

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held **remotely via Microsoft Teams** on **Tuesday 28 July 2020** at **9.30 am**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell, J Clare, K Corrigan, I Jewell, J Maitland (substitute for S Wilson), A Laing, G Richardson, A Shield, J Shuttleworth, F Tinsley (Vice-Chair) and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors K Hawley, C Kay, A Simpson and S Wilson.

2 Substitute Members

Councillor J Maitland substituted for Councillor S Wilson.

3 Declarations of Interest

There were no Declarations of Interest.

4 Minutes

In relation to the minutes from 1 July 2020, Application 5b - DM/19/03567/MIN and DM/19/03569/VOCMW - Land to the west of Bradley Surface Mine, Leadgate, Consett, DH8 6RS Councillor A Shield wished to note for the record that subsequent to the meeting he had met with Mr L Stokes from Banks and it had been clarified that the potential tonnage, in respect of coal generated by the site, would be nowhere near as much as the 520,000 as set out at paragraph 1 the Officer's report. He added that the Officer had responded to say the 520,000 was an estimate based upon ground investigations and that the final amount could be more or less than the old workings. He highlighted that, whatever the final tonnage, it would equate to less than 10p per tonne from the Bradley Site.

The Chair asked if the Solicitor – Planning and Development, Neil Carter could comment as this referred to the report and the minutes were a record of the meeting itself. Councillor A Shield explained he was not asking for the minutes to be changed, rather the information to be noted by the Committee. The Solicitor – Planning and Development noted the minutes were a record of meeting and would not be altered in that respect, he thanked Councillor A Shield for his comments and the information would be noted.

Councillor M Wilkes noted that last sentence on page 39 of the agenda pack should be amended to accurately reflect what he had said:

“However, he noted the NPPF requires that the national benefit be considered and therefore it was necessary to consider whether digging 100,000 tonnes of coal and fireclay was in the national interest”.

Subject to the amendment from Councillor M Wilkes, the minutes of the meeting held on 1 July 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

5 Applications to be determined

a DM/20/00669/FPA - Land To The East Of Mill Lane, Sherburn, DH6 1HP

The Senior Planning Officer, Laura Eden, 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 application was for 12 additional dwellings (132 dwellings in total) linked to applications DM/16/00400/OUT & DM/18/03759/RM for the erection of 120 dwellings with a recommendation for approval subject to conditions and a Section 106 Legal Agreement.

Members were informed as regards the previous applications, the previous agricultural use of the land, and that the site was bordered to the north by the rear boundaries of residential properties, including those of Sherburn Farm, Chapel Court and South Street. The Senior Planning Officer explained that there was further agricultural land to the south, with a former railway line walkway running in a north-west/south-east direction plus a woodland trail, beyond. She added that to the east of the application there was a bridleway in a north-west/south-east direction with agricultural land beyond. She noted that to the west of the site was Mill Lane (the C12A) and the rear boundaries of Mill Lane residential properties, with further homes on the western edge of Mill Lane at The Crescent and Sherburn Way beyond.

The Senior Planning Officer noted there were no statutory or locally designated landscape or ecological sites within, or immediately adjacent, to the application site and abutted the Sherburn Village Conservation Area with a small 0.09 hectare area within the application site. She explained that the application was for 12 additional properties to the site that already had planning permission, with the highways access and show home already completed, with two properties on the site being occupied and with 28 in the process of construction. Members were referred to a comparison of the approved site layout plan and that proposed by the current application. She explained the current application was for full planning permission for 132 dwelling, an additional 12 to that previously agreed. She noted that there was no net increase in developable area, and therefore there was a partial re-plan and remixing of the site as set out, with large areas unaltered when compared to the original layout, including the majority of the internal road structure. The Senior Planning Officer set out the proposed housing mix and types, and noted all properties included off-street parking, some a mix of integral and detached garages and enclosed rear gardens. She noted access would be gained via the approved and completed access from Mill Lane and noted the open space at the entrance to the site and conditions would be re-imposed to secure the peripheral structural landscaping to the southern site boundary, the implementation of the general landscaping scheme and the maintenance thereafter. The Senior Planning Officer noted that the site access and traffic impacts associated with the substitution of plot types and increase in dwellings were set out in the Transport Statement and that this was considered acceptable subject to a condition being imposed to secure improvements to the Mill Lane – B1283 mini-roundabout junction, replicating Condition 10 of the previous outline condition. She noted the agreed works included a realignment, lining and signing scheme to improve safety and capacity prior to the occupation of the 50th dwelling on site.

The Senior Planning Officer noted the concerns raised by objectors to the application in relation to the Road Safety Audit (RSA) undertaken on the detailed design of the junction. She explained that the RSA followed Department for Transport (DfT) guidelines and all the issues raised had been addressed by designers and accepted by the Highway Authority as the overseeing organisation for the highway network. She noted that the Highways Authority considered the existing access was acceptable and there are no outstanding road safety issues and the development access is deemed to be acceptable from a road safety perspective. The Senior Planning Officer noted the proposed house types were considered to be acceptable with reference taken from the character and appearance of the Sherburn Conservation Area with a range of house types and true corner-turning units utilised at street junctions to provide visual relief within the development.

She noted that distance standards with properties external to the development were comfortably achieved and as such it was not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and therefore there would be no significant adverse residential amenity impacts.

The Senior Planning Officer noted that since the publication of the Committee report there had been two further letters of representation received. She explained Local Member, Councillor B Kellett had maintained his objection to the development and a further letter of objection had been received from a local resident. It was noted there were no objections from the Planning Policy and Highways sections relating to the application and no objections from statutory or internal consultees subject to conditions and informatives. She noted that Councillor Bill Kellett objected to the application and was strongly critical of the way that the RSA had been carried out and raised concerns as regards adverse highway impacts and the likely impact on the local GP surgery. She added that Councillor D Hall, another Local Member for the Division had requested that the application be determined by Committee to fully assess the impacts on additional development on the village and any additional discretionary contributions the developer may see fit to include in their agreement. It was noted there had been eight letters of objections from residents, with a summary of those included within the Committee report.

The Senior Planning Officer noted the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the National Planning Policy Framework (NPPF) and therefore, in order to justify the refusal of planning permission, any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits. She explained that the principle of developing the site for housing was established under planning permission outline and reserved matters application and the additional 12 dwellings could be accommodated within the site without materially diminishing the overall quality of the previously approved scheme and impacts arising have been fully mitigated through additional S106 contributions. She added that as it was felt that any adverse impacts arising would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing and therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.

The Chair thanked the Senior Planning Officer and asked the Senior Committee Services Officer, Ian Croft to read out a statement on behalf of Local Member, Councillor D Hall.

The Senior Committee Services Officer noted the statement from Councillor D Hall read as follows:

“I am sorry I will not be able to attend the meeting due to work commitments. The Committee team have kindly agreed to read out this statement on my behalf and I have circulated a copy to Planning Committee Members beforehand, accompanied by a copy of the Council’s December 2019 Road Safety Audit of the new junction of this development.

In relation the Persimmon Mill Lane Development’s amendment I respectfully ask that Committee Members propose, second and support a Condition, upon any planning permission grant, requiring that:

‘the 30mph zone be moved to a suitable location on the other side of the new junction and pedestrian crossing, with appropriate signage, lining, and gateway features as appropriate’.

The reasons for this request are that Road Safety is a significant concern surrounding the entrance for this development. A Road Safety Audit (RSA), jointly commissioned by the County Council and Persimmon, was recently carried out by the Council’s Accident Intervention Team’s Officers. Most of its recommendations are being implemented, including a newly improved pedestrian crossing in what is currently the 40mph zone.

Page 13 of the Council’s December 2019 Road Safety Audit recommends that if the entrance to the development cannot be moved then the 30mph zone be moved to a suitable location on the other side of the new entrance (and pedestrian crossing), with suitable lining and village gateway works done, but this has not been done. This is a low-cost piece of work and could be easily implemented.

The development, its new junction, its increased capacity pedestrian crossing, and all the additional use by its residents’ cars and footfall of residents from this development, including those to benefit from this amendment, necessitates that this sensible and reasonable action be taken.

The original development on Mill Lane of 120 houses was very controversial. After a drawn-out planning process, outline permission was reluctantly granted, and Persimmon later bought the site and now seek to amend it to add 12 dwellings on the same site. They have begun building houses on site, and the new junction with its new central-lane turning space.

I have worked with residents, fellow Councillor Bill Kellett, Parish Council and Officers over the past few years to address issues raised over the original planning application, issues over the management of the development, and to improve the benefits and lessen the impacts of this development and this amendment.

Road safety is a big concern and this amendment application, and the adoption and safety assessment processes that accompany it, provides an opportunity for local people and this Committee's Members to appropriately address one of the most significant concerns.

The nearby pedestrian crossing point has now been amended to accommodate increased use by pedestrians, cyclists, and mobility scooters as part of this development – yet it remains in a 40mph zone!

This road past the new junction is a very well used National Cycle Route, even more so during the recent COVID-19 pandemic.

Following the Road Safety Audit's recommendations, it would seem sensible for the Council to request the developers make this amendment. It is only necessary because of this development and this amendment add-on to it.

Some speed data was collected and the 85(%)-percentile speeds in this area of the 40mph zone were said to be around 35mph. Speeding above 40mph is not the issue to be addressed, safety is, as per the Council's own safety audit recommendations.

The 85(%)-percentile speeds of 35mph would indicate that reducing the speed limit down to 30mph is achievable and so credible, especially if supported by appropriate signage and gateway works to highlight the change to drivers, as recommended.

As we all know, the risk of serious injury or death to pedestrians, children and cyclists hit by cars and HGV's travelling over 30mph increases dramatically.

I have spoken to a representative of Persimmon recently when discussing this and other requests and they said they would do this if formally asked to by the Council. The relevant Senior Highways Officer has told me that he does not mind if it is moved, and a manager of the Strategic Highways team has told me he sees the sense in moving it as well.

The above may appear to be a simple, sensible, required, and straight-forward thing to do, and it is. It is however necessary for the Committee to add a condition today to make it happen, otherwise it will not be done.

I would therefore be very grateful if the Committee will please request and vote in favour of the condition for the 30mph zone be added.

Thank you for considering this application today and my statement".

The Chair thanked the Senior Committee Services Officer and noted the following the comments from Mr Paul Hunt, representing the Applicant, he would bring in the Council's Highway Development Manager, John McGargill to speak in relation to the matters raised.

Mr P Hunt thanked the Chair and added he hoped all were safe in the current uncertain times. He noted he represented Persimmon Homes and was speaking in support of the application. He thanked the consultees and the Senior Planning Officer for their help and hard work in respect of the application. He noted the development site was in a sustainable location and had access to a number of key services within the local area and beyond, the site being well supported by both private and public transport links. He noted the application offered the opportunity to further enhance a sustainable development within the Sherburn area with the adjustment of housing that fitted more with current housing demand of prospective residents. He noted that Members were already aware that the site benefited from both outline and reserved matters approvals and pre-commencement conditions had been discharged and development had commenced on site with marketing and sales now active.

Mr P Hunt noted that through early marketing and sales enquiries it had been apparent the housing product offered by the consented scheme was not entirely reflective of the type and size of houses which the local market was demanding, with a large number of potential purchasers seeking smaller sized family homes. He explained that therefore the application sought to re-mix the housing within the site to best meet those demands, providing an additional 12 properties to efficiently utilise the site while maintain the key design principles of the development. He noted that the proposals for 132 units, over the 120 of the approved schemes, looked to maintain the design principles of the outline and reserved matters applications and the internal road structure remained unchanged to that already approved. He added that the developable area remained unchanged, ensuring that open space would be unaffected by the increase in the number of units.

Mr P Hunt noted the development would continue to deliver good principles in line with the NPPF which seeks to create a high quality, attractive development which aimed to be respectful and complimentary to the surrounding area. He added the development would continue to make use of traditional building materials to achieve a level of complimentary development within the surrounding area. He noted the access to the site would be via the previously approved access from Mill Lane and the submitted Transport Statement summarised the approved transport assessment, the mitigation for the approved 120 units and assessment of the effect of an additional 12 units.

Mr P Hunt noted that the Transport Statement concluded that the additional 12 units would not result in an impact on the surrounding network and the previous approved site access remained suitable for the additional 12 units and that a RSA of the site had been completed with Durham County Council to inform and incorporate into the design which had already been developed on site. He noted that Persimmon Homes had worked closely with the planners in Durham Council, as well as Council and statutory external consultees and, through adaptation of the proposal and submission of additional reports, plans and information, the proposed development met the requirements of all whilst also the following the principles agreed in the previous applications to allow for a seamless and continuous development across the entire site. He explained that the impacts of the development would be fully mitigated by the development or via a planning gain package topping up payments and additional affordable housing provision was to be secure in addition to the current s106 items for the additional 12 units such that there no adverse impacts which would significantly and demonstrably outweigh the benefits. He added that the application was supported by a full suite of supporting reports, assessment and drawings which had met all the requirements of internal Council and Statutory Consultees including Drainage and Highways such that there were no outstanding objections from any of those bodies.

Mr P Hunt noted that the Applicant contended that the site was highly sustainable in its location and the proposals would result in a high quality visually attractive development, boosting housing and more closely reflect the identified demand in the area. He noted no technical issues that the application had taken into account the relevant policies and local residents and surrounding land uses and as a result there were no adverse impacts that would significantly and demonstrably outweigh the benefits of developing the site to deliver much needed family housing in the area. He concluded by politely requesting that the Committee support the Officer's recommendation an approve the application.

The Chair thanked Mr P Hunt and noted that, as the Committee had no specific questions of Mr P Hunt at that time, he would ask the Highway Development Manager to speak in relation to the application and the comments within Councillor D Hall's statement.

The Highway Development Manager thanked the Chair and noted that the access for the original application was assessed in 2015 on the basis the road running past had a 40mph speed limit, with visibility splays assessed accordingly and found to be acceptable. He noted he had been lobbied relentlessly over the last five years to move the 30mph speed limit currently north of the junction to the south of the junction, however, the Council had resisted this.

He explained that he had worked for Local Authorities for 40 years, with Durham County Council being the fourth Local Authority he had worked for. He noted in that time he had never been accused of lying and had been accused of lying to Committee in relation to the application. He explained he was certainly not lying to Committee and always took an objective point of view which could be defended if necessary. He explained he had worked in, and managed, the Accident and Investigation and Road Safety Audit Teams and therefore was able to apply that knowledge and skill when assessing new developments. In respect of the Local Members' concerns, he noted Councillor B Kellett had raised the issue of additional traffic in the village. He explained that for 12 additional units this would equate to eight additional vehicle trips and if those vehicle trips were to split in a north and south direction, there would be four additional vehicles entering the village over the peak hour and he suggested that this was not significant or noticeable within the background traffic of around 5,000 vehicles per day. The Highways Development Manager noted that Councillors B Kellett and D Hall had raised concerns as regards the RSA, with Councillor D Hall noting there were significant concerns relating to the safety of the highway. He noted that those concerns were not shared by the Highways Authority, the junction had been assessed, a RSA had been undertaken in accordance with Government guidelines and national standards and completed and signed off to the satisfaction of the Highways Authority, adding it was a safe junction.

In reference to the RSA content, the Highways Development Manager noted reference to the junction, located on the apex of a bend, contributing to visibility issues. He suggested that the apex of a bend was the best possible place for a junction, and it had been raised in the RSA and dealt with via the RSA process. He added there were no visibility issues with the junction being on the apex of a bend, it had been demonstrated and, technically proven there were acceptable visibility and safe stopping distances for the junction. The Highway Development Manager noted that the Road Safety Auditor had suggested a potential solution for the issue of the junction being on the apex of a bend was to move the 30mph limit, again the Highway Development Manager noting he did not feel this was an issue and was in fact the best position for a junction. He added that the Road Safety Auditor had recognised within his statement that there could be credibility and enforcement issues in moving the 30mph limit. He agreed that he too felt this would be the case. He added that the suggested 30mph would be outside of the built environment area, where the current 85th percentile speeds are only 35mph. The junction was designed for speeds up to 40mph and there would be issues in terms of credibility of a 30mph limit and possibly enforcement issues.

He explained the guidelines provided by the Association of Chief Police Officers (ACPO) noted enforcement could take place where you had speeds in excess of 10 percent plus 2mph, which if there was a 30mph limit equated to 35mph. He informed Committee it was unlikely the Police would enforce the limit if it was moved and therefore in effect the moving of a sign would have no impact whatsoever.

The Highway Development Manager noted Councillor D Hall had suggested that he had spoken to senior officer and himself and that they had not minded in terms of the movement of the speed limit. He explained that he did not mind in the sense that it would not impact upon road safety, neither improving it nor making it worse. He noted his concern was that if Committee were minded to insist on a condition then the Police may not support the moving of the speed limit as it lacked credibility and could not be enforced. He noted his view was that in asking for a condition to be imposed it must be necessary, and with the junction being safe the condition being requested was not necessary.

Councillor F Tinsley asked for clarification in respect of the eight vehicles from the 12 additional properties, noting Members had experience of similar developments in their areas and noted eight seemed a low number, noting he knew of many households with three or more vehicles and eight from 12 properties suggested some of the properties had no vehicles at all. In respect of the junction, he took the point that the Highway Development Manager was very strongly of the view that the existing junction within the 40mph zone was safe and asked what the Officer's view was in terms of if the 30mph zone was moved, whether this would it be a safer junction because of this. Councillor A Shield asked what the reason was for the delay of the RSA, given the application for 120 properties was approved in May 2016 and the RSA was not started until December 2019, with the development already underway.

The Highway Development Manager noted that the reference was for eight vehicle trips, it was not attributing vehicle ownership per property, and this was the trip rate at the peak hour from the development. He explained that this was obtained from research and surveys that had been undertaken in County Durham and nationally which showed around 0.5 to 0.65 trips per unit at the peak hour, with the figures coming from software models and data collected for different areas within the country. In respect of if the speed limit sign was moved and whether it would have an impact upon road safety, the Highway Development Manager noted that DfT research had shown that it may reduce speed by up to 2mph, in this case an impact on the 85th percentile speed from 35mph to 33mph. He added he did not feel this would make any difference in the safety of the road with any change from 35mph to 33mph.

In relation to the question from Councillor A Shield in respect of the RSA, the Highway Development Manager noted that when he assessed developments he would need to take into account road safety and therefore he needed to have some experience and background in accident investigation and RSAs to be able to apply those skills to assess a development. He added that when he was making a recommendation to Committee either to accept or refuse a development, that knowledge had already been applied to the consideration of that development. He added the RSA was undertaken on the detailed design of the junction, not at the outline stage as Members may at that point not be minded to approve the development. He explained that the developer would only request the RSA once the detailed designs were complete and once they had been completed, the RSA was completed. He noted there were three stages to a RSA, the feasibility stage, where the Highway Development Manager would look at all the information provided on a development, speeds, geometry and so on to decide whether proposals were safe. He noted the second stage was the detailed design stage and the third stage would be upon completion of the junction itself to identify any potential road safety problems, this is to be undertaken for the junction in question as it had recently been completed.

Councillor A Bell thanked the Highway Development Manager for his professional opinion and asked if, given the Local Members comments relating to an additional condition, would he support taking the condition to the Police asking for their support. The Solicitor – Planning and Development noted that in terms of the imposition of a condition, the Officers did not think that there was sufficient justification for the condition that Councillor D Hall proposed. He noted that, as Members would be aware, there were six tests that a condition has to meet, the most important being whether the condition was necessary to make the development acceptable. He noted in this particular case, Officers did not feel there were any impacts that arose from the development that would require the imposition of that condition. He reiterated that the Highways Development Manager had noted the junction was safe, the additional traffic movements associated with the additional units would be negligible in terms of the impact upon the network. The Solicitor – Planning and Development noted that he would struggle to understand what impact would arise in highways safety terms from the development that would require the developer to address by way of implementation of a reduction of the speed limit.

Councillor J Shuttleworth noted the point in relation to the Highway Development Manager having been accused of lying and felt that the Local Member should apologise to the Officer. He added that in his experience of being an Elected Member for the Council no Highways Officer had ever lied to him, and while there may have been disagreement and arguments in relation to matters, he had never been lied to and he felt the accusation was totally wrong.

Councillor M Wilkes asked for clarification in terms of the 2mph reduction in the speed limit, as he understood that for every 1mph reduction in a speed limit, there was a greater than 1 percent reduction in the number of accidents and asked if the speed was to come down by 2mph what the percentage reduction in the number of accidents would be. The Highways Development Manager noted the answer was none, it would reduce the severity of any casualty resulting from an accident, not the actual number of accidents themselves. He referred to the Government information in terms of if speeds were below 20mph, 80 percent of those involved in an accident would survive. He added that this particular road did not have an accident statistic problem.

Councillor M Wilkes noted that the Officer appeared to be suggesting that a reduction in the speed limit would result in less severe injury in the event of an accident and he noted that he noted a few areas within his Electoral Division where a 2mph reduction would have a significant benefit and therefore he would be inclined to support a condition as suggested.

The Chair noted the Senior Planning Officer did not have anything to add at that time therefore asked the Committee for their comments and questions, moving to Councillor A Bell in the first instance.

Councillor A Bell noted he was happy to listen to the debate, though would be happy to propose that the condition relating to the moving of the speed limit be included, with delegation to the Local Members and the Highways Section in terms of the details and would have perhaps wished for discussions with the Police on their view could have been included within the report.

Councillor M Wilkes noted he would listen to the debate from the Committee first, however he wished to raise another issue, that being the issue of Policy Q15 of the Local Plan relating to contributions towards public art. He explained that the contribution was £625 per property in respect of this application, however, when calculating the one percent value for a site such as this, the amount would be massively more. He noted that four years on from the outline permission property prices had increased and current average sale prices appeared to be around £193,000 and a contribution of just £625 for public art and improvements seemed woefully inadequate and was considerably less than seen on other application in other areas, including within his Division and felt that Sherburn was getting a little bit of a hard deal on this issue. He felt the amount for public art should be higher and he did not agree with those comments that come forward that the Council could not enforce the saved Local Plan as it could with Policy Q15 still existing and the report noting it could be considered.

He added he did not understand why there had not been an increase in the amount over the four years and if Officers could explain why there had not been that inflationary uplift and why for some properties in Durham City contributions were £1,000 and for others it was only £600, he felt Sherburn was not getting the deal it deserved.

Councillor J Atkinson noted that as far as he was concerned the Highway Development Manager had noted his 40 years of experience and had given a solid answer in respect of the moving of the sign in respect of the speed limit. He noted that should there be an issue in the future, it could be addressed at that time and that at the moment it was to consider the application as submitted and it was for 12 additional houses going into a scheme that had already been passed and worked into the plan that was already there. He added that the objections, concerns and impacts had therefore already been looked at adding that if the previous applications had been refused then subsequently approved on Appeal he would understand. He therefore would look to the benefits of the proposals in terms of the additional 12 properties and the monies secured via the s106 Agreement. He noted around £300,000 when added together was a lot of money and was beneficial to the local community as well as the additional provision of 12 new properties in the area which would have additional benefit in terms of rates. He noted he felt it would be very difficult to go against the Officer's recommendation, and from his point of view, looking at evidence, he could not see anything demonstrably outweighing the benefits of the development. He noted the issue relating to the speed limit was important, however, separate to the issue being considered and noted he would be happy to propose the approval of the application.

The Highway Development Manager commented on Councillor A Bell's suggestion as regards speaking to the Police and noted that the Council did speak to the Police regarding speed management almost on a daily basis. He added that Strategic Traffic Management Officers had been consulted and agreed with his stance on this application. He noted in 2011 the Government had brought forward a speed management strategy which made a big issue with making speed limits credible. He noted Members may recall where some speed limits were moved in closer to the built environment and added that extending the speed limit outside of the areas where they would be credible, to areas where there was no built environment was completely contrary to that speed management strategy. He noted that the Police had been consulted and he felt they would not support the moving of the speed limit and the Strategic Traffic Management Officers who dealt with the Police did not support it, and he did not support it himself.

Councillor A Laing noted that having heard the professional opinion of the very experienced Highways Officer and the legal advice from the Solicitor – Planning and Development, she would second the proposal by Councillor J Atkinson to approve the application.

The Chair asked the Principal Planning Officer, Henry Jones for his comments. The Principal Planning Officer noted that any condition to move a 30mph limit would require delegated authority for Officers to determine the final wording as the proposed wording within Councillor D Hall's statement would not be appropriate in terms of meeting the tests for conditions. He noted that also in effect there would be reliance on a third party, namely the Police, agreeing to the movement of the speed limit and therefore the formulation of a negatively worded condition to ensure the development could not get to a point of occupation before the speed limit had to be moved. He noted a steer from Members as regards at what point that would be implemented would be needed, should they wish for such a condition to be included, noting the existing permission for 120 properties.

The Chair asked as regards the point raised by Councillor M Wilkes in respect of public art contributions and asked if it would only apply to the additional 12 properties and not the houses that already had permission. The Principal Planning Officer noted that was correct in that any increase in the amount that could be requested could only relate to those additional 12 properties, he did not believe the 120 properties which already had planning permission could be revisited. He noted that Policy Q15 looked to encourage the provision of public art on site, and the financial contribution was in lieu of such provision and he understood that the Local Members were satisfied with the amount. He noted Officers felt the amount was proportionate and that the Policy did not include any wording as strong as any public art must be the equivalent to a percent of the development costs, but rather it referred to an amount agreed between a developer and the Council and did not proscribe it as being 1 percent. He noted that was his interpretation and Officers were satisfied with the amount and did not believe there was a need to ask for any more and that if Members disagreed then it would be necessary to bring in Mr P Hunt to ask if the applicant was willing to increase the amount.

Councillor F Tinsley noted it appeared to come down to the inclusion or not of the condition relating to the 30mph speed limit. He noted that he was content that the situation was that there was a safe junction in place and took comfort from the words from the Officer that there would not be a reduction in the number of accidents, rather the potential achievement of the proposed condition would be a reduction in the severity of any injury caused by accident.

He asked if the reduction in the severity of injury could be considered a material planning consideration; if those potential benefits could be outdone by the reduction in the credibility of the speed limit; and clarification as he understood that Police support would not be required to include a condition within a planning permission.

Councillor I Jewell thanked the Planning and Highways Officers and noted he always tried to look at applications in a logical way, and found it interesting that there was already planning permission for 120 houses and a safe junction, and it appeared as if the second application was being used as an opportunity to try and move a speed limit. He noted this did not appear to be logical as if the junction had already been approved and deemed safe, did 12 additional houses mean the junction would be unsafe, he felt the answer to that was no. He noted that all Members have issues and problems within their areas relating to speeding and faced a lot of pressure from residents in relation to such issues. He added that residents' perception of what moving a speed limit would achieve was not quite what the experts would say. He noted his experience of speaking to Highways and to Durham Constabulary on such issues and their perceptions were different. He noted people tended to think that if a speed limit was reduced then automatically drivers would comply. He noted he had found that was not necessarily the case and he reiterated that it appeared as if the planning process was being used to try and move a speed limit and he did not feel that that was a planning matter, rather the issue was whether an additional 12 properties would make the situation so much worse that there was a need of a change to the limit, whether the speed limit was credible, whether the Police had the capacity in terms of enforcement, with his feeling being that the answer would be no. He added he admired the Local Members for pushing on the issue and understood why they would want to; however, he felt the planning process was being drawn into something that was not fully a planning matter and he supported the proposer and seconder.

Councillor G Richardson noted he was well known for standing up for agricultural land in the first instance, and also in terms of the issue of overcrowding. He noted the debate had almost in totality been as regards highways issues, however, the addition of 12 properties represented a 10 percent increase and he noted from experience that pre-built estates often appeared to be "packed-in" and there was no real room to park cars and while he understood the application could not be opposed, he felt he needed to note that it was more houses, more profit and less space for people.

The Highway Development Manager commented that a reduction in speed could result in a reduction in the severity of the injury in an accident, however, if speeds were above 30mph there was a greater chance of severe injury.

He added that the causation factors did not change if you reduced a speed limit to 30mph, and it was important to note there was not an issue with accidents at this junction or on Mill Lane historically nor was there evidence that there would be in the future as the junction was designed as a very safe junction. In respect of credibility, Government guidance directs that in order to make speed limits more credible Highway authorities should look to bring them in closer to the built environment and so it would not be a credible speed limit at 30mph.

The Chair noted there was the proposal from Councillor A Bell to include a condition regarding moving the speed limit, and a proposal by Councillor J Atkinson, seconded by Councillor A Laing to approve the application as per the Officer's recommendation within the report.

Councillor J Clare noted that he supported Councillor G Richardson's comments in terms of the increasing of the number of properties, adding it was one of his constant "beefs" that the Authority gave permission for housing and developers would come back looking for relaxation, asking for extra numbers and it happened all the time. He also agreed however that in this instance there were no grounds to refuse the application.

Councillor J Clare noted that, in respect of the proposed condition put forward by Councillor D Hall in his statement, he could not support such a planning condition. He added that his main problem with the proposal was procedural as he felt the Committee did not have the power to impose that and would have to go to a third party and go through a process and that process would very likely fail. He noted that all Members understood from their own experience how difficult it was to try to get changes to speed limits and he noted that the situation appeared to be that the Committee could be imposing a condition that the applicant, even with the best will in the world, might not be able to achieve as it involves a third party. He noted he agreed with Councillor I Jewell that the issue was outwith the concerns of a Planning Committee.

Councillor J Clare added there was a need to be careful as when the issues of road safety were concerned, Councillors found it very difficult to make these kind of decisions as they were open to the accusation that they did not care about road safety. He noted that of course Members did care about road safety, however the issue was were the proposals sufficient to meet the bar of planning acceptability. He noted that the Committee had been informed that moving the speed limit would not change anything and, given the fact that it may indeed fail, he felt this would not be a sensible option. He noted that should Local Members feel strongly, there were mechanisms they could go through post hoc.

Councillor J Atkinson noted his proposal for approved was based upon the application in front of Committee and the information provided by the Highway Development Manager, with his 40 years of experience, and he reiterated that should an issue arise as regards safety it could be addressed outside of the planning permission being sought today.

Councillor A Bell noted he had stated he would wait to see how the debate would unfold and reiterated that he respected 100 percent the professional opinion of the Highway Development Manager. He noted from the discussions that there was not the support for the condition and therefore he would withdraw his proposal to include the condition.

Councillor M Wilkes noted he would therefore not be able to second Councillor A Bell now, however, he would wish to point out that several Members had noted the Local Members should go away and look to find the money to do something in terms of the issue. He noted that not all Local Members had a raft of money to spend on 20mph or 30mph limits and asked Committee to bear in mind that when developers can get away with only giving half the money they are supposed to, for example in relation to public art, then in the case of a £20 million scheme he could not see it as being reasonable not to do implement some relatively low cost scheme to reduce traffic speeds.

Upon a vote being taken it was

Resolved:

That the application be **APPROVED** subject to the conditions and Section 106 Legal Agreement as set out within the report.