussed, this revised development is considered on balance to be acceptable.

Conclusion

In conclusion, the application raises a number of very finely balanced issues that require careful consideration. Officers accept that the decision referred to Members in particular in relation to issues of scale and design is extremely finely balanced and comprise subjective issues.

Of particular importance is the need for Members to give very careful consideration to issues of the scale and massing, how this relates to the area and street scene as a whole and whether the proposal has any detrimental impact on the privacy of surrounding occupiers.

Whilst Officer's re-iterate these issues are finely balanced the view is taken, that the amendments to the scale and massing, reductions in fenestration and further detail in regard to the secondary access satisfies on the marginal balance of probability the concerns of Hopgarth Gardens residents and safeguards their visual and residential

amenity. The reduction in the scale and massing of the Hopgarth Court elevation has resulted in a design more subservient to the surrounding area and is considered a design improvement. This view is supported by the County Council Design and Conservation Officer.

RECOMMENDATION

Approve

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.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on plans received 16th and 27th January 2008 including the Hopgarth Garden secondary access used in emergency and for refuse and HGV traffic only, and the heads and terms of the submitted undertaking pursuant to Section 106 of the Town And Country Planning Act 1990 (as amended) unless otherwise agreed in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

Extra 4.

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 Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 5.

The boundary enclosures shall be carried out in accordance with plan 08_063 014 B received 27th January 2008 with the exception of the 2 metre architectural boundary fence and the 3m fencing alongside the south west site boundary with Hopgarth Court of which the length, height and design shall be agreed in writing with the Local Planning Authority prior to occupation of the development and implemented in accordance with this agreement thereafter, in accordance with policy HP9 of the Chester-le-Street Local Plan.

Extra 6.

The development hereby permitted by this planning permission shall not be commenced by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate public artwork within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the provision of public art to comply with the aims of Policy BE 2 of the Chester-le-Street Local Plan.

Extra 7.

Notwithstanding any information submitted 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 to 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) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP 9 and HP 17; of the Chester-le-Street District Local Plan.

Extra 8.

No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 9.

Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 10.

No construction related traffic of any kind associated with the development hereby approved, including vehicles transporting materials to and from the site and carrying people involved with the development, shall at any time access the site via the secondary access shown on the approved plans from Hopgarth Gardens; in order to protect the

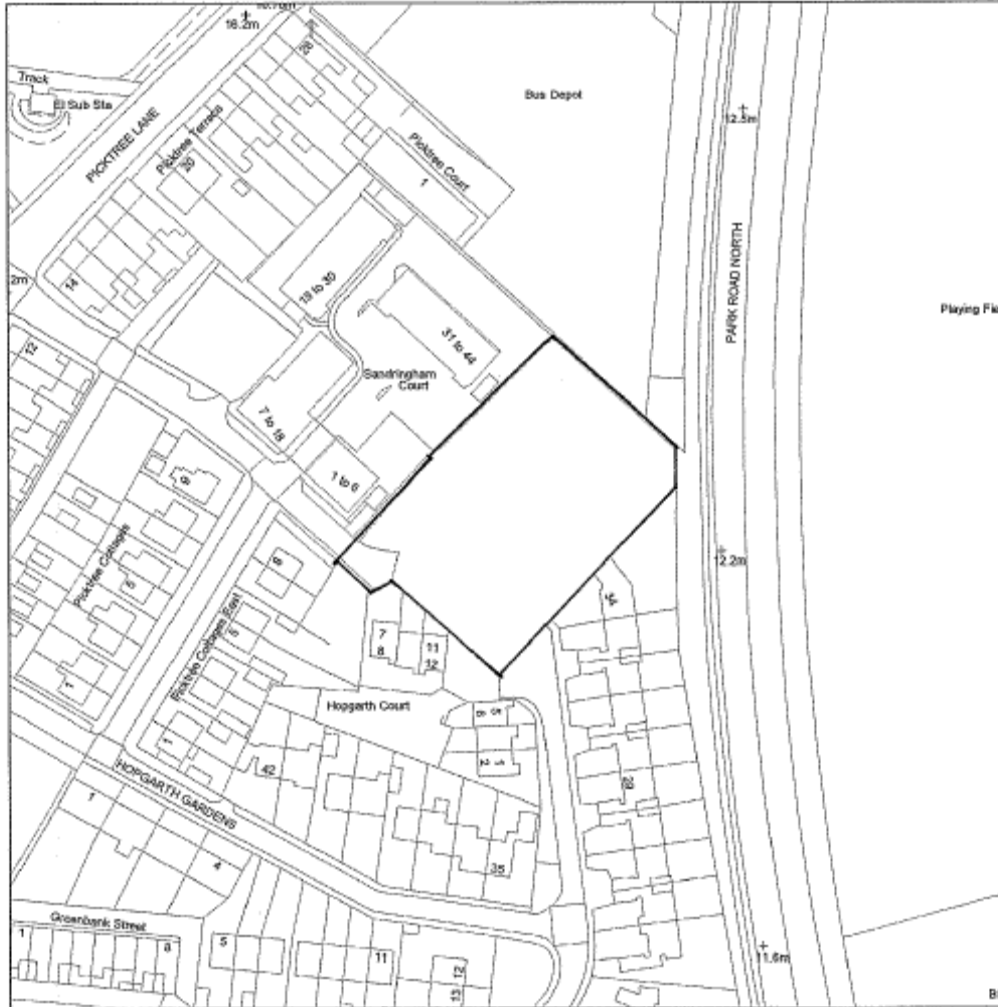
amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 11.

Within six months of the occupation of the development hereby approved the developer shall submit a Travel Plan to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development to the satisfaction of the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed travel plan, unless otherwise first agreed in writing with the Local Planning Authority. To ensure the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the Regional Spatial Strategy and policies T6 and T15 of the Chester-le-Street Local Plan.

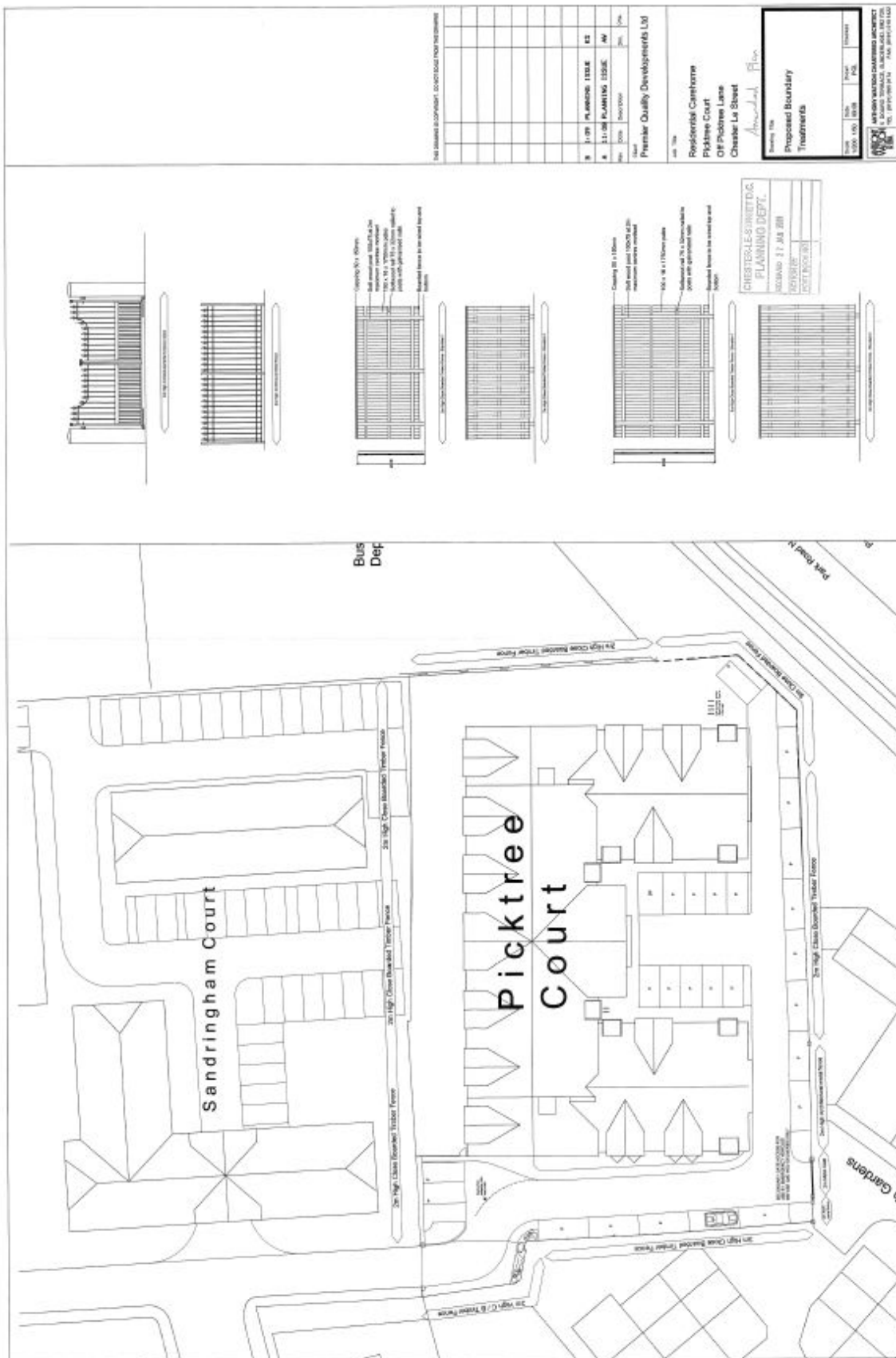
Site of Former County Council Depot

Picktree Lane



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 February 2009

No.	Date	Description	By	Chk.
1	11/08	PRELIMINARY ISSUE	AWP	

SECTIONAL ELEVATION C - C see drgs 001-005

No.	Date	Description	By	Chk.
1	11/08	PRELIMINARY ISSUE	AWP	

SOUTH EAST ELEVATION

Project Title
Residential Care Home
Picketree Court
Off Picketree Lane
Chester Le Street

Project No.
09/05/001-005

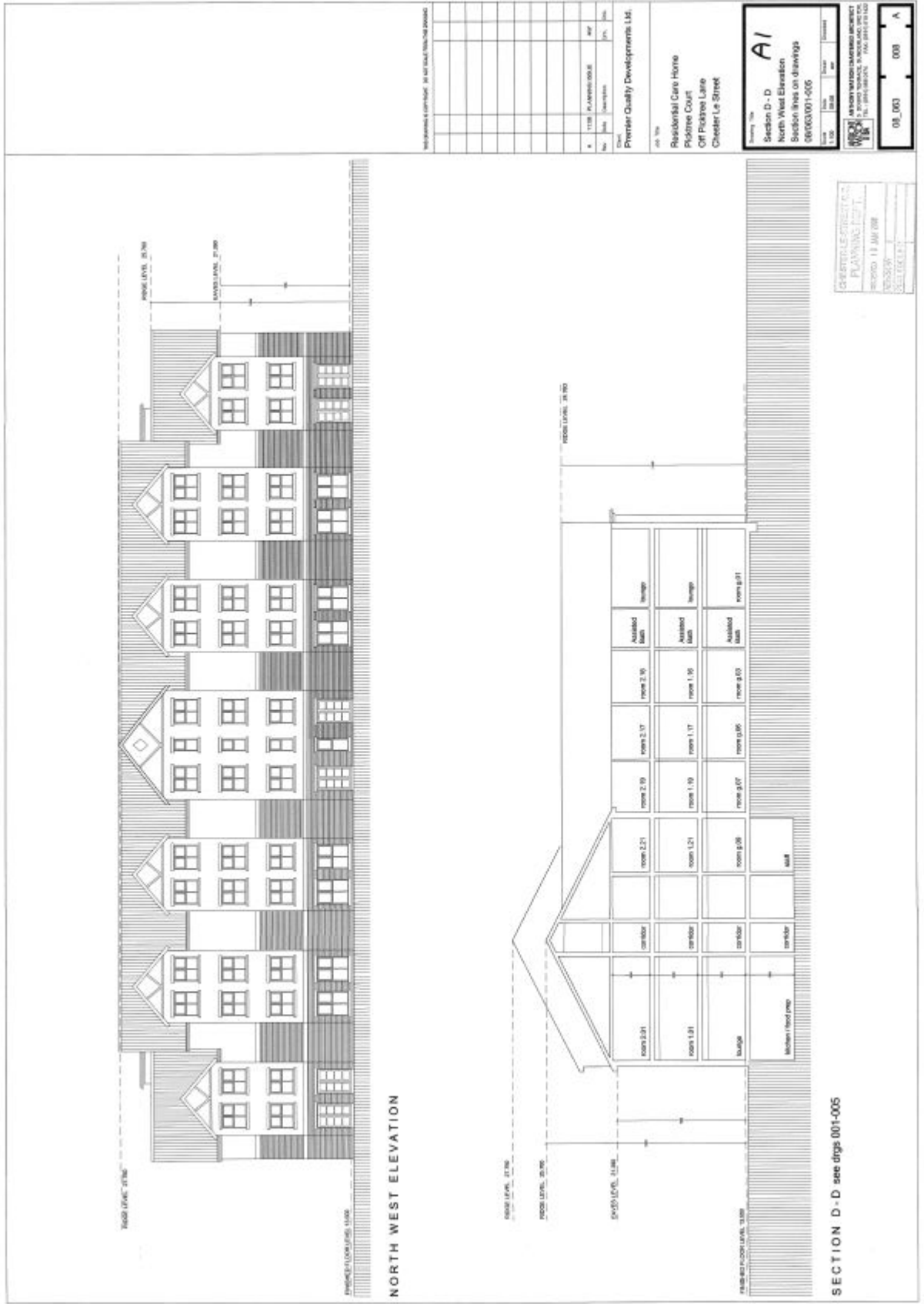
Project Title
Residential Care Home
Picketree Court
Off Picketree Lane
Chester Le Street

Project No.
09/05/001-005

Project Title
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Picketree Court
Off Picketree Lane
Chester Le Street

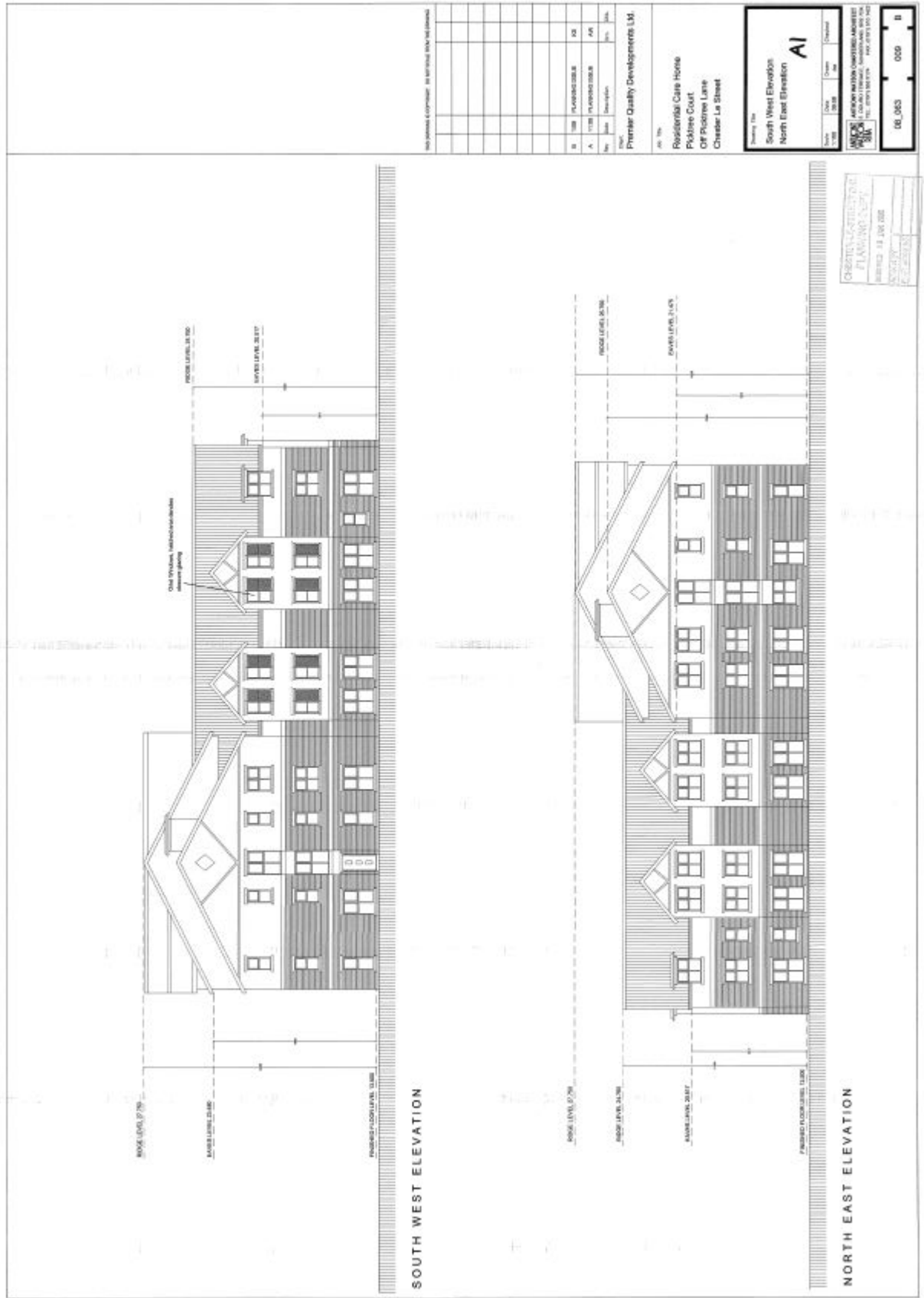
Project No.
09/05/001-005

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009

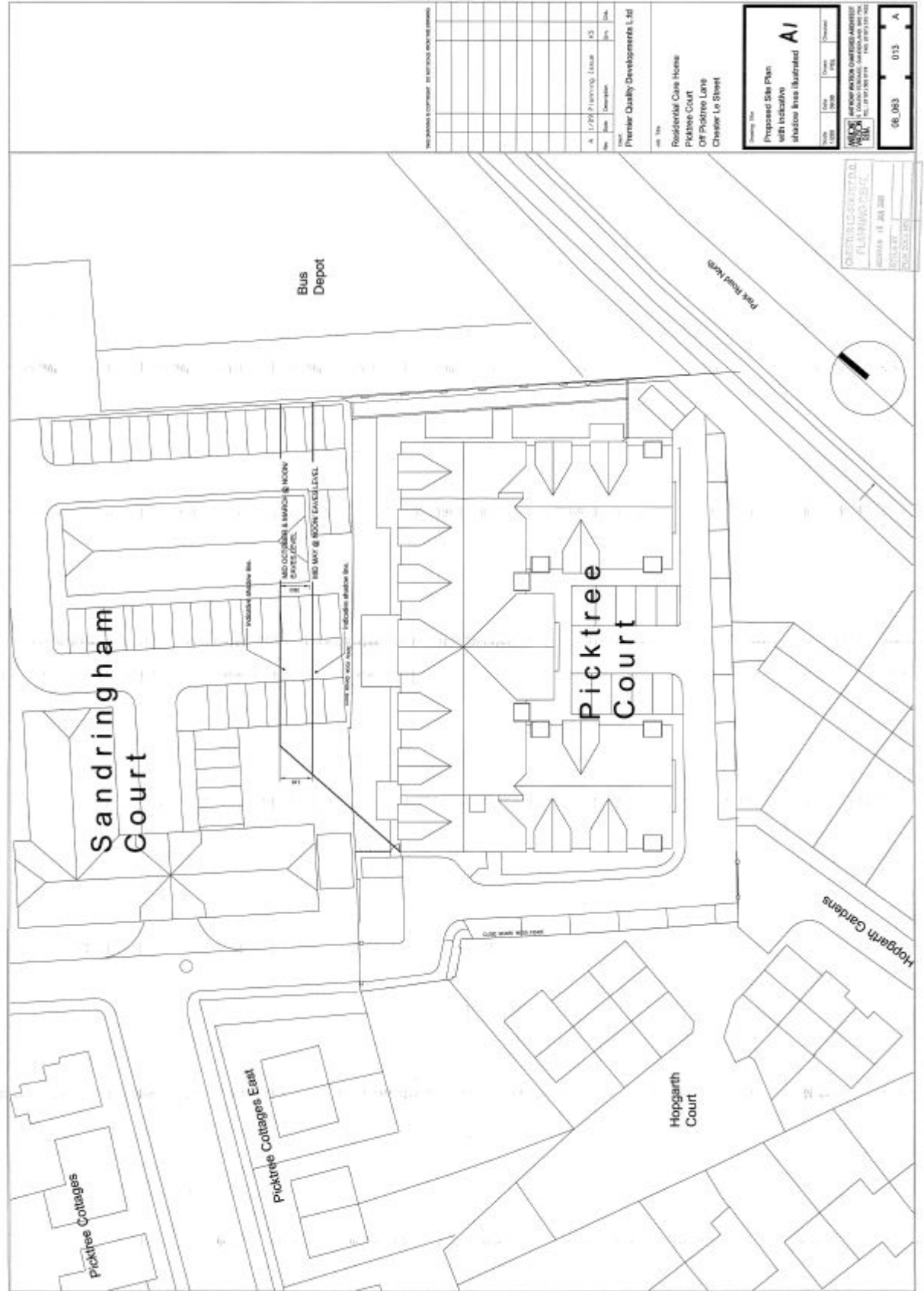


No. 11188		PLANNING CODE	401	100
No.	Date	Description	By	Check
Client Premier Quality Developments Ltd.				
Job No. Residential Care Home Picktree Court Off Picktree Lane Chester Le Street				
<div style="display: flex; justify-content: space-between;"> <div> <p>Section D - D North West Elevation Section lines on drawings 000003/001-005</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p style="font-size: 2em; font-weight: bold;">A1</p> </div> </div>				
<p style="font-size: 0.8em;">DATE: 11 JAN 08 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: [Scale]</p>				

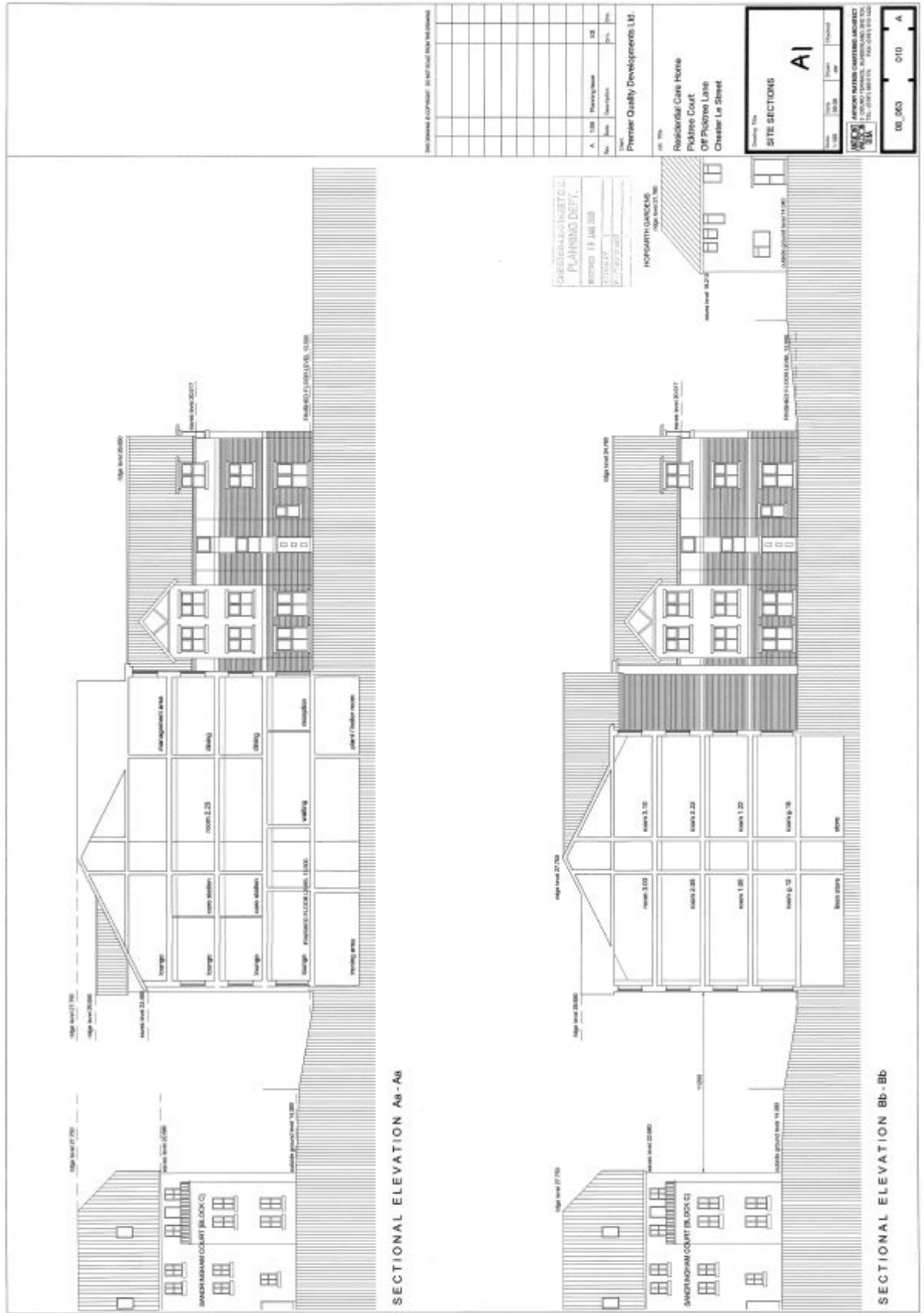
CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



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CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 February 2009**

3.

Reference: 08/00459/VAR

Proposal Variation of Condition 4 of consent 07/00165/FUL to allow the following construction hours; mon to fri 07:00 to 19:00, sat and sun 08:00 to 16:00, no working on Bank Holidays.

Location 2 Drum Park Drum Industrial Estate Chester-le-Street Durham DH2 1AE

Applicant Mr H. Slater - Clegg Food Projects Ltd

Application Summary

Ward: North Lodge

Case Officer: Steven Pilkington, Planning Officer

Contact Details: 0191 387 2145

stevenpilkington@chester-le-street.gov.uk

Summary of recommendation: The variation of condition proposed is considered to be appropriate, as it would provide for a form of development, which is acceptable in terms of impact on the amenities of surrounding residential properties.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for the variation of condition no.4 Planning Approval 07/00165/FUL to allow the following construction hours: Monday to Friday – 0700 to 1900, Saturday and Sunday 0800 to 1600 with no working on Bank Holidays.

The application site refers to warehouse unit B that is adjacent unit A and behind the smaller unit C located on the adjoining Drum Park development on Drum Industrial Estate. The east coast mainline railway and associated landscaping and bunding border the site to the west. Beyond the railway are the nearest residential properties of Kingsmere and Wear Lodge (approximately 90m away)

Planning History

05/00162/FUL – Erection of 3 no. B8 warehouse units (with ancillary offices), parking, block levellers, yards, landscaping and new access arrangements from the A693 (amended 15/11/05 & 22/02/06 & 02/08/06) – Approved 14th February 2007.

07/00165/FUL – Construction of industrial / warehouse facility with ancillary offices, yards, car and trailer parking. Ancillary vehicle maintenance building, energy centre, dekit area, gatehouse, substation, fuel area, vehicle wash area. Site enclosed by perimeter fencing and landscaping scheme (as amended 8 May 2007, 31 May 2007, 11th July 2007, 22 August 2007, 12th October 2007, 28th October 2007) – Approved 13th December 2007.

08/00423/FUL - Erection of 26 external lighting columns and luminaries.- Approved 10th December 2008

Consultation Responses

Durham County Council Highway Authority have raised no objection to the proposed development.

The Council's Environmental Health Department have commented on the need to ensure that any works other than those listed in the submitted information will require prior agreement and that essential access into the buildings should only be through doors facing away from noise sensitive properties. Any openings in the building, including windows and doors should be kept closed during the operations.

The application has been advertised by way of a site and press notice and through individual notification letters to adjacent occupiers. This includes all people who commented on the original application. One letter of concern has been received from the occupier of an adjacent industrial unit, as summarised below:-

- There have been number of vehicle accidents / near misses at the junction entering Drum Park. We are concerned that construction traffic in particular is not aware of rights of way when either entering or leaving Drum Park

North Lodge Parish Council – no response received.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Regional Spatial Strategy

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan and was formally adopted in July 2008.

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 8 - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development that should be sympathetic to the surrounding area.

Chester-le-Street Local Plan

Policy IN1 (New Development Opportunities) refers to the provision of new industrial land within the Drum industrial Estate to facilitate economic growth in the District.

Policy IN3 (Prestige Industrial Estates) supports new development for B1, B2 and B8 uses on the Drum Industrial Estate. Development should be of a high standard of design and appearance to reflect the local prestige status of the industrial estate.

Appendix IV gives guidance as to the design standards expected on Drum Industrial Estate

Policy T15 (Access and Safety Considerations in Design) – Sets out criteria to which development proposals will be required to conform to in relation to highway safety, including appropriate levels of traffic generated, acceptable access to the site and adequate links to public transport facilities.

In assessing the proposals against the requirements of these relevant policies, and having regard to all material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised;

Residential Amenity

As set out in policy IN3 of the Chester-le-Street Local Plan all new industrial developments in Drum Industrial Estate are required to protect the amenity of the area. A condition was attached to the original approval of the site to limit the working hours during construction between 0730 to 1800 Monday to Friday and 0900 to 1300 Saturdays - with no working on Sundays and Bank Holidays. This application seeks permission to extend the construction hours of the site to 0700 to 1900 Monday to Friday and 0800 to 1600 Saturday and Sunday. Given the proximity of residential properties of Kingsmere and Wear Lodge approximately 90m away, and the scale of the development, an unacceptable increase in noise and disturbance could arise as a result of the proposals.

However after assessing the proposal it is considered that the increase in working hours will not significantly increase noise levels experienced by local residents. This is based on the fact that the vast majority of the external construction phase has finished. All of the

remaining work involves merely internal fittings and commissioning of internal plant. As part of the supporting information the applicant has submitted a schedule of works. Following consultation with the Councils Environmental Health Team it is considered that the nature of the works and the equipment required will not significantly increase noise levels. In addition to this, by extending the working hours the overall time frame to completion will be reduced, potentially further reducing disturbance for local residents.

Highway Safety

Following a consultation exercise with Durham County Council Highways Officers it is considered that the increase in working hours will not impact on highway safety. This is due to the limited scale and nature of the remaining work, which will generate significantly less traffic than when the site is fully operational.

A letter of concern has been submitted from an occupier of an adjacent unit outlining that there have been a number of vehicle accidents/near misses at the junction into Drum Park. However it is considered that these issues are outside the control of this planning application and therefore a copy of the letter has been forward to Durham County Council Highways Officers to address.

Conclusion

The application has been considered against the policies identified above. It is considered that the proposal conforms to these policies as the scheme does not impact on the amenity of neighbouring residents, due to their nature and temporary timeframe. There are no material planning considerations, which indicate a decision, should be otherwise and therefore the application is recommended for approval.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1.

Operations in relation to the construction phase of the development approved by planning approval 07/00165/FUL shall not be carried outside the following hours:-

Monday to Friday – 0700 to 1900,
Saturday and Sunday 0800 to 1600
No working on Bank Holidays.

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours and to accord with the aims of Policy IN3 of the Local Plan.

Extra 2.

Notwithstanding the submitted information, any openings in the building including windows and doors shall be kept closed for the duration of the construction period, unless for essential access to the building. In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents and to accord with the aims of Policy IN3 of the Local Plan.

Extra 3.

No works or operations shall be carried out on site within the extended operating times permitted by this permission, other than those set out in the document titled Proposed Extended Work Schedule, received 10th December 2008, unless otherwise agreed in writing with the Local Planning Authority. In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents and to accord with the aims of Policy IN3 of the Local Plan

Drum Park

Drum Industrial Estate



Scale : 1:5000

4.

Reference: 08/00474/FUL

Proposal Revision of application 07/00165/FUL to provide a chassis wash area, on site fuel tanks, x2 sprinkler tanks, motorbike shelter and other external minor works.

Location 2 Drum Park Drum Industrial Estate Chester-le-Street Durham DH2 1AE

Applicant Mr Haydn Slater - Clegg Food Projects Ltd

Application Summary

Ward: North Lodge

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The proposed external works are relatively minor changes to the operational infrastructure of the site and have no detrimental impact upon the visual amenity of the area or the residential amenity of nearby residential dwellings supported by the revised noise assessment.

It is therefore recommended the application be approved.

The Proposal

Planning consent is sought for miscellaneous external works to the operational site area to include the following:

- An additional motorcycle shelter as required by Green Travel Plan.
- X2 small sprinkler tanks to replace larger sprinkler tank previously approved.
- Re-location of on-site fuel tank to minimise distance of underground piping to fuel pumps now reduced from 6 to 4 pumps.
- Glass Reinforced Plastic container for wheel washing plant.
- Chassis wash steam-cleaning area screened on three sides next to vehicle maintenance unit.
- Amendment to site security fence at main entrance.
- Location of generator/transformer location shown.

The development is largely complete and this application relates to minor site operation works still to be constructed.

The application site refers to warehouse unit B that is adjacent unit A and behind the smaller unit C located on Drum Park within Drum Industrial Estate. The east coast mainline railway and associated landscaping and bunding border the site to the west. Beyond the railway are the nearest residential properties of Kingsmere and Wear Lodge.

Planning History

05/00162/FUL – Erection of 3 no. B8 warehouse units (with ancillary offices), parking, block levellers, yards, landscaping and new access arrangements from the A693 (amended 15/11/05 & 22/02/06 & 02/08/06) – Approved 14th February 2007.

07/00165/FUL – Construction of industrial / warehouse facility with ancillary offices, yards, car and trailer parking. Ancillary vehicle maintenance building, energy centre, dekit area, gatehouse, substation, fuel area, vehicle wash area. Site enclosed by perimeter fencing and landscaping scheme (as amended 8 May 2007, 31 May 2007, 11 July 2007, 22 August 2007, 12 October 2007, 28 October 2007) – Approved 13th December 2007.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the proposed development but have raised issues as to establishing details of the cycle provision and amendments to the pedestrian walkways. It has also become apparent that 263 spaces are provided on site as opposed to the stated 274 although 263 spaces is in accordance with County guidelines.

The Council's Environmental Health Department have considered the proposal and raised no objections.

Northumbrian Water have not raised any objection to the proposal.

The application has been advertised by way of a site and press notice and through direct mailing to adjacent occupiers including those consulted previously on application 07/00165/FUL. No public objection's have been received.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance Four: PPG4 seeks to ensure continued economic growth in a sustainable way. It recognises the role in the economy of all scales of commercial activity and that its growth must be balanced against environmental considerations.

Regional Spatial Strategy

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan and was formally adopted in July 2008.

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 8 - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development that should be sympathetic to the surrounding area.

Policy 18 – Seeks to ensure the provision of employment land including 30 hectares in Chester-le-Street District.

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

For reasons as discussed below it is considered the proposals are compliant with the aims of the relevant RSS advice.

Chester-le-Street Local Plan

Policy IN1 refers to the provision of new industrial land within the Drum industrial Estate to facilitate economic growth in the District.

Policy IN3 supports new development for B1, B2 and B8 uses on the Drum Industrial Estate. Development should be of a high standard of design and appearance to reflect the local prestige status of the industrial estate.

Appendix IV gives guidance as to the design standards expected on Drum Industrial Estate.

Policy T15 requires new development to provide safe and accessible access and not create problems to the existing road network. In addition it requires good links to local transport services and requires on site cycling provision.

In assessing the proposals against the requirements of these relevant policies, and having regard to all material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised;

Visual Amenity

From within Drum Park the changes will appear so minor as to not be immediately noticeable with the exception of the chassis wash area. Due to the spray associated with such equipment it is required to be screened by single skin profiled metal sheeting. To ensure the screening is not prejudicial to the appearance of the development it is deemed appropriate to ensure it is not higher than the eaves of the adjoining vehicle maintenance unit and that the colour also matches. The fencing for the site has been considered following consent 07/165 and the amended fence line near the gatehouse as now proposed does not impact on the amenity of the area. The new cycle store is comparative to that already proposed, albeit for motorcycles, and as such does not raise concern.

Residential Amenity

The nearest residential properties are some 90m away and screened by the landscaping and change in levels associated with the mainline railway. The applicant's have re-appraised the noise assessment submitted with the original application despite the minor works proposed, and have concluded that there will be no significant impact on the amenity of the nearest residential properties. The Council's Environmental Health department are in agreement that the proposed works will not affect nearby residents in terms of noise.

Section 106

Members will note that the changes to the application are so minor to not impact upon the recent Section 106 Agreements for the warehouse unit of which all contributions have now been received.

Conclusion

It is considered that the proposed works associated with the operational areas of the site will not negatively impact on the amenity of the surrounding area in accordance with the requirements of RSS Policy 8 and Policy IN3 of the Local Plan. The proposed changes to the operational areas since application 07/00165/FUL will not impact on the residential amenity of surrounding occupiers as confirmed by the submitted noise assessment.

Accordingly it is recommended that the application be approved.

RECOMMENDATION
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

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.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on plan 15299//A0/0100 Rev C received 24th December 2008; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

Notwithstanding any details submitted with the application the screen for the chassis wash shall be profiled steel sheeting and be no higher than the eaves height of the adjoining Vehicle Maintenance Unit and exactly match the colour of same unit in order to ensure the design quality and integrity of the scheme in accordance with Policy 8 of the Regional Spatial Strategy and Policy IN3 of the Chester-le-Street District Local Plan.

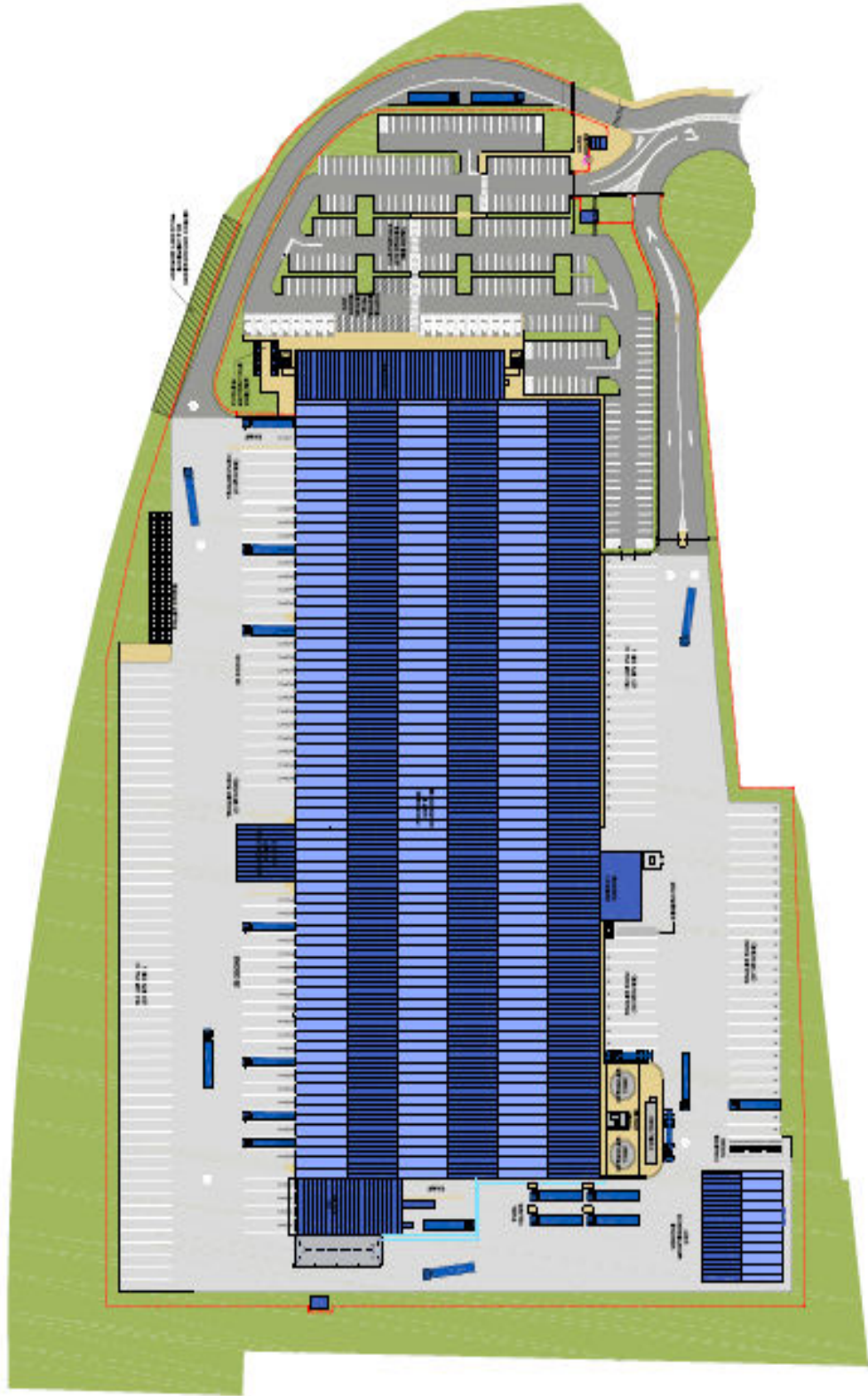
Drum Park

Drum Industrial Estate



Scale : 1:5000

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 February 2009**

5.

Reference: 08/00475/FUL

Proposal Revision of application 07/00165/FUL to provide minor changes to the elevation of the previously approved warehouse and vehicle maintenance unit.

Location 2 Drum Park Drum Industrial Estate Chester-le-Street Durham DH2 1AE

Applicant Mr Haydn Slater - Glegg Food Projects Ltd

Application Summary

Ward: North Lodge

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The proposed external works to the elevations of unit B are considered minor in their nature and not detrimental to the visual or residential amenity of the surrounding area.

It is therefore recommended the application be approved.

The Proposal

Planning consent is sought for minor alterations to the exterior of the main warehouse (unit B) and the vehicle maintenance unit to include the following:

- External changes to louvers around energy centre.
- External staircases amended for energy centre and warehouse administration office.
- Dock shelters raised to cater for the range of the Co-op vehicle fleet.

The development is largely complete and this application relates to minor elevational changes to the main warehouse and ancillary buildings. As such this application is partly retrospective.

The application site refers to warehouse unit B that is adjacent unit A and behind the smaller unit C located on Drum Park within Drum Industrial Estate. The east coast mainline railway and associated landscaping and bunding border the site to the west. Beyond the railway are the nearest residential properties of Kingsmere and Wear Lodge.

Planning History

05/00162/FUL – Erection of 3 no. B8 warehouse units (with ancillary offices), parking, block levellers, yards, landscaping and new access arrangements from the A693 (amended 15/11/05 & 22/02/06 & 02/08/06) – Approved 14th February 2007.

07/00165/FUL – Construction of industrial / warehouse facility with ancillary offices, yards, car and trailer parking. Ancillary vehicle maintenance building, energy centre, dekit area, gatehouse, substation, fuel area, vehicle wash area. Site enclosed by perimeter fencing and landscaping scheme (as amended 8 May 2007, 31 May 2007, 11 July 2007, 22 August 2007, 12 October 2007, 28 October 2007) – Approved 13th December 2007.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the external elevational changes.

The Council's Environmental Health Department have raised no objections to the proposal.

Northumbrian Water has not raised any objection to the proposal.

The application has been advertised by way of a site and press notice and through direct mailing to adjacent occupiers including all persons who commented on application 07/00165/FUL. No public objections have been received.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance Four: PPG4 seeks to ensure continued economic growth in a sustainable way. It recognises the role in the economy of all scales of commercial activity and that its growth must be balanced against environmental considerations.

Regional Spatial Strategy

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan and was formally adopted in July 2008.

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 8 - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development that should be sympathetic to the surrounding area.

Policy 18 – Seeks to ensure the provision of employment land including 30 hectares in Chester-le-Street District.

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

For reasons as discussed below it is considered the proposals are compliant with the aims of the relevant RSS advice.

Chester-le-Street Local Plan

Policy IN1 refers to the provision of new industrial land within the Drum industrial Estate to facilitate economic growth in the District.

Policy IN3 supports new development for B1, B2 and B8 uses on the Drum Industrial Estate. Development should be of a high standard of design and appearance to reflect the local prestige status of the industrial estate.

Appendix IV gives guidance as to the design standards expected on Drum Industrial Estate.

Policy T15 requires new development to provide safe and accessible access and not create problems to the existing road network. In addition it requires good links to local transport services and requires on site cycling provision.

In assessing the proposals against the requirements of these relevant policies, and having regard to all material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised;

Visual Amenity

From within Drum Park the external elevations will appear much as approved under application 07/165. The changes are minor and principally revolve around providing ventilation louvers for the various plant and equipment. The main change is the reduction in size of the external staircase to the warehouse administration office and the slight

relocation of the external energy centre staircase. It is not considered any of these minor changes will impact on the visual amenity of the development.

Residential Amenity

The nearest residential properties are some 90m away and screened by the landscaping and change in levels associated with the mainline railway. The slight possibility was that with the introduction of louvers for plant may increase the potential for noise break out. However, due to the building specification of the vehicle maintenance unit and energy centre both of which are screened by the main building the additional noise as a result of the proposed openings will not result in noise levels above that originally agreed at residential properties on application 07/00165/FUL. This is a view shared by the Council's Environmental Health department, who have raised no objections.

Section 106

Members will note that the changes to the application are so minor to not impact upon the recent Section 106 Agreements for the warehouse unit of which all contributions have now been received.

Conclusion

It is considered that the proposed external alterations to the main warehouse and ancillary buildings represent minor alterations that will not impact upon the visual amenity of the area in accordance with the requirements of Policy 8 of the RSS and IN3 of the Local Plan. The additional small openings are not considered to cause a noise problem over that previously considered acceptable and as such preserves the residential amenity of surrounding properties.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01C The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on plan 15299//A0/0100 Rev C received 24th December 2008 unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

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).

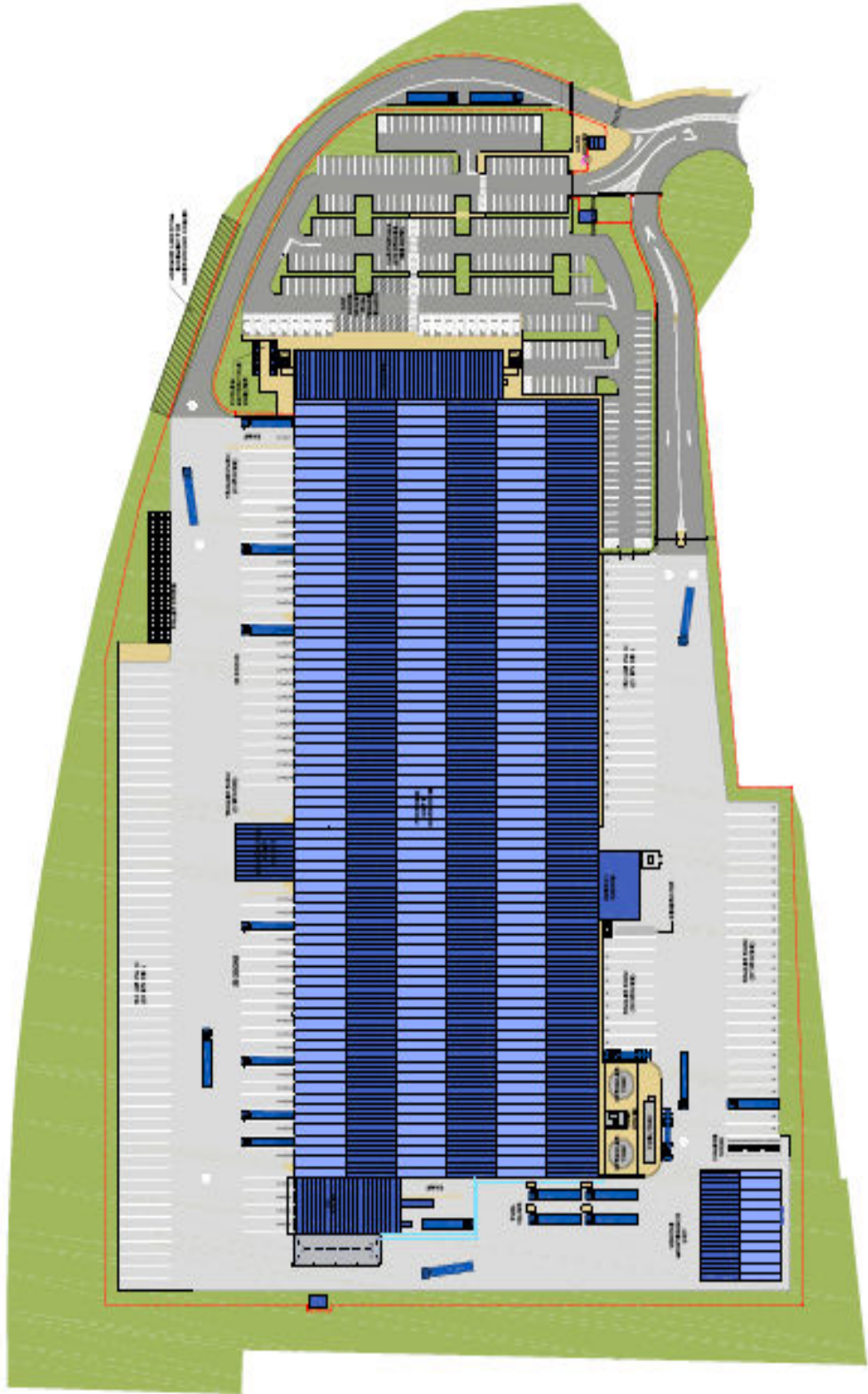
Drum Park

Drum Industrial Estate

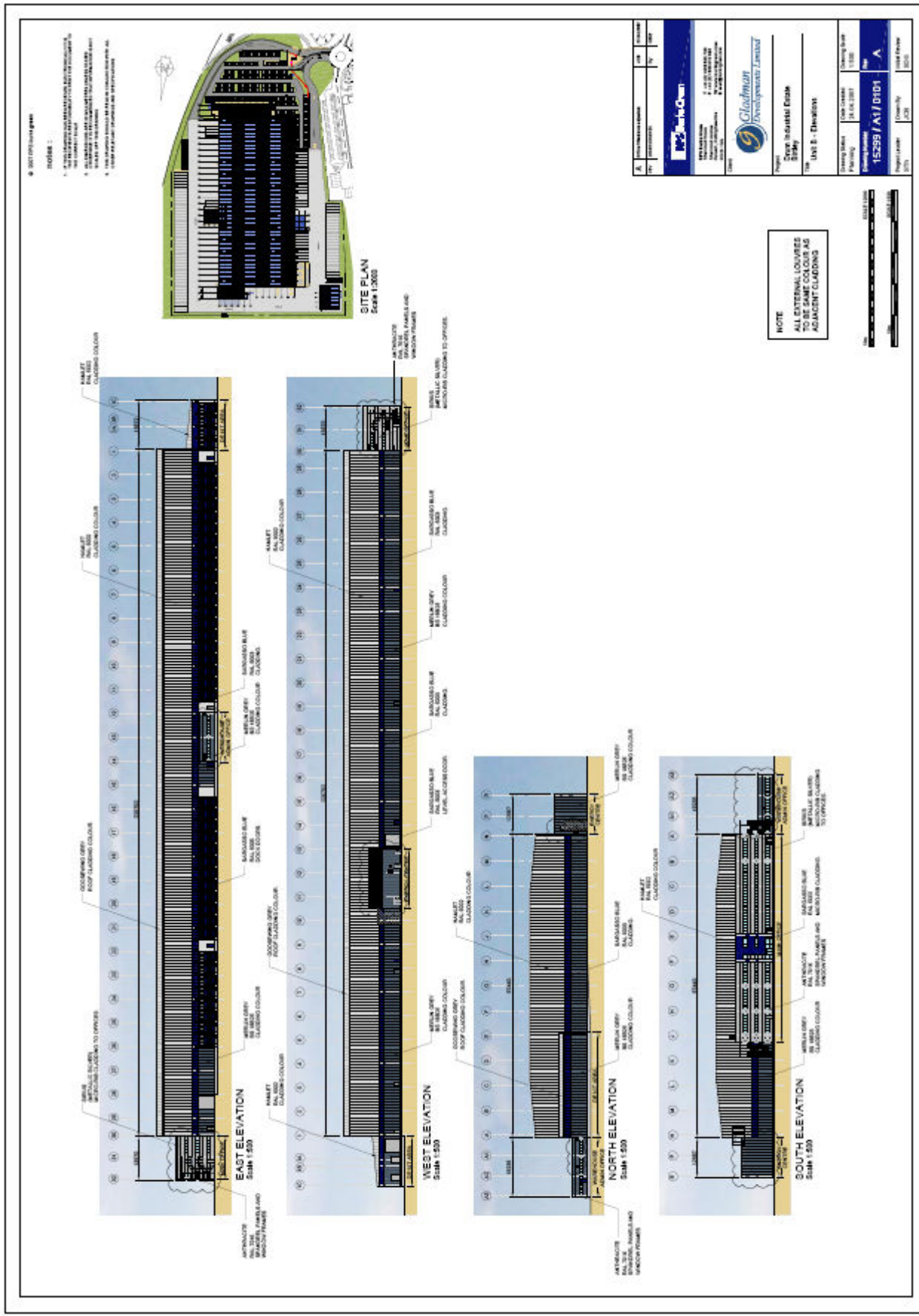


Scale : 1:5000

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 February 2009



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CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 February 2009**

6.

Reference: 08/00484/FUL

Proposal Erection of workshop and offices with ancillary access and parking (partly retrospective)

Location Land West of Stella Gill Industrial Estate Pelton Fell Chester-le-Street
Durham

Applicant Mr D. Potter - Ambic Ltd

Application Summary

Ward: North Lodge

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The proposed development of workshop and offices is a revision of a previous approval. The changes involve moving the development further away from the Memorial Park boundary towards the main industrial estate. As such it is considered that no harm will occur to the residential amenity of nearby residents. The minor external elevational changes will not harm the visual appearance of the area and the highway layout has found to be acceptable by the Highway Authority.

Accordingly it is recommended the application be approved.

The Proposal

This report relates to an application for the erection of a workshop with ancillary offices on land at Stella Gill Industrial Estate, Pelton Fell. The proposed building would measure 73 metres by 36 metres, standing some 9 metres in height. The development would be accessed by a new road into the site and would be served by 44 car parking spaces, 5 HGV spaces and cycle parking facilities.

The site comprises previously developed land. Surrounding uses are commercial to the east (the existing Stella Gill Industrial Estate) with Pelton Fell Memorial Park to the West.

There are also 3 residential properties located approximately 40m of the site boundary (to the South and West)

The principle difference between this application and an earlier 2007 consent for a similar development is that the unit has moved 4m eastwards and 1m northwards within the application site. The other minor changes are the introduction of 4 new windows in the entrance elevation to serve officing, one new window in the east elevation and three other single width external doors on the west and north elevations.

Relevant Planning History

An earlier planning application was previously withdrawn by the applicant for a similar form of development on the land (Reference 06/265). The reason for this withdrawal was to allow further consideration to be given to acoustic issues.

07/00088/FUL - Erection of workshop and offices with ancillary access and parking – Application Approved.

Consultation Responses

Durham County Highway Authority have not raised objection to the proposals subject to a suitable condition requiring a Green Travel Plan.

The Council's Regeneration department have not made any representation.

Durham County Council Rights of Way Officer notes that a Public Right of Way runs adjacent to the site; however no objections are raised on the grounds that improvements to this route have been agreed with the applicant.

The Ramblers Association have raised no objections.

The Council's Environmental Health Team are concerned regarding the potential for noise from the use of the building prejudicing the amenity of the surrounding area. They require full acoustic details to mitigate any potential nuisance and for details these to be submitted under a suitably worded planning condition.

The application has been advertised by way of site notice and direct consultation with surrounding occupiers. In response no public representations have been received.

Relevant Planning Policies and Considerations

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance Four: PPG4 seeks to ensure continued economic growth in a sustainable way. It recognises the role in the economy of all scales of commercial activity and that its growth must be balanced against environmental considerations.

Regional Spatial Strategy

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan and was formally adopted in July 2008.

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 8 - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development that should be sympathetic to the surrounding area.

Policy 18 – Seeks to ensure the provision of employment land including 30 hectares in Chester-le-Street District.

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

Policy 54 – Parking and Travel Plans: Seeks to minimise parking for non-residential development that link in to public transport and ensure travel plans are sought for major development.

For reasons as discussed below it is considered the proposals are compliant with the aims of the relevant RSS advice.

Chester-le-Street Local Plan

Policy IN4 of the Local Plan provides relevant advice on the subject of General Industrial Estates. The Policy advises that proposals for new industrial development will be considered acceptable in principle on sites allocated for this type of use in the Local Plan, including on Stella Gill. As such the proposals comply in principle with the aims of this Policy.

Policy IN4 also requires industrial development proposals to meet a number of detailed design criteria. Of particular relevance to this proposal are the requirements that the proposals must be of a good specification and appearance; provide for a clean environment; provide for good landscaping; ensure external storage is well screened and that access / parking provision is acceptable.

Whilst not specifically listed in Policy IN4 it is also considered of crucial importance to ensure that the development will not adversely affect the amenity of the area, including the living conditions of the nearby residents and users of the Memorial Park.

Policy T15 requires new development to provide safe and accessible access and not create problems to the existing road network. In addition it requires good links to local transport services and requires on site cycling provision.

In assessing the proposal against the requirements of the relevant Planning Policies, and taking into account all relevant material planning considerations, the following represent the key issues:

Development Principle

Whilst the applicant is applying for a revised application the revisions in the site layout and elevations are relatively minor. The general layout and size of the operation are exactly comparable to the extant 07/00088/FUL consent, which has been commenced on site; therefore it is considered the principle for the development has already been established.

Impact on Amenity of nearby residents and the Memorial Park

The site lies within close proximity of the Memorial Park and residential properties within, thus has the potential to impact on the amenity of surrounding occupiers and users of the park. This issue was previously considered under application 07/00088/FUL and through consideration of the submitted noise assessment and subject to conditions the development was not found to negatively impact upon the amenity of the surrounding area.

In addition and by way of further passive mitigation the development is now four metres further east away from the Memorial Park so any impact previously accepted is likely to be reduced further still.

In regard to dust the fact that any dust creating operations will occur within the building and bearing in mind the distances involved to any sensitive receptors it is not considered necessary to require any dust mitigation. It should be noted that the Council's Environmental Health Team have not raised any objections to the application.

Highway Safety / Servicing

The County Highway Authority have not objected to the proposal or the level of parking provision. Discussions had been had previously regarding the level of parking provision, which is currently in excess of standards to allow for planned expansion of the business.

Whilst expansion of local businesses is clearly supported in such a location the amount of parking proposed will also generate an increase in vehicular trips and motor vehicle dependency. In response the County Council require that the development be served by a travel plan in the interest of promoting forms of sustainable transport. This can be secured by a suitably worded planning condition.

Impact on Public Footpaths

A public footpath runs to the immediate west of the site. However the development will not lead to any obstruction on this route. Indeed the applicant has also expressed a willingness to upgrade the condition of this route (although as this is not directly related to the development proposed and therefore it is not considered reasonable to make this a condition of approval).

As such the proposal is not considered to have any adverse impact on rights of way issues.

Landscaping

As discussed above, Policy IN4 of the Local Plan encourages the provision of good landscaping as part of new industrial development. In this respect the moving of the unit to the east will allow for further landscaping enhancements to the existing area to be carried out. Members will note this is a recommended condition of approval.

External Alterations

The additions to the elevations of doors and windows for operational purposes are considered insignificant in the context of the development and the nature of the industrial use. The entrance elevation with four additional windows looks towards the former Colliery Inn site and does not raise concern regarding residential amenity.

Conclusion

The development proposed is considered acceptable in principle having regard to the extant planning permission. The changes to the site layout and minor changes to the detailing of the external elevations are not considered to impact on the visual or residential amenities of the area and accord with Policy 8 of the Regional Spatial Strategy and Policy IN4 of the Chester-le-Street District Local Plan.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

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.

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, 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 IN4; of the Chester-le-Street District Local Plan.

Extra 3.

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 to 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) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy IN4 of the Chester-le-Street District Local Plan.

Extra 4.

The development hereby approved shall not be open for business outside of the hours of 07:00 to 23:00 Monday to Saturday, with the exception of operations related to essential plant and equipment maintenance, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 5.

The door openings in the west facing elevation of the building hereby approved shall remain closed at all times the development is operational, except for instances of emergency, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 6.

Vehicular deliveries shall not be carried out outside of the hours of 08:00 to 16:30 with a maximum of 2 such visits per hour, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 7.

Notwithstanding the details contained in the application hereby approved precise details of the construction specification of the proposed building (to include appropriate sound attenuation measures) shall be submitted to and approved in writing prior to the commencement of development on site. Thereafter the development shall be constructed wholly in accordance with the approved details, in order to ensure the development does not adversely affect the amenities of nearby residential occupiers.

Extra 8.

No more than 1 number loading bay door shall be open at any one time when the development hereby approved is in use in order to ensure the development does not adversely affect the amenities of nearby residential occupiers.

Extra 9.

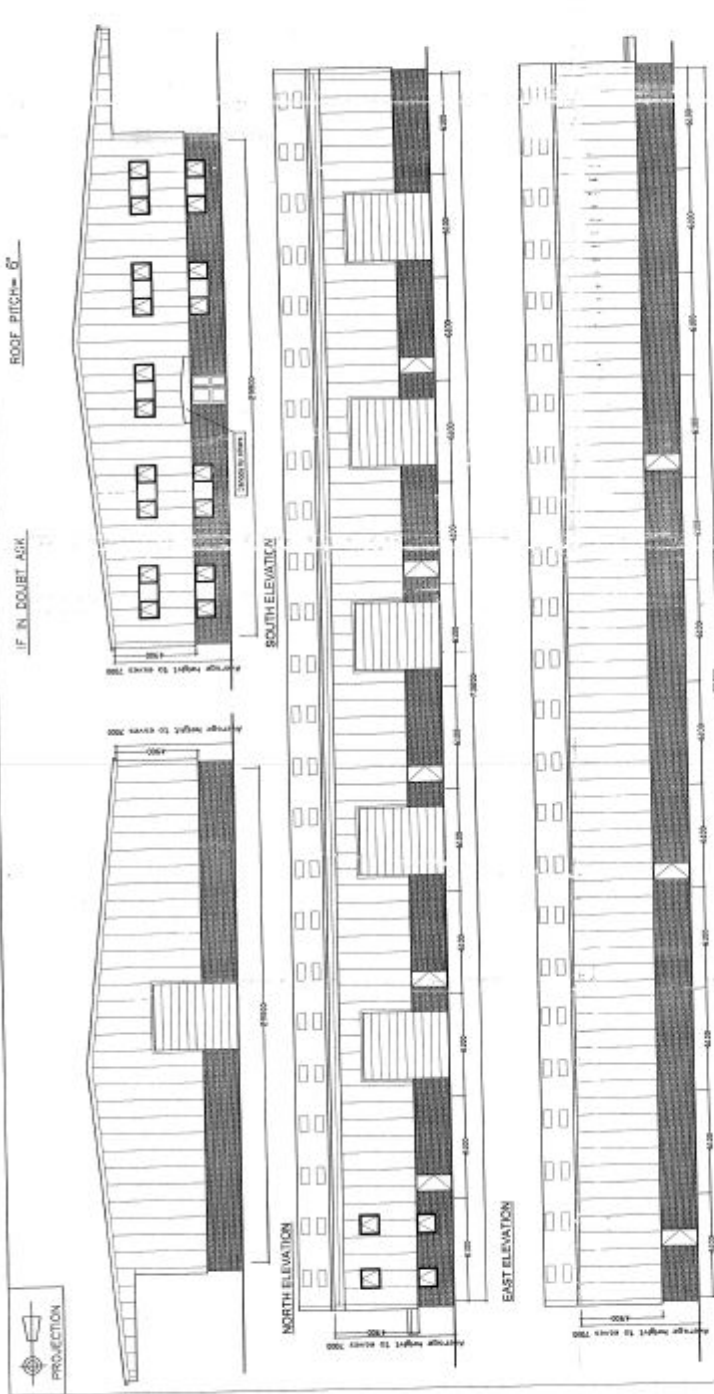
Within six months of the occupation of the development hereby approved the developer shall submit a Travel Plan to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development to the satisfaction of the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed travel plan, unless otherwise firstly agreed in writing with the Local Planning Authority. To ensure the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the Regional Spatial Strategy and policies T6 and T15 of the Chester-le-Street Local Plan.

**Land west of
Stella Gill Industrial Estate**



Scale : 1:2500

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
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PRODUCTION

IF IN COURT ASK

ROOF PITCH = 6°

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

TYPICAL SECTION

Notes:

1. The drawings are to be read in conjunction with the following notes and specifications.

2. The drawings are to be read in conjunction with the following notes and specifications.

3. The drawings are to be read in conjunction with the following notes and specifications.

4. The drawings are to be read in conjunction with the following notes and specifications.

5. The drawings are to be read in conjunction with the following notes and specifications.


6. The drawings are to be read in conjunction with the following notes and specifications.

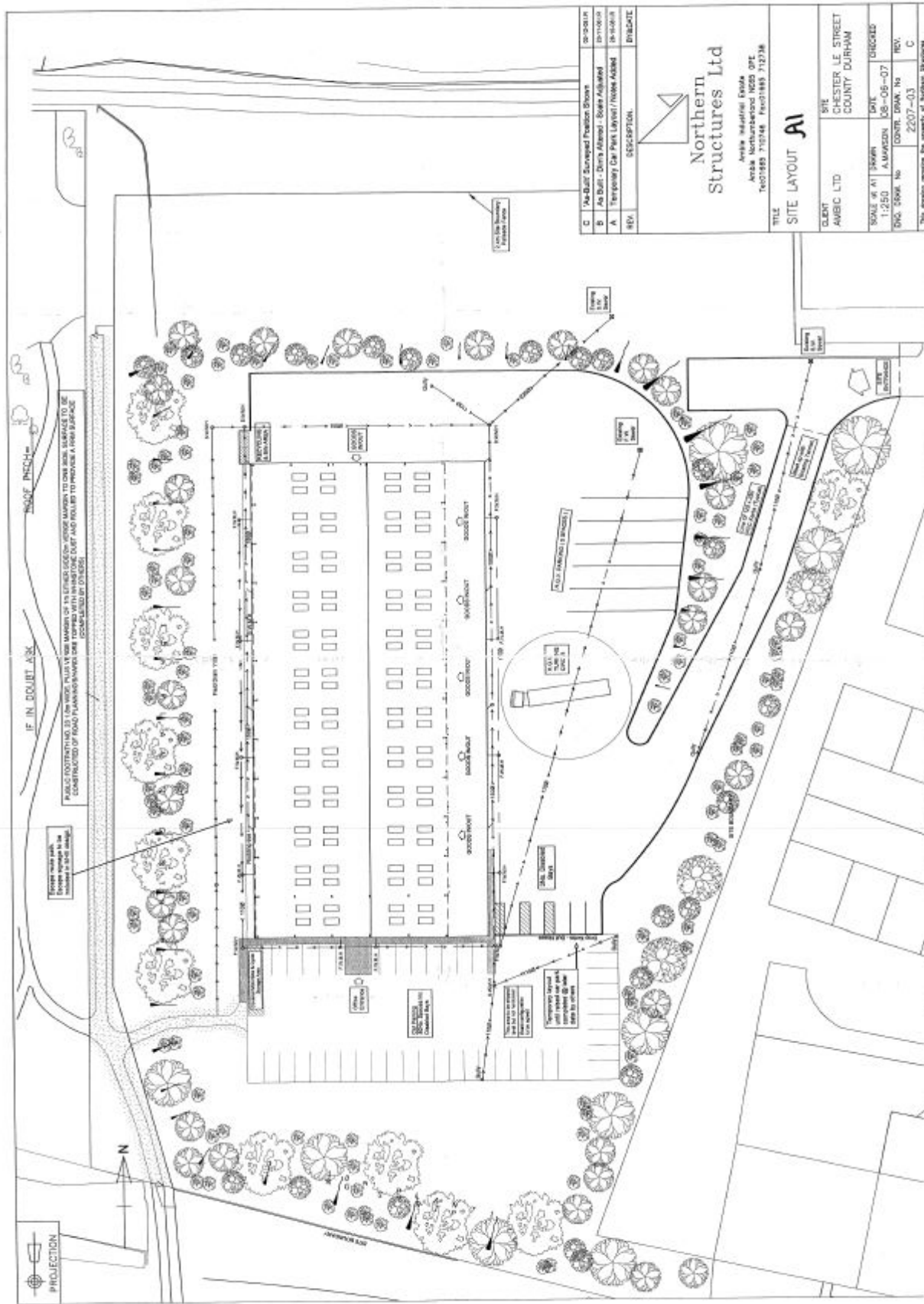
7. The drawings are to be read in conjunction with the following notes and specifications.

8. The drawings are to be read in conjunction with the following notes and specifications.

9. The drawings are to be read in conjunction with the following notes and specifications.

10. The drawings are to be read in conjunction with the following notes and specifications.

NO:	A. Notes Amended	DESCRIPTION:	IS BLOCK:
			PHASE:
 Northern Structures Ltd			
14-01-060 710798 Fax:01605 712738 14-01-060 710798 Fax:01605 712738			
TITLE PROPOSED BUILDING ELEVATIONS			
CLIENT AMBC LTD			
SITE CHESTER LE STREET COUNTY DURHAM			
SCALE	AS SHOWN	DATE	CHECKED
1:125	A. WILSON	17-06-07	A.
ENG. DRAW. NO.	2207-01	REV.	A
The drawings are to be read in conjunction with the following notes and specifications.			



CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 February 2009

ITEM 3 Appeals List

29 January 2009

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.

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00563/TPO /	Building Insurers	27 Tudor Road Chester-le-Street Durham DH3 3RY	Proposed felling of birch tree protected by Wearvale Terrace Tree Preservation Order.	W /	E:427520 N:552162	Appeal Withdrawn / 17.10.2008

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00285/FUL /	Mr D. Kumar	53 Longdean Park Chester-le-Street Durham DH3 4DG	Conversion of garage to office, single storey extension to rear to provide sun lounge and extension above garage to provide additional bedroom and extended kitchen area plus widening of driveway.	W / 14.02.2008	E:427588 N:552791	Appeal Allowed / 15.07.2008
07/00438/FUL /	McCarrick Construction	1 - 4 Chalmers View Newcastle Road Chester-le-Street Durham DH3 3TE	Retrospective application to allow glass panels between bay windows instead of previously approved timber panels in application 06/00016/FUL	W / 30.05.2008	E:427422 N:551915	Appeal Allowed / 02.09.2008
07/00495/FUL /	Mr J. Johnson	Johnsons Garage 3 Newcastle Road Chester-le-Street Durham DH3 3TJ	Demolition of car showroom & workshop and erection of 10 no apartments & associated works (Amended description)	W / 05.03.2008	E:427405 N:551809	Appeal Allowed / 20.06.2008

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00502/ADV /	JC Decaux	AP Developments 28 - 29 Front Street Pelton Chester-le-Street Durham DH2 1LU	Display of externally illuminated free-standing 48 sheet advertisement hoarding, size 3.048 metres x 6.096 metres, along east elevation of front of site (retrospective application).	W / 01.02.2008	E:424956 N:553078	Appeal Dismissed / 06.05.2008
07/00544/FUL /	Mr & Mrs Cree	3 Kingsmere Chester-le-Street Durham DH3 4DB	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).	W / 11.06.2008	E:427309 N:553411	Appeal Dismissed / 26.09.2008
08/00089/FUL /	Mr P. Blaydon	Land at Entrance to Valley View Sacriston Durham	Erection of one detached bungalow and means of access	W / 09.07.2008	E:423797 N:546791	Appeal Dismissed / 26.11.2008
08/00245/FUL /	Mr D. Keith	Grooms Cottage Morton House Fencehouses Houghton-le-Spring DH4 6QA	Proposed increase in height of existing fence to 1.9 metres in height	W / 29.10.2008	E:431511 N:549908	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
08/00370/ADV /	J. C Decaux	Chester Le Street Cricket Club Ropery Lane Chester-le-Street Durham DH3 3PF	Erection of advertisement hoarding.	W / 15.12.2008	E:427567 N:550929	Appeal In Progress /

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 February 2009**

ITEM 4 Development Control Performance Update for Quarter One and Three
2008/09

Report Summary

Case Officer: Stephen Reed, Development and Building Control Manager

Ward: All

Contact Details: 0191 387 22 12

stephenreed@chester-le-street.gov.uk

Introduction

The purpose of this report is to provide Members with a detailed update on the Development Control Team's performance during the first three quarters of 2008/09.

The report focuses on the following areas of development control activity, having regard to Service Plan priorities: -

1. NI 157 (speed of decision making)
2. PLLP 33 (% of Pre-application enquiries responded to within target)
3. PLLP 02 (% of householder planning applications determined in 8 weeks)
4. PLLP 34 (number of decisions where added value secured)

1. **NI 157 – Speed of Decision Making**

This National Indicator (NI) assesses the time taken to determine planning applications, based on 3 separate categories as identified by Central Government. These are defined as 'major applications' (e.g. housing developments over 10 dwellings); 'minor applications' (e.g. applications for single dwellings) and 'other applications' (e.g. householder extensions).

The NI has been carried forward by the Audit Commission for this year, from the old BVPI set (Members may recall performance in this area was previously assessed as part of the old BVPI 109).

The indicator enjoys the highest profile nationally of all the development control performance indicators and is widely regarded as providing a good means of assessing the efficiency of the service.

It also plays a role in defining the level of Planning Delivery Grant which Authorities receive each year, with poor performance in the indicator putting the Authority at risk of an abatement to their PDG award.

As Members will be aware the Council has historically displayed considerable improvements in this indicator in recent times with the service being ranked number 1 in the Government Office North East region for 'minor' and 'other' applications for years 2005/06 and 2006/07. However, for the last financial year, 2008/09, performance levels slipped markedly, due to prolonged staffing vacancies which arose within the Planning Services Team. As such the local stretch targets established in the Council's Corporate Plan were not achieved (although performance was still above minimum Central Government targets for all three categories).

The results for the first three quarters of 2008/09, in comparison to targets as set out in the Council's Corporate Plan, are shown below. The figures show a marked improvement on the aforementioned 2007/08 figures. Whilst the figure for major applications is presently below target (due to the deferral of the West Farm applications at the September 2008 Planning Committee) this performance is fully expected to exceed target by the year end as a result of a number of major planning applications which are due to be determined within target timescales at the Planning Committees scheduled before the year end. It should also be noted that the present 80% performance on major applications is in excess of the national minimum target of 60%

The improvements in comparison to 2007/08 returns have been realised by the Planning Team being fully staffed for most of the first three quarters of the year.

Application type	Quarter 1&2 result	CLS target	Variance
Major applications	80% within 13 weeks	88%	-8%
Minor applications	94.20% within 8 weeks	92%	+2.20%
Other applications	99.14% within 8 weeks	96%	+3.14%

2 PLL 33 % of Pre-application Enquiries Responded to Within Target

This is a Local Performance Indicator, designed to measure the speed of response to customer requests for free pre-application Officer advice. The indicator was introduced into the 06/07 service plan in recognition of the importance of this area of the service in meeting customer's needs. The Team is on target to receive around 1000 such requests this year).

The indicator is broken down in to 2 parts; major and minor enquires. The response target time for minor enquiries (mainly those relation to house extension proposals) is to provide a full response to 90% of such customer enquiries within 14 days. The response target time for major enquires (which by definition can include high profile and complex development proposals) is to provide a full response to 90% of such developer enquiries within 28 days.

The figures for the first three quarters of 2008/09 show returns of 85.29% within target for major inquiries and 97.55% within target for minor inquiries.

Clearly the performance for minor enquiries is significantly above target and as such represents a healthy position.

Whilst the figures for major enquiries is below the local target of 90% performance in this area is starting to improve markedly (the equivalent figures for quarter one and quarter two of the year 2007/08 were 74% and 83% respectively). The improvement in performance across the year can again be attributed to the Team being fully staffed. There is every reason to believe performance in this area will also improve as the year progresses with year end targets being met.

3. PLL P 02 % of Householder Planning Applications Determined in 8 Weeks

This is a Local Performance Indicator, designed to measure the speed of determining householder-planning applications. The indicator has been measured by the Authority for some time and is considered to be of particular importance to Chester-le-Street as householder planning applications generally account for some 70 – 75 % of all applications received. As such this indicator measures a high profile area of the service's workload.

The local target response time, as detailed in the service plan, is to determine 95% of householder applications in 8 weeks. This is a challenging stretch target, well above the performance of many other Authorities within the region.

The figures for the first three quarters of 08/09 show a healthy return of 98.97% of householder applications determined within 8 weeks. This is above the locally set target and again there is no reason to believe this situation will not be continued throughout the year.

4 PLL P34 Number of Planning Decisions Where Value Added

This is a relatively new Performance Indicator, which has been introduced into the Service Plan for 2008/09. The indicator is designed to monitor the number and nature of 'added values' to developments which have been achieved through Officer negotiations on planning applications. As a result, the indicator is a qualitative measure of the decision making process, as opposed to one which focuses largely on speed of process. No targets have been set for the number of 'added values' secured through negotiation; however a list is shown below;

Category	Number of Cases
• No Added Value required (application approved as submitted)	161
• Amendment secured to address a public concern	17
• Amendment secured to improve design	38
• Amendment secured to safeguard an ecology interest	8
• Amendment secured to safeguard highway safety	12
• Amendment secured to safeguard residential amenity	32
• Amendment secured to meet aims of sustainable development	3
• Amendment secured to protect trees	6

Conclusion

In conclusion it is considered that the Development Control Team's performance has generally improved markedly for the first three quarters of 2008/09, in comparison to the returns produced for the year 2007/08. All performance indicators as detailed in the Service Plan are either presently on track to meet year end targets; or if not have every likelihood of meeting these.

Recommendation

It is recommended that Members note the contents of this report.

Stephen Reed
Development and Building Control Manager
29 January 2009