

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Tuesday 14 November 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, J Cosslett, S Deinali, J Elmer, P Jopling, R Manchester, I Roberts, K Robson and A Surtees

Also Present:

Councillors J Miller and C Varty

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, I Cochrane and D McKenna.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the special meeting held on 25 September 2023 and meeting held 10 October 2023 were confirmed as correct records by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest.

5 Applications to be determined by the Area Planning Committee (Central and East)

a DM/23/01107/FPA - Wheatley Service Station, Durham Road, Wheatley Hill, Durham, DH6 3LJ

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping and was recommended for approval, subject to the conditions as set out in the report.

Councillor S Deinali entered the meeting at 9.40am

The Senior Planning Officer noted no objections from the Council's Highways Section, subject to conditions and appropriate road markings. She highlighted four letters of support had been received from Members of the public, though with concerns as regards litter and the pedestrian entrance possibly being used by quad bikes and motorcycles. She noted objections had been received from Wheatley Hill Parish Council in relation to the closure of the rear road access to the service station, and the impact that would have on highway safety. The Senior Planning Officer concluded by noting that Condition 5 should contain an extra sentence to read: '... Local Planning Authority. *The development shall thereafter be carried out in strict accordance with the approved details and implemented prior to the site being brought into use.*' and should Members wish to approve the application, she would ask that would include the addition.

The Chair thanked the Senior Planning Officer and asked Councillor J Miller, Local Member, to speak in relation to the application.

Councillor J Miller noted he was one of the three Local Members for Trimdon and Thornley, the Electoral Division in which the application site was located. He noted he was not in attendance in opposition to the application, rather he was in attendance to relay the concerns raised by residents and the Parish Council. He noted he had asked for the application to be called-in to Committee as concerns had been raised in relation to highway safety.

He added he had been told that the Committee report would answer the concerns raised, however, subsequent to looking at the report, he still felt the matter should be looked at by Committee.

Councillor J Miller noted that the garage in question was very popular, with many customers, as it had the cheapest fuel prices in the area. He added that the road was very busy, with a traffic flow of 17,000 vehicle pre-pandemic. He added since that time, a number of additional houses had been built in the area, adding to the traffic numbers. He explained that the road was the main route from the east of the county into Durham City and was a link road between the A19 and A1(M), and was a high speed, 60 mph road.

Councillor J Miller noted that the garage was situated in a location which had four junctions within close proximity, namely the route into Wheatley Hill, the garage itself, a nearby caravan park and a farmer's field opposite. He noted that the application proposed two junctions to replace the existing one, make a new total of five within close proximity. He added that he had personally had to wait for up to five minutes to be able to turn into the garage, with a wait of up to 20 minutes to try and cross-over the road to travel in the other direction. He noted that he had asked that improvements such as a roundabout or pedestrian crossing be considered on highway safety grounds, however, he noted neither were included within the recommendations.

Councillor J Miller explained there had been a number of crashes in the area and questioned the description within the report of a "*small number of incidents*", as he knew of a very serious crash recently, and fatal accidents in the past. He noted he felt that not all of the crashes could be attributed to "*driver error*" as set out within the report.

Councillor J Miller explained he understood those local residents in support of the application, in terms of their support of the closure of the rear lane access to the garage. He added that the Parish Council had raised concerns in terms of the impact on highway safety in closing that back lane entrance to the garage. He added that, should the application be approved without a rear access for vehicles, he would welcome any measure on the pedestrian access to limited access by quad bikes and motorbikes. He noted that he was wary that closing the rear vehicle access could lead to a dead-end lane which could lead to an increase in anti-social behaviour, and increased parking on Wingate Lane.

The Chair thanked Councillor J Miller and asked Councillor C Varty, another Local Member for the area, to speak in relation to the application.

Councillor C Varty noted she would second the comments made by Councillor J Miller and therefore would just add a few points. She noted that when speaking to local community groups, such as a group providing baby massage classes for young mother, she understood that many young people, and the elderly, preferred to use the back lane entrance to the garage, for fear of the traffic speeds on the main road entrance. She noted that recent speed advisors had been displaying an alert of driver speed, therefore it was known there was an issue in terms of speeds. She added that there had been a lot of customers at the garage today, noting the time it took to get to County Hall.

Councillor C Varty explained that the shop at the garage was used by many, including young people and the elderly, and closing the back lane vehicle entrance would limit their access to the shop facility, fearing many may in fact drive to the left all the way to Wingate and double-back along the main road, rather than make the right-hand turn out of the garage across the busy main road. She concluded by noting she too was not in objection to the application, rather she was voicing the concerns that had been raised with her by local residents.

The Chair thanked Councillor C Varty and asked David Swetnam, Local Resident to speak in support of the application.

D Swetnam noted he, along with other residents in attendance with him, supported the application before Members. He noted at the A181 was a busy road, however, the Thornley junction was the main highway concern on this road. He noted that the junction near to the garage was not a major concern and the proposed new separation of entrance and exit for the new garage would help improve safety amongst other benefits. He explained that he lived to the rear of the garage, in a small cul-de-sac, and noted that if the application was for new garage, meaning there had been no previous development on the site, he could not see how a rear lane entrance would ever be granted. He noted the rear entrance was historic, pre-dating the bypass road, and therefore the current application presented a good opportunity to close that rear lane access. He concluded by noting that residents in attendance felt the proposals represented an improvement and they wished for the development to go ahead.

The Chair thanked D Swetnam and asked H Chapstick, agent for the applicant, to speak in support of the application.

H Chapstick noted he had reviewed the Officer's report and information in relation to the addition for Condition 5 and confirmed they were acceptable. He added that he welcomed and supported the Officer's recommendation for approval and thanked consultees for their contributions.

He noted that there had been no objections from residents in relation to the scheme, the proposals being to enhance an existing petrol station facility, with an enhanced offer and enhanced environmental benefits. He noted the proposals were policy compliant in terms of the County Durham Plan (CDP) and National Planning Policy Framework (NPPF).

H Chapstick noted the local residents had spoken of their support for the closure of the vehicular access via the rear lane, however, he added that it was also to help in terms of safety, allowing for a better layout within the garage site for heavy goods vehicles (HGVs). He added that other benefits included the separation of entry and exit on to the A181, reducing conflict at those points. In that regard, he noted that Highways Officers had endorsed the proposals and concluded by reiterating he would support the Officer's recommendation for approval.

The Chair thanked H Chapstick and asked Council Officers to comment on the points raised by the speakers.

The Principal DM Engineer, D Battensby noted that the data source used by the Council in terms of accidents was from the Police, a national standardised data set that was shared with Local Authorities and other bodies. He added that it contained a lot of information in respect of incidents, road condition, time of day, other road safety issues, including contributing factors. He explained that only incidents resulting in personal injury were recorded, not damage only incidents which had not required the attendance of the emergency services or are dealt with by an exchange of details; therefore, these incidents are not recorded or have any specific investigation. He noted the standard period to consider for accident data was three years, however, for this application Officers had looked at data for a five-year period, to take account of any changes as a result of the pandemic and associated lockdowns. He noted that period showed a total of six incidents in the area, with only one being directly relating to turning into the filling station, with two others being on Cemetery Road, the remaining three being elsewhere on the A181. The Principal DM Engineer noted that "driver error" being recorded as a contributing factor was a term used to encompass a number of issues, such as failure to observe, failure to judge speed, failure to observe traffic signs amongst others. He reiterated that there had only been a small number of recorded incidents, given the large volume of 17,000 vehicles per day on the A181, and only one of those directly relating to the filling station in five years. In terms of the separation of the junctions in the area, he noted that 100 metres was defined in the national standards as the minimum separation distance which is exceeded by the proposal with the caravan site junction being 600 metres from the garage to the east. In terms of any new pedestrian crossing referred to by Councillor J Miller, such a provision would not be justified as a requirement as a mitigating factor in terms of the application as submitted.

The Lawyer (Planning and Highways), Neil Carter noted Councillor S Deinali had entered the meeting shortly after the Senior Planning Officer had begun her presentation and asked if she felt fully sighted in terms of the application and issues. Councillor S Deinali noted she did feel fully sighted on the application and the issues and had been present while all the speakers had made their contributions.

The Chair thanked the Officers and asked the Committee for their comments and questions.

Councillor J Elmer noted he had attended the site visit and had a few observations in respect of the application. He noted he had found the comments from the Highways Section useful, in terms of the separation of access roads. He noted that had been a concern of residents, however, he personally felt the new arrangements proposed were an improvement. He added he felt the closure of the rear vehicular access was also an improvement, in terms of highway safety. He asked for clarity in terms of the rear entrance remaining open for pedestrian access, as he felt that was very important, though with measures to ensure the exclusion of quad bikes and motorbikes. Councillor J Elmer noted that the proposals, as it included a retail element, would be a litter generator and therefore he felt there should be the inclusion of a condition relating to not only the operator of the business providing litter bins, but also picking up litter in addition. He proposed that should the Committee be minded to approve the application, he would seek an additional condition relating to a litter picking via a litter management plan.

Councillor D Oliver noted the comments made by Councillor J Elmer and added he felt very comfortable with the application, and that the steps outlined within the report and explained by Officers at Committee were clear in terms of helping to reduce risk, such as the removal of the rear lane access. He thanked residents in attendance, with their comments also being valuable in terms of helping Members understand the situation. He noted it was very rare to have such letters of support from residents for an application that was being heard at Committee. He noted he felt the closure of the rear lane vehicular access would in fact reduce litter spreading and therefore he was minded to support the application.

Councillor A Surtees noted she agreed in principle with the application, however, noted the objections to the rear vehicular access being closed by some residents. She noted she had known there had been the rear access road for a very long time, being a resident from the east of the county herself. She noted she also knew that the A181 at that point was a very busy road with a lot of traffic, adding she had to sit in her car and wait at the garage entrance and junction into Wheatley Hill on many occasions due to traffic.

She noted the reference to a fatality on the road as referred to by the Local Members. She asked if the only reason to close the rear lane vehicular access was to do with the HGV movements within the garage site, and asked if there was not another way to organise that aspect, or to have the rear entrance open at peak times as required. She noted that the closure of the rear vehicular access was only supported by the five or six properties directly to the rear of the garage site.

Councillor P Jopling noted that when looking at the existing garage plans and those of the proposed new garage, she felt that there was quite a lot being included on the site. She added that she felt the proposals represented an enhanced offer for local residents. She also asked for the rationale in terms of closing the rear vehicular access, was it for highways safety, flow of traffic. In any case, she noted she agreed with Councillor J Elmer in terms of the pedestrian access and ensuring it would not allow quad bikes or motorbikes to gain access.

The Chair asked the agent for the applicant, H Chapstick to explain as regards the closure of the rear lane vehicular access within the proposals. H Chapstick noted that the proposed closure of the rear vehicular access was to ensure segregation of HGVs and regular vehicles within the filling station. He noted that retention of the rear entrance would conflict with the HGVs and also the closure allowed for a loop within the site such that a one-way system helped in terms of efficient and safe traffic flow.

Councillor S Deinali noted her delay in getting to Committee had been as a result of gridlock at the very garage in question, adding she had been required to use the current rear vehicular access to get out of the garage, else she may well have still been at the garage now. She noted she had listened to those speaking in respect of the application and added she supported the development, however, she felt she was against closure of the rear access to the site. She noted the comments from the agent for the applicant as regards HGVs, however, she felt something could be accommodated, for example having the rear access as exit only.

Councillor A Bell asked for clarification on the closure of the rear lane access. He noted that it was supported by those residents who had written to the Council, and those in attendance at Committee. He noted the comments from fellow Members, however, noted that the application before the Committee did include closure of the rear vehicular access. In terms of the wider redevelopment of the site, he felt that the proposals were excellent and appropriate to ensure the facility was fit for the future, with electric vehicle parking/charging and improvements to the shop element.

He noted he had experience of using that section of the A181, and he too had waited at the junctions for a period of time to be able to cross safely in his vehicle, however, it was not for the Planning Committee to look to solve those other highways issues, rather to consider the application as proposed. He noted he would support approval to include a condition relating to litter and asked for clarification on the issue of pedestrian access.

Councillor A Surtees noted she would second any proposal that retained the rear vehicular access. Councillor I Roberts endorsed the view of Councillor A Surtees, especially given the volume of traffic on the A181.

Councillor J Elmer noted that the retention of the rear vehicular access could present issues in terms of highway safety and also would represent a significant departure from the application as presented. He proposed that the application, with the additional wording for Condition 5, and an additional condition relating to a litter management plan be approved. Councillor D Oliver noted that he felt the closure of the rear vehicular access was helping to reduce risk and contributed overall positively to the issues related to traffic in the area. He emphasised that the access on to the main road would not be the same as currently in place, rather it was separate entry and exit, an enhanced provision. He felt that the closure of the rear vehicular access would also help in terms of litter, and he would second the proposal from Councillor J Elmer, however, would wish to hear from Officers as regards the rear access and litter picking provision.

The Senior Planning Officer noted that it was possible to add a condition relating to litter management. She noted that rear pedestrian access was being proposed within the application. She added that the concerns raised by supporters of the application had been the potential use of the pedestrian access by quad bikes, and that was considered via condition, however, there was a limit to the measures permissible while still allowing sufficient access for wheelchairs and pushchairs. She noted paragraph 92 of the report had considered those issues. She reiterated the closure of the rear vehicular access was as described by the agent for the applicant and was part of the application being considered.

The Principal DM Engineer noted the comments from the agent for the applicant in terms of the separate of HGVs from regular cars. He added that retaining the rear access would lead to vehicles entering the site in a contraflow direction which would be a safety issue. Furthermore, if it were retained as an exit only there would still be a possibility of some motorists risking entering the site from that direction. He advised that Highways Officers had requested improvements to the new accesses with the A181 from an early stage of the development which the applicant had taken on board.

He reiterated that the proposals included new, separate entry and exit points from the garage on to the A181, which was felt to represent a significant improvement on the current arrangement, with better radii on the turns into and out of the garage, longer tapers on and off the A181, and with a larger right-hand turn lane. He added that on balance, Officers were in favour of the proposals. He noted that retention of the rear entrance would be contrary to the proposed flow of vehicles and therefore the application as proposed was the more appropriate and safer option. He noted that the proposed new separate entry and exit was very similar to many other filling stations located on busy main roads. In terms of the speed of traffic on the A181, the applicant had carried out speed surveys and the result concurred with County Council surveys conducted in the past and therefore he was confident the data was credible. He concluded by noting that visibility at the garage was greater than the required national standards, that the separate entry and exit was an improvement, and therefore the application was acceptable in terms of highways safety.

The Lawyer (Planning and Highways) noted that in respect of the rear vehicular access, and retention as proposed by some Members, it was clear that the application before the Committee included proposals to close that rear entrance and there was not the option to alter that at Committee. Councillor A Surtees noted she would withdraw her motion.

The Chair noted the application had been moved for approval by Councillor J Elmer and seconded by Councillor D Oliver.

Upon a vote being taken, it was:

RESOLVED

That the application be **APPROVED** subject to the conditions within the Committee report, an additional sentence to be included within Condition 5 relating to compliance with final approved design details, and an additional condition in relation to a litter management plan.