

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 31 July 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett, J Clare, I Jewell, C Kay, H Nicholson, G Richardson, A Shield, P Taylor, M Wilkes and S Wilson

Apologies:

Apologies for absence were received from Councillor(s) K Hawley, L Maddison and F Tinsley

Also Present:

Councillor J Turnbull

1 Apologies for Absence

Apologies for absence were received from Councillors K Hawley, A Laing L Maddison and F Tinsley

2 Substitute Members

Councillor H Bennett substitute for Councillor A Laing.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 3 July 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/01617/FPA - Market Place, South Burns, Chester-le-Street

The Committee considered a report of the Senior Planning Officer regarding the reopening of a culverted watercourse through Chester-le-Street Market Place and creation of urban parkland at South Burns, Chester-le-Street (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and visuals showing the proposed street scene.

The Senior Planning Officer informed the Committee that following the publication of the new National Planning Policy Framework (NPPF) on 24 July there were changes to the numbering of the sections but there were no changes to the text that would affect the recommendations in the report. However there was a requirement for delegated authority to be given to officers to amend numbering within the reasons for approval should Members be minded to approve the application.

Councillor C Martin, local Member for North Lodge Division addressed the Committee to outline his support for the scheme and to also address a number of minor concerns that he had. Councillor Martin advised that he considered the scheme to be a fantastic project and he added his thanks to officers of Durham County Council and the Environment Agency for their hard work in bringing this scheme forward. The scheme would bring natural beauty and trigger regeneration in the area as well as providing a flood defence in the town centre.

He went on to discuss consultation and made reference to previous attempts to regenerate the market place area. In conclusion he added that he urged Members to support the scheme which in essence would cost £6m to rectify a poorly thought out £2m scheme.

Discussion ensued regarding changes to the NPPF and it was noted that all Planning Committee Members would receive a briefing on these changes in the coming months.

Councillor Wilkes asked whether clarification could be given as to where the current fixed stalls and vehicles associated with market traders would be moved to. In response the Senior Planning Officer advised that there was currently 375 fixed stalls on site however on average only 27% were utilised. The new stalls would be temporary fixtures which would be erected on the day of the market and would occupy a much smaller area.

Rowena John, Senior Project Manager, advised that the current market would be relocated on a smaller scale to a new area on the site, however, it would operate, in generally the same way, noting that any overflow of the market would be directed on to Front Street.

Councillor Richardson commented that the open culvert design could pose dangers to children and asked what safeguards were in place. The Senior Project Manager advised that Health and Safety Reviews had been undertaken and given the shallow depth of water it did not warrant protective grids. She did, however, assure Committee Members that the culvert would be regularly reviewed and should it at any point be considered a health and safety risk, this could be rectified post installation. Further discussion took place regarding the issue and it was noted that some research had shown that protective grids could cause greater danger and with such a railing fence was proposed around the perimeter for safety reasons.

In relation to the funding aspect of the scheme, Councillor Bell asked whether this was forthcoming. The Senior Project Manager advised that the Durham County Council component of the funding had been confirmed and a decision on the European Regional Development Fund was expected in October 2018.

Councillor Bell further queried whether the culvert would alleviate all flooding as he questioned its position in relation to Front Street. The Senior Planning Officer advised that the scheme was a beginning and should it need to be extended further east this may be possible in the future, although it was likely that any flood water would find its way to the culvert.

Further discussion took place regarding the design and height of the perimeter fencing. The Senior Planning Officer advised that the fencing would appear slightly different to that shown in the visuals and the fixed wall would also be slightly taller in height.

Councillor Wilkes **Moved** that the application be approved subject to the conditions listed in the report. He further asked whether the funding awarded included maintenance or whether this would be the responsibility of Durham County Council upon completion. The Senior Planning Officer advised that he did not have that information available, however Members should be mindful that the Committee could only discuss the acceptability of the application.

Councillor Clare commented that he was certain that there would be flexibility in the future to take on the concerns raised by the Committee and with such **Seconded** the proposal.

Resolved:

That the application be approved subject to the conditions as listed within the report.

b DM/18/01554/FPA - Land to the west of Browney Lane, Browney, Meadowfield

The Committee considered a report of the Senior Planning Officer regarding an application for an additional 21 dwellings at the above location in relation to a previously approved application DM/14/03067/RM (for copy see file of Minutes).

B Gavillet, Senior Planning Officer provided a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and plans of the proposed house types.

Updates to the report were given as follows:

Condition 4 – That details of the external walling and roofing materials shall be submitted to and approved in writing by the local planning when the development is at damp course level.

He further noted that 3 objections had now been received on the grounds of the impact upon traffic, congestion and infrastructure.

Councillor J Turnbull, local Member addressed the Committee to object to the application in light of ongoing issues relating to the previously approved application. He advised that as a result of Avant Homes not completing traffic signal works on the A690, the local community was dealing with increased congestion, damaged cars and rat runs. In addition, the Parish Clerk had informed him that another 4 complaints of car damage had been received. He concluded that in his opinion and that of many residents he couldn't understand why the application had ever been granted due to the traffic issues and lack of public transport available in the area.

Councillor Taylor added that although he welcomed the addition of affordable homes, his previous concerns remained relating to traffic, gridlocking, rat running and the increase of road traffic accidents in the area. The development of the site had caused local Members and the community tremendous worries and he felt that the addition of a further 21 homes would exacerbate these issues. Whilst he acknowledged that the Senior Planning Officer had worked hard on the variation to the condition for traffic calming, it had still not been signed off by the developer and the funding was yet to materialise.

He noted that the complete environment of Browney had changed with the increase from 78 to 300+ dwellings, however the road infrastructure had not. With that he noted that he may consider deferment of the application the best option.

As a point of order N Carter, Solicitor sought clarification from Councillor Taylor as to whether he was speaking as a local or Committee Member. Councillor Taylor confirmed that he had no preconceived ideas as to how to vote on the application and was speaking in his capacity as a Committee Member.

The Senior Planning Officer proceeded to read the following statement received from Highways:

"Members may recall that the original consent included a requirement to signalise the A690/Browney Lane junction however it has not been possible to develop a detailed design which overcomes specific safety concerns and therefore this matter remains outstanding. To address this point the applicant has submitted a separate application which effectively replaces the signalised junction with a series of traffic calming measures on the local road network to prevent rat running. A condition is suggested which would restrict the occupation of this development until those measures are in place".

Amy McFaulds, Avant Homes advised that they had worked extremely closely with the Highways team in order to come up with alternative traffic calming arrangements. She advised that the last few legal matters were being finalised and the money would be released shortly.

Councillor Taylor proceeded to read a statement from Banks Group which had been submitted as part of the initial planning permission noting that the promises made within had not been fulfilled.

Councillor Shield noted that he had sat on the original Committee where the application had been considered and was concerned that he supported the proposal at that time because of the intention to install signalisation on the A690.

He noted that the developer had not complied with the agreed highways plan and therefore the issue had not been resolved and the planning condition had been breached. This further application sought to merely exacerbate existing issues and local Members were left to suffer the consequences.

The Solicitor reminded Members that enforcement was not a matter for the Committee. Consideration should be given however as to whether the additional 21 dwellings would cause further impact on exiting highway issues and on that basis he advised that it would be difficult to refuse the application on that basis.

Councillor Shield added that while he acknowledged the Solicitor's comments he supported Councillor Taylor's suggested deferment. Councillor Wilkes reiterated those comments and he too supported Councillor Taylor. He further added that he felt that a Highways Officer should have been in attendance at the meeting to answer any questions raised. In addition he felt that the development would benefit from additional visitor parking.

Councillor Wilson asked whether it was known whether the proposed traffic calming mitigations were better than the originally proposed signalisation. S Eldridge, Team Leader advised that signals would have been the preferred option however as this was not feasible the proposal was deemed a suitable alternative.

Councillor Clare added that he questioned the Solicitor's advice regarding refusal reasons, noting that he felt there was adequate justification to say that the additional houses would knowingly aggravate an existing situation which by definition would be unacceptable in highway terms.

He did however acknowledge that the proposed condition number 8 offered an element of protection. However he also noted that the traffic management scheme was subject to a separate application that had not yet been seen.

Councillor Jewell added that although he felt uneasy about the application he did acknowledge that the traffic problems were not unique to this area and questioned what effect 21 additional houses would have upon highways.

Councillor Kay noted his disappointment at the reduction in money to improve highways and asked why Highways experts were not in attendance to provide advice on such a contentious application. With that in mind, he suggested that at the very least the application should be deferred.

Councillor Nicholson added that the application did not sit well with him either and felt that the Committee had genuine grounds to defer the application to allow for details and cost implications of proposed highway works to be discussed by the Committee with a highways officer.

In order to clarify a number of points raised the Senior Planning Officer advised that the other application that had been submitted had been costed at £68,700 and had been submitted in consultation with local Members.

Councillor Wilkes added that he would expect to see full details of the proposals and details of the traffic survey. He noted that the Council had been at fault due to the incorrect advice offered at the time by Highways and something needed to be done to fix the current problem.

Councillor Shield at this point **Moved** that the application be deferred on the basis that details were required regarding the funding, the proposed traffic calming scheme, why the previously approved scheme was not feasible and to ensure that a Highways Officer was in attendance to offer advice on technical aspects.

In order to clarify some points made, A McFaulds advised that although the original proposals for signalisation were costed at £300,000, the revised proposals cost significantly less. Avant would only be expected to pay for the actual scheme cost.

The Team Leader proceeded to provide a list of the proposed highway works. Councillor Clare asked whether the proposed scheme of works provided the same level of mitigation that signalisation would have provided. He furthermore agreed that the Committee had not been provided with enough information to enable them to come to a sound decision.

Councillor Wilkes **Seconded** the proposal by Councillor Shield. Councillor Taylor furthermore provided an explanation as to why the traffic signals were unsuitable for the road and noted that, both himself and Councillor J Turnbull had raised this prior to the initial application from Banks.

Resolved:

That the application be **deferred** on the grounds that further information was required in respect of the traffic calming scheme proposed, why the previously approved scheme was no longer suitable and to allow Highways Officers the opportunity to attend and provide technical advice to the Committee should it be required.