

At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held remotely on TUESDAY 30TH MARCH, 2021 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Blackett, Fagan, Lauchlan, F. Miller and P. Walker.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Rowntree.

Minutes of the last meeting of the Committee held on 2nd February 2021 and the extraordinary meetings held on 19th January, 2021 and 2nd March, 2021.

1. RESOLVED that the minutes of the last meeting of the Committee held on 2nd February, 2021 and the extraordinary meetings held on 19th January, 2021 and 2nd March be confirmed and signed as correct records.

Change to Order of Business

The Chairman advised that as both planning applications were related, they would be presented as one but final decisions would be made separately.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report and supplementary report (copies circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

20/01345/FUL – Erection of a temporary single storey portacabin (additional operational detail received 01.02.21)(Amended location plan

received 26.02.21) – Washington Independent Hospital, Washington Hospital, Picktree Lane, Rickleton, Washington

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

Councillor Lauchlan requested some clarification on the one year temporary arrangement and if this would be from when the portacabins were erected or if it would commence from when this decision was made, if granted. Councillor Lauchlan also commented that he felt the retrospective nature of this application was unfair.

The Planning Officer advised that the Condition that was recommended was for the permission to commence one year from the date of decision. With regards to the retrospective applications, this was not something the Authority would encourage but the fact that permission was being sought retrospectively was not a material planning consideration so the proposals had to be considered on their merits.

Councillor Lauchlan commented that the retrospective nature of the application was very disrespectful of the Planning Department and of Sunderland City Council.

The Chairman enquired as to the possibility of these proposals being wound down early, before the year's permission was up depending on how the situation developed with Covid. The Planning Officer advised that it was difficult to gauge how long the facilities would be required but it could be, all going well, that it wasn't needed in six months time or whatever it may be, depending on how things progress in suppressing the virus. However the applicant had sought a year's permission and that was what Officers had considered in their recommendation.

Councillor Fagan enquired, as this was a retrospective application, how long had the facilities already been in place and referring to statements that this wouldn't be during unsociable hours, what were the actual operating hours for this at present.

The Planning Officer advised that in relation to the first application which had a 2020 reference, the portacabins had been there a considerable period of time, the second application, it was understood that at the time of submission, the portacabin had not been installed, but has since the planning application has been with the Council.

In terms of the hours of operation, the hours were recommended within Condition 3 of the two recommendations and were 8.00am to 6.00pm Monday to Friday and 8.00am to 12.30pm on Saturdays.

Councillor F. Miller commented that she appreciated that hospitals had to have testing for patients going in for any kind of procedure but wondered if

under public health they could not use another facility to do this, instead of having to use the hospital itself and also queried if there were no facilities inside the hospital that they could use as an alternative.

The Planning Officer informed the Committee that he could not advise of the hospitals operational requirements and where their testing would be able to take place prior to an appointment for example and we needed to consider the proposals that had been put before the Committee rather than any alternative. Officers had considered the merits of the proposal submitted and they were of the view that the proposal put forward for this temporary period was acceptable and that it had been informed by all the operational requirements and the health requirements for when and where testing should take place in relation to an existing hospital environment.

The Chairman introduced Ms Julie Nicholson who wished to speak in opposition to the proposal. Ms Nicholson stated that she understood the need for testing because of Covid and was more than willing to do whatever she could in the circumstances however, her main objection in respect of both the planning applications before Members, which she did not believe came across in the report, was the use of the car parking spaces used for carrying out medical procedures. Swab tests were being carried out in patients cars which were parked within 2 metres of resident's gardens. No evidence had been provided to confirm that this was a safe practice.

Ms Nicholson advised that she had submitted photographic evidence of the impact these tests were having and when being carried out on windy days. When the wind was blowing strongly, what was the consequence when the swab was brought out of the car window and held in the air.

The application for planning permission now included the whole car park (Amended Location Plan). It was unreasonable that Covid-19 tests should continue to be carried out in parking spaces less than 2 metres from residents' garden now that alternative parking spaces (away from residential housing) have been made available.

Ms Nicholson disputed sections of the report, with regard to page 47 of the report "*the Portacabin is situated within a parking area serving the existing hospital. Obviously, a degree of activity would be expected within this area including patients and vehicles coming and going from site...*"

As a resident living next to the hospital it was certainly not expected that medical procedures, such as swab tests, would be carried out in patient's cars right next to resident's gardens. The noise and disruption they were currently experiencing from this was unreasonable.

With regard to page 48 of the report: "*the proposal results in a loss of approximately 5 parking spaces*", this was incorrect the loss was actually 13 car parking spaces. The Portacabin used over 5 spaces and the rest of the spaces in this area were being used for swab tests.

Ms Nicholson advised that the procedure as it currently stood was that patients would pull into the bays right next to residents gardens, they would turn their hazard warning lights on and keep their engines running. At times mobile phones could be heard ringing loudly through hands free mobile systems and conversations were heard between members of staff conducting swab tests and patients. This had resulted in loss of privacy, loss of right to enjoyment of private property and garden space. An increase in noise, disturbance and air pollution.

The application as it currently stood had a huge impact on residential amenity. It would however be much less impactful, if the car parking spaces directly behind resident's gardens were not used for carrying out swab tests. Given the space available, there was no need for these spaces to be used. Ms Nicholson advised that her previously submitted comments, which were not in the report were that she strongly believed a compromise was available and her objection would be withdrawn if the car parking spaces next to resident's gardens should be taken out of the application and the tests should be carried out elsewhere in the car park, away from resident's gardens.

Ms Nicholson also wished to draw Members attention to issues, some of which had already been discussed, that this Planning permission for the Portacabin had been sought retrospectively and the first portacabin had actually been in operation since the summer of 2020.

During the first round of consultations, questions were raised by residents in August 2020, the comments of which, were not received by residents until February 2021, a period six months, and in the meantime the facilities had continued to operate.

The applicant has not operated within the parameters they submitted as part of their application, which related to the actual hours of operation with them working on Sunday mornings and residents had also been advised that trees and shrubs would not be cut back, contrary to this, trees and shrubs were cut back allowing a clear view into properties.

In relation to planning application 20/0026/FUL and the second portacabin, this portacabin was located 0.8 metres away from the boundary to residents gardens. Residents were informed by the Planning Officer that planning regulations relating to the position of emergency medical structures state a structure such as this should not be built within 5 metres of the boundary to a residential property. It now seemed they had been misinformed and this only applied to NHS hospitals. Residents felt that they had been misled throughout this consultation process either by the absence of information or by inaccurate information.

Ms Nicholson disagreed with the comments on page 55 of the report, the Portacabin did stand out unnecessarily and it did appear uncharacteristic within the locale. The degree of screening left after the applicant cut back existing trees and shrubs was minimal.

With regard to page 55 of the report *“The Portacabin is a minimum of 3.8 metres given its location and size would not be considered to appear overbearing...”* Ms Nicholson advised that comments submitted from Resident’s in two households who were looking at the Portacabin on a daily basis strongly dispute this statement.

Furthermore, page 55 states *“it is not considered that the amount of people coming and going from site would necessarily be increased”*. Again, Ms Nicholson disagreed as if there were two Portacabins in use there would be a significant increase, as there would be more appointments and therefore more people coming and going. If this were not the case, then why was the second portacabin required.

In conclusion, Ms Nicholson reiterated that she understood the need for these facilities but she strongly objected to both of these planning applications in as they currently stood and disagreed with the Planning Officers recommendations. The impact on residential amenity of using car parking spaces right next to residents gardens was so severe that residents feel this should shift the balance towards a refusal of the application. A compromise has been offered with objections removed should these spaces be taken out of the application, which she believed was fair and reasonable.

If However permission was granted, Ms Nicholson requested that planning conditions and/or planning obligations which were attached to the application be enforced which would guarantee that, the Hours of operation would revert to those stipulated in the report, that the Portacabin would be removed after 12 months and that the car park would return to normal.

The Chairman introduced Councillor Louise Farthing who wished to speak in objection to the application. Councillor Farthing informed the Committee that as a local ward councillor, no public body was ever really a good neighbour, whether this was hospital or a school for example and the felt Members would appreciate that.

Councillor Farthing referred to the car parking and the suggestion within the report that the staff from the hospital park either at the cricket club or at snorkel, this was not true as several cars parked on Vigo Lane and had done so, certainly since the portacabins had been erected because at that time the hospital decided to socially distance their car park and there was only so many spaces allowed to be used.

Councillor Farthing commented that had the planning application process been followed appropriately she believed that if planning officers had consulted ward members they would have suggested that instead of putting the portacabins where they are currently situated, that they would’ve been moved towards the entrance to the hospital where there was sort of a bayed car park which was shown on the officers presentation.

If these portacabins were going to be there for some length of time, as it seemed to be more than likely, Councillor Farthing suggested it would be

appropriate to ask that they be moved to a different part of the car park and then this would satisfy the concerns of the residents. If consideration was given to any other testing facility it was never in such close proximity to residential properties and was always in larger car parks such as retail spaces and we did not know the risks of Covid and she believed that where the hospital had decided to put the portacabins, without any permission, was quite inappropriate.

Councillor Farthing also suggested that moving the portacabins would give people coming in cars a better flow through the site as they could go through the swab centre turn around and come back out again. Councillor Farthing further added that she felt the whole design was inappropriate and should not have been agreed. If a proper planning application had been submitted, an alternate siting could have been suggested and that Members may wish to consider limiting the time that the portacabins are where they are and then move them somewhere else as we all accept the need for testing during this pandemic but it does not relieve bodies from adhering to the rules that apply to them.

Councillor Farthing commented that whilst the Spire Hospital was a private hospital, a lot of their patients were NHS patients so if the rules for NHS hospitals requires structures to be 5 metres away from residential properties then why cant this be also, it just seemed wrong so she requested the Committee to look at changing the locations of the cabins and also certainly limiting the time that they were in the current location.

The Planning Officer referred to comments around locating the portacabins elsewhere in the car park and advised that this had been posed to the applicant by the case officer and the information received back stated that a survey was undertaken prior to the installation of the portacabins to assess water and electrical provision, along with ground suitability and the site that was chosen was deemed to be the most appropriate location in order to accommodate all of those requirements. Once that site had been chosen, it went hand in hand that the swab tests would take place at the parking spaces which were closest to the portacabins.

In terms of noise disturbance, the Planning Officer advised careful consideration had been given to the evidence provided by objectors but officers were of the view that the nature of the activity associated with the testing was not inherently noisy and it was in place against the backdrop of a busy hospital car park and was taking place during the day, they were not extending into periods which were considered to be unsociable hours. Conditions would be in place stipulating that testing could not take place on Saturday afternoons or Sundays.

With regards to the 5 metre rule that had been referenced, the Planning Officer clarified that there were permitted development rights available for covid testing facilities in certain circumstances and one stipulation was, that to benefit from the development rights, which would mean planning permission wasn't required, that the facility should be situated 5 metres from a boundary.

In this case, we weren't considering whether the development was permitted development. This had already been explored by officers and they did not believe that the applicant benefits from permitted development for this development, hence the submission of the two planning applications and that this rule wasn't applicable to consideration of the application. It would only be relevant if we were trying to determine if the facility was a permitted development, but we had planning applications at hand and were able to consider all relevant material considerations in assessing. Officers had considered the proximity of the portacabins, parking spaces and the residential properties and they considered for the reasons as set out within the report that the effect on the amenity of the properties was not sufficient to warrant refusal of planning permission.

Councillor Lauchlan queried if site surveys were done prior to the portacabins being erected, why wasn't planning permission applied for at the time and commented that surely site surveyors knew that permission was required for these types of developments.

The Planning Officer commented that it was difficult to be able to answer this as he couldn't comment on the applicants process that they went through prior to submission of an application but he could only reiterate that they would never encourage anyone to undertake development and then apply for planning permission retrospectively as it was a route fraught with danger but the planning system does allow for it and we needed to base the decision on planning merits and not on the actions taken by the applicant getting to this point.

The Planning Officer also advised that they have had the first application on the planning register for a fair time, whilst a number of issues were being considered and additional information sought from the applicant so there had been time taken before we could get the planning application to the Committee.

Having been put to a vote, with four Members voting in favour and two Members voting against, it was:-

4. RESOLVED that the application be approved, subject to the three conditions contained within the report

20/00206/FUL – Erection of a temporary single storey portacabin building, to be used as a Covid-19 testing facility, adjacent to the testing facility which was applied for via application 20/01345/FUL.(Amended location plan received 02.03.21)– Washington Independent Hospital, Washington Hospital, Picktree Lane, Rickleton, Washington

Having been put to a vote, with four Members voting in favour and two Members voting against, it was:-

5. RESOLVED that the application be approved, subject to the three conditions contained within the report

Items for Information

Members having fully considered the items for information contained within the matrix, it was:-

6. RESOLVED that the items for information as set out in the matrix be received and noted;

The Chairman then thanked everyone for their attendance and closed the meeting.

(Signed) M. THORNTON,
(Chairman)