

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **County Hall, Durham** on **Tuesday 15 October 2019** at **1.00 pm**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors G Bleasdale, D Brown, M Davinson, D Freeman, S Iveson, A Laing (Vice-Chair), R Manchester, L Pounder (substitute for K Corrigan), A Simpson (substitute for B Coult) and P Taylor

Also Present:

Councillors E Bell, J Maitland and J Turnbull

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, K Corrigan, B Coult, K Hawley, J Robinson and J Shuttleworth.

2 Substitute Members

Councillor L Pounder substituted for Councillor K Corrigan and Councillor A Simpson substituted for Councillor B Coult.

3 Minutes

The minutes of the meeting held on 10 September 2019 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest submitted.

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

a DM/19/01281/FPA - Land to the East of A19 and South of Dalton Heights, Seaham

The Principal Planning Officer, Henry Jones, 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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for formation of temporary construction access onto B1285 in associated with housing development (DM/15/03487/FPA) and was recommended for approval.

The Principal Planning Officer reiterated that the application was for temporary construction access to a housing development of 75 dwellings and associated works and reminded Members of the history of the site, most notably the development having been being refused by the Council in June 2016 and subsequently allowed by the Planning Inspectorate on appeal in September 2017.

The Committee were referred to site location plans and it was explained that the proposed site access point was from the B1285, approximately 60 metres south from the roundabout where the B1285 meets Graham Way and the entrance to the Dalton Heights residential estate. Members were asked to recall the current access arrangements to the development site, through Dalton Heights, as noted on the site visit earlier in the day.

The Principal Planning Officer noted the proposed access point had previously been used as agricultural access, however, the existing dropped kerb would not be sufficient for the site traffic and would need to be widened. It was added that there would need to be hard surfacing to allow vehicles to pull into the site and a lighting column would need to be relocated to the north of its current position. The Committee noted that the access was proposed to be managed with 'left-in and left-out', site traffic to approach from the south, turn left into the site, turn right out of the site travel north to the roundabout and then come back south along the B1285. It was highlighted there were no proposals for a physical impediment to a right turn from the site, and that warning signs would be installed relating to the temporary access. Members were referred to photographs of the proposed entrance and the Principal Planning Officer explained that some of the hedgerow had already been removed, with some low stumps remaining. The Committee were advised that an advertisement on the photographs which did not have permission had been removed from the area.

The Principal Planning Officer noted there had been no objections from the Highways Section and no objections from the Landscape, Arboriculture or Ecology Sections subject to reinstatement after the temporary construction access was no longer required.

In relation to public responses, the Principal Planning Officer noted there had been objections from Local Councillors E Bell, J Bell, J Maitland and A Napier, with two of them in attendance to speak to the Committee. He added that, in an update from the report, there had been 38 responses, 27 in objection and 11 letters of support. He noted there was a summary of the main reasons for objection and support set out within the report.

The Principal Planning Officer noted that as policies within the saved Easington District Local Plan (EDLP) were considered out-of-date, National Planning Policy Framework (NPPF) Paragraph 11 would be engaged, presuming in favour of a proposal unless any adverse impacts of the proposal significantly and demonstrably outweighed the benefits of the proposal. The Principal Planning Officer noted the key issue was highway safety and the Council's Highways Section had noted the proposals were safe and offered no objections. He added that the existing access arrangements had been approved when the development had been allowed at appeal and the proposals represented the Developer's response to objections raised by local residents. The Principal Planning Officer concluded by noting the recommendation to the Committee was for approval.

The Chair thanked the Principal Planning Officer and noted there was a number of speakers. She noted the order of speakers would be Parish Councillors, Local Councillors, Objectors and then Supporters. The time limits associated with each group of speakers was noted and the Chair asked Parish Councillor Marian Oliver of Dalton-le-Dale Parish Council to speak in relation to the application.

Parish Councillor M Oliver thanked the Chair and Committee for the opportunity to speak on the application and noted she would not list the many reasons why the Parish Council had not supported the original housing development application, those being recorded at the original application and subsequent appeal. She added those included: flood risk; damage to ancient hedgerows; loss of greenfield land; and highway safety. She noted the many views having been cast aside, with those fears at that time now being realised.

Parish Councillor M Oliver noted the Parish Council sympathised with the residents of Dalton Heights in terms of the disruption, noise, dirt and congestion and added it would not be an understatement to say the situation was a nightmare.

She added that it appeared as if from 'day one' the use of the current access had been as disruptive as possible to make the access unsuitable. Parish Councillor M Oliver noted that the Council's Highways Section and the Planning Inspector had noted the current arrangements were suitable, she added the Parish Council noted that access was far from suitable and had led to this ludicrous situation.

Parish Councillor M Oliver noted the proposal for temporary access from the B1285 would utilise an existing agricultural access, however, the types of vehicles would be much larger than a tractor and there would be a lot more vehicles using the access. She added it was felt it was a no-win situation.

Parish Councillor M Oliver noted that the B1285 was a very busy road, used as a diversion route for the A19 if there was an incident and by many people accessing the popular Dalton Park Shopping Outlet. She added that speed was an issue on the B1285 with locals being told a Speedwatch was not permitted on the road as it was "too dangerous". She added that the road was very muddy from the works and use of another field entrance without permission and this mud added to the danger. She noted the Parish Council felt it was completely unacceptable there were no proposals for water filled barriers.

Parish Councillor M Oliver noted with sadness the recent fatality less than a quarter of a mile away at Cold Helesden, demonstrating the dangers along the B1285. She concluded by noting that while the application was for temporary access, she urged the Committee to be wary in setting a precedent whereby developers would seek similar access arrangements directly.

The Chair thanked Parish Councillor M Oliver and asked Local Member, Councillor E Bell representing Deneside to speak in relation to the application.

Councillor E Bell thanked the Chair and Committee for the opportunity to speak in objection to the application. He explained that the B1285 was a very busy road even before the addition of many new houses and the popularity of the nearby Dalton Park. He added that he had 30 years' experience as a Police Officer, with many of those in Traffic Patrol, recalling many occasions attending accidents on the B1285.

Councillor E Bell noted he had spoken to residents that had previously objected to the housing development that now supported the access application. He added this felt to him as if there was an element of NIMBYism. He asked the Committee whether Developer would wish for the large dirty lorries to use the existing access past the sales office and show home or to use a new, out of the way access?

He noted the temporary access had no time-limit, and it was believed the site could take up to two and a half years to complete. He added that 'years' did not seem very temporary.

Councillor E Bell noted that the site was previously protected by hedgerows, with sections now having been taken out. He added that wagons turning into the proposed access would need to swing out to make the turn and with Graham Way treated as a racetrack by some drivers with some coming of the roundabout camber in the wrong lane presenting a very dangerous situation. He noted that the safe entry to the site was the existing arrangement through Dalton Heights, proven by the access already being taken via this route. He noted that he felt the road cleaning in terms of mud was not sufficient and there had been scant regard for local people. He asked if the current access worked previously, why did it not work now? Councillor E Bell concluded by noting in this case he felt Officers had got it wrong and he asked Members to refuse the application.

The Chair thanked Councillor E Bell and asked Local Member, Councillor J Maitland representing Murton to speak in relation to the application.

Councillor J Maitland thanked the Chair and Committee and noted she was speaking on behalf of herself and Councillor A Napier, Local Councillors for the Murton Electoral Division. She explained to Members the history of the housing development, having originally been refused by Easington District Council in 1997 and repeatedly over the years until being upheld on appeal in 2017.

Councillor J Maitland noted that the Planning Inspector had discussed the impacts of construction traffic and had concluded that access via Dalton Heights was acceptable and imposed a condition requiring a construction management strategy. She noted that if an access was permitted from the B1285 this would impact upon the 170 or so bus journeys travelling each way along the road, putting pressure on the timetable. She noted the road was very narrow and that vehicles turning would go into the other lane, made even more dangerous by the close proximity of the roundabout. Councillor J Maitland noted she would ask that the Committee refused the application.

The Chair thanked Councillor J Maitland and asked the Principal Planning Officer to respond to the points raised.

The Principal Planning Officer noted he would respond and also invite the Highway Development Manager, John McGargill to comment in addition. He noted that Condition One within the recommendations set out the temporary nature of the permission, to coincide with the duration of the build, and that any permanent use of the access for residents of the new development would require a new planning application.

The Principal Planning Officer noted that the Construction Management Plan set out defined routes to access the site, in part to avoid temporary traffic lights to the north at Seaham Lane. He added that this required site traffic to come via the A19, then travel from a southern direction along the B1285 to the site entrance. He added many of the points raised in terms of the housing development that already had planning permission were not directly relevant to the application for a temporary construction access.

The Highway Development Manager noted that the Highways Development Section gave a very objective view on applications, based on data from both the Police and other sources. He noted that on the B1285 had around 1,000 vehicle per hour at peak use, and therefore five heavy goods vehicles and five light vehicles accessing the site, in addition to 1,000 existing road users represented a small increase. He explained that in relation to speed, measurements had shown the 85th percentile speed had shown 41mph in one direction and 39mph in the other, therefore there was no evidence of a significant speeding problem. The Highway Development Manager noted no fatalities in the application area in the last ten years, and that in the last five years there had only been three accidents, two with vehicles turning at Overdene and one being a Police vehicle involved in a vehicle chase having reversed into a wall. He added none were at the proposed access point. Highway Development Manager noted that the data did not suggest a dangerous access, the proposals included widening and simulations had demonstrated there was no requirement for vehicles turning to cross the carriageway and therefore the proposals would be safe in operation. He added that vehicles would be approaching from the south as already stated by the Principal Planning Officer, in line with the Construction Management Plan. He explained that the Developer had indicated that the access would operate with a Banksman at all times and this would ensure safety, and that of pedestrians in addition. The Highway Development Manager noted that with the information as stated, there were no objections to the application from the Highways Section.

The Chair thanked the Officers for their comments and asked Mrs Angela Sandwith to speak in objection to the application.

Mrs A Sandwith explained she lived at West Farm, directly opposite the proposed access to the housing development. She noted that at her property there was also access to two fields and explained that some of the site photographs within the presentation were taken from her driveway. She explained she strongly objected to the application not only in terms of the steep gradient along the B1285, also the impact upon the environment. She added that National Planning Policy Framework Guidance from 2019, at Paragraph 180, set out that new development should be appropriate for its location taking into account the likely effects.

Mrs A Sandwith noted that common sense and the history of the development should demonstrate that there would be impact upon people of all ages and local services. She added that the impact upon West Farm should not be downplayed, and she added that they felt discriminated against in terms of their privacy, safety, security and wellbeing. Mrs A Sandwith noted that the proposed access was too close to the roundabout between the B1285 and Graham Way and that the current position meant access to West Farm was very difficult, the proposed development likely to make it much more difficult if not blocking access. She asked Members to recall the 2018 "Beast from the East", a period of extreme winter weather, and recalled the great difficulty had by vehicles on this road, it often being blocked by stuck vehicles.

Mrs A Sandwith noted that she felt the 'left-in, left-out' approach would only compound issues and noted the use of the route by the Police, Fire and Ambulance Service, with the nearby Police Station not far along Graham Way, highlighting that on several occasions people have used her drive to allow emergency vehicles to pass. She pointed out that the double white lines on the road prohibited any crossing of the centre line and asked why should light vehicles be allowed to dismiss this, had highways laws been waived? She noted that there were already queues some days on the B1285 and questioned the number of vehicles per day adding this was on top of private vehicles.

Mrs A Sandwith added there was a lot of noise and disturbance from the housing development and associated traffic. She noted the issues already raised in terms of speed on the road and the hedgerow already pulled out, with only stumps remaining. She noted that she felt the Developer could not be trusted and highlighted the impact the proposed access would have on those using the footpath, with mobility scooter, and on cyclists and pedestrians in addition. Mrs A Sandwich noted as regards an issue of flooding with a blocked drain and the lack of sufficient road cleaning, such that the road was left muddy and dangerous. She highlighted a recent incident at the roundabout where a car skidded 180 degrees and went straight over the roundabout. She noted that comments in relation to a scheme at the B1404 as being safe were not relevant as she did not consider the two to be comparable. She concluded noting she felt very passionately about the matter and urged Members to refuse the application.

The Chair thanked Mrs A Sandwith and asked if Officers could respond to issues raised.

The Principal Planning Officer noted the Highways Development Manager had already spoken as regards the professional opinion that the application was safe, with a Construction Management Plan in place and conditions within the recommendation. He added that the proposal of a Banksman by the Developer also helped in terms of pedestrian movement. He noted that the noise and disturbance from the housing development itself was irrespective of which access was taken by construction traffic. The Chair reiterated that the application was as regards the temporary construction access, not the housing development that already enjoyed planning permission.

The Chair thanked the Principal Planning Officer and asked Mrs Elaine Brooks to speak in support of the application.

Mrs E Brooks thanked the Chair and Committee and noted she had originally objected to the housing development and reiterated that she had objected as much, if not more than anyone else. She explained that her bungalow was adjacent to the current access being used for construction vehicles. She referred Members to photographs of the site, demonstrating the position of her saloon car relative to construction traffic, including wagons, low-loaders with diggers and cranes. She added that the current situation was a nightmare.

Mrs E Brooks noted that the appeal in terms of the housing development was lost, in that development was approved and therefore residents, including herself, have had to make the best of a difficult situation. She noted that in fairness to the Developer, Bellway, their staff have tried their best to help us deal with the situation and they have taken on board what residents have to say.

Mrs E Brooks noted that it was felt that the temporary construction access for site vehicles was a necessary compromise for the safety of residents on Dalton Heights. She understood the comments from others, however, they were speculation and while neither of the options were ideal, the current situation as described within the comments from objectors was happening every day. She explained that the congestion residents have to deal within their small estate was unbelievable.

Mrs E Brooks noted an example where she was trying to leave her drive just as a crane was being delivered, the vehicle was so long it blocked her in. She noted that she waited, then just as she got off her drive, the road sweeper arrived and they had to back up to let her out. She noted a car behind the sweeper had to do the same. Ms E Brooks explained that in addition, the refuse vehicle was approaching from the top of the cul-de-sac and had to collect the bins on foot as the operatives could not get anywhere near to her property.

She added that this was just one incident of many. Mrs E Brooks explained that when her grandchildren visited in the past, they had been able to play outside, adding that this was now impossible as it was far too busy. She noted none of the children who lived in the estate were safe to play outside with huge vehicles trying to manoeuvre around tight bends.

Mrs E Brooks noted that the road sweeper was operated continually, all day, every day. She noted this was in attempt to maintain cleanliness, however, the noise was irritating beyond belief and it only added to the congestion as it tried to manoeuvre around cars that park on both sides the narrow road. She added that the congestion caused by these vehicles would be diluted if they were allowed to enter directly from the B1285, via the proposed entrance, rather than winding their way through a housing estate.

Mrs E Brooks kindly asked that, as well as considering what could or might happen on the B1285, that Members considered what was actually happening at Dalton Heights every single day and support the application.

The Chair thanked Mrs E Brooks and asked Mrs Margret Graham to speak in support of the application.

Mrs M Graham explained she supported the application and added that many of the people objecting did not live on the estate and had no idea of the daily disruption residents have had to face.

She explained that since the roundabout on the B1285 was altered to calm traffic flow the risk of accidents had been greatly reduced. She added that it was therefore reasonable to assume that site traffic using the proposed entrance, on a left-in and left-out basis would continue to reduce risks in this regard.

Mrs M Graham noted that the present access on Escallond Drive was on a bend, whereas the proposed access was on the Times Inn Bank, a straight road which would be more suitable for access. She noted that the number of pedestrians using the B1285 was no greater than the number of pedestrians needing to access their homes on the Dalton Heights Estate. She noted that the majority of people using the B1285 were aware of the farm access which had been in constant use for decades.

Mrs M Graham explained that it was felt that using the access on the B1285 would; not affect visitors to Seaham or Dalton Park; not increase the volume of traffic; not affect emergency vehicles; not contribute to poor air quality on this road; and not affect the residents living in the Dale or Overdene as site traffic did not pass in front of their homes.

She added that regardless of the Committee's decision today site traffic would continue to use the B1285 as was the designated route and had been for the past four months and would continue to be so for the next two to three years.

Mrs M Graham explained that the Committee, by approving the application had the power to vastly improve the air quality for the next two to three years on the Dalton Heights Estate for residents and children. She added that would also improve access for emergency vehicles, which could potentially save lives. She concluded by noting that as regards horses using B1285, if the 'so called buy road' was safe for them, then surely it must be safe for all road users, regardless of their mode of transport and urged the Committee to support the application.

The Chair thanked Mrs M Graham and asked the Committee for their comments and questions.

Councillor A Laing thanked the Officers and Speakers and noted she accepted the benefits the application would provide to nearby residents, giving weight to those benefits. She explained, however, that in her mind the essential point that the Committee must be fully satisfied with was highways safety in relation to the proposals. Councillor A Laing noted she was pleased that the Developer, Bellway had worked with the Highways Section, however, she referred to Paragraph 52 of the Officer's report which stated disruption to pedestrians including the disabled and parents with young children in pushchairs. She added she could only support the application if she had the upmost confidence that there was minimal risk. Councillor A Laing noted that the mitigation as set out in Paragraph 53 of the Officer's report, noting warning signs, did not go far enough and therefore on balance she felt the benefits of the application did not outweigh the significant adverse impact in terms of highway and pedestrian safety and felt that refusal of the application would be justified. She moved that the application be refused.

Councillor G Bleasdale expressed her disbelief in terms of the situation, noting she and the Local Members understood only too well how dangerous the B1285 and the footpath could be. She noted vehicles coming from Dalton-le-Dale struggled to get out and the number of vehicles should not be underestimated. Councillor G Bleasdale added that vehicles would struggle to get in and out of the farm and that vehicles would get stuck on the steep bank. She noted there were other issues in terms of mud and dirt and added she did not believe the application should be approved, seconding refusal.

Councillor P Taylor thanked all speakers for their passion and explained to the Chair he was very troubled by the application. He noted that the Planning Inspector had already determined that the current access was acceptable.

He noted he had a question for the Highways Development Manager, that if the residential development had been proposed which access would have been deemed most appropriate. He also asked if the Developer had proposed access previously from the B1285.

The Chair asked the Highways Development Manager if he wished to comment. The Highways Development Manager noted that an application for 134 properties, which was refused, had a protected right turn at the proposed location and that would have been acceptable based on the data at that time.

Councillor D Brown noted from the site visit earlier in the day that there had been hedgerow removed in order to increase the splay and a lighting column would be moved, and perhaps a telegraph pole in addition. He asked if the application was approved, would the developer be able to use the new access in addition to that already being used through Dalton Heights. The Principal Planning Officer noted if the application was approved, the developer would only be permitted to access the site via the new access from the B1285, with the Construction Management Plan setting this out.

Councillor M Davinson noted the proposed use of a Banksman and suggested that if they kept to construction hours over the next two and a half years during the housing development, what would prevent residents of the new estate from being able to use the construction access outside of construction hours over the course of those two and a half or so years. He also asked if there was any way of forcing traffic to turn left. The Principal Planning Officer noted one iteration of the proposal included water filled barriers to physically prevent a right turn on to the B1285, however, it was felt in overall safety terms a left-in, left-out arrangement, without any physical impediment was safer and the inclusion of a Banksman would also help. He added that in terms of access by residents of the new estate as it became more built out, or indeed at the end of the development, he suggested such residents would find the existing access as set out within the housing approval via Dalton Heights to be preferable.

Councillor M Davinson asked what would stop those residents if the Banksman was not in place. The Chair noted that Ms Frances Nicholson, Planning Manager at Bellway Homes was present and asked if she wished to clarify on that particular point. Ms F Nicholson explained that the construction access would be locked when not in use.

Councillor P Taylor asked that, if the Highways Section would have accepted the proposal, why did the developer not ask for this particular access originally. Ms F Nicholson noted there was long history with the application, as alluded to by other speakers.

She added she was not familiar with the entire history of the site, however, while the access that was deemed to be acceptable does work, the move to the proposed access point was preference by nearby residents and would help to remove an element of disruption as set out within the statement provided by Bellway Homes as set out within the Committee report. She reiterated the proposal was to seek a better solution for residents.

The Chair reminded Members that questions should be directed through via the Chair, rather than across the Council Chamber.

Councillor D Freeman noted he felt he should speak in favour of the application and, while recognising that the situation was not ideal and the applicant already enjoyed access to the housing site, he believed the proposals was to the benefit of residents of Dalton Heights and the new estate being constructed itself. He added the proposals seemed to be the better option and the Council's Highways Section had expressed their opinion that the proposals were safe, bearing the improvements being proposed to the access in question. He added that the addition of a Banksman to supervise the access meant he would support approval. He asked if it was ten vehicles per day, as residents had stated vehicle movements all day. The Chair asked if Ms F Nicholson wished to comment on that point specifically. Ms F Nicholson reiterated that it was five heavy goods vehicles per hour and five light vehicles per hour, between the hours of 8.00am to 6.00pm. She added that the current phase of construction, including construction of roads, was a very busy period and that once that phase was completed vehicle numbers would reduce.

Councillor D Freeman noted he proposed the application be approved as per the Officer's recommendation. He was seconded by Councillor A Simpson.

Councillor P Taylor noted he felt there was the danger of setting a precedent in that changing the access and egress of a site having been previously agreed, by the Planning Inspectorate in this case, could lead other developers to adopt this approach in the future.

The Chair noted the recommendation for approval had been moved by Councillor D Freeman and seconded by Councillor A Simpson and upon a vote being taken the motion was **LOST**.

The Chair noted the proposal in respect of refusal of the application and asked Councillor A Laing for reasons for refusal prior to a vote being taken.

Councillor A Laing reiterated in terms of pedestrian safety as explained in the Officer's report at Paragraph 53.

Councillors E Bell and J Maitland left at 2.09pm

The Solicitor – Planning and Development, Neil Carter noted he would have concern in terms of any refusal on highway or pedestrian safety given the Highways Development Manager's professional opinion that the proposals were safe.

He added that his concern was that if a refusal on that basis was appealed, it would prove difficult to sustain and the position would likely expose the Council to costs. He noted that the decision however was for the Committee, on that basis.

Councillor G Bleasdale noted the proposals would affect residents at Dalton Heights, but also residents at Dalton-le-Dale and cause disruption on a dangerous road. The Solicitor – Planning and Development noted this could be added, however, he felt it would be important to consider the professional advice of the Highways Services Manager in this regard.

Councillor P Taylor noted it maybe helpful to note the application was contrary to EDLP Policies 1, 35 and 36, noting the advice given by Highways and considering the local knowledge given by Local Members and residents. He noted the proposals would have an adverse impact in terms of access and egress of construction vehicles directly onto the B1285 affecting the amenity and safety of residents, and those using the area, including tourists, those travelling to work, pedestrians, cyclists and those travelling on horseback.

On that basis, Councillor A Laing proposed the application was refusal, she was seconded by Councillor G Bleasdale.

RESOLVED

That the application be **REFUSED** for the for the following reason:

The Local Planning Authority considers that the proposed development would, as a result of vehicles accessing and egressing directly onto the B1285, generate traffic that would be prejudicial to the safe use of the public highway. This would be contrary to policies 1, 35 and 36 of the Easington District Local Plan.

b DM/18/00864/FPA - Biggin Farm, New Brancepeth, Durham

The Committee noted the item had been withdrawn.