

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in on **Wednesday 31 August 2011 at 2.00 pm**

Present:

Councillor K Davidson (Chair)

Members of the Committee:

Councillors P Charlton (Vice-Chair), D Boyes, M Dixon, G Holland, K Holroyd, O Johnson, G Richardson, J Shuttleworth, D J Southwell, E Tomlinson, Allen Turner and R Young

Apologies:

Apologies for absence were received from Councillor Alan Shield and Councillor Charlie Walker

A1 Declarations of Interest

The Property, Planning and Projects Manager, Resources, David Taylor gave Members of the Committee advice in respect of the application set out in the Agenda Papers as Item 3(g) CMA/1/53, Tanfield Lea Road, Tanfield Lea, Stanley. Councillors noted that if they were a member of the Council's Corporate Parenting Panel, it was advised that they should declare an interest in Item 3(g) and take no part in the debate or decision on this matter. Accordingly, Councillors M Dixon, K Holroyd and G Richardson declared prejudicial interests, took no part in the debate relating to that item and withdrew from the Council Chamber until after the resolution was passed relating to that item.

A2 Minutes of the meetings held on 12 July 2011 and 27 July 2011

The Minutes of the Meetings held on 12 July 2011 and 27 July 2011 were confirmed as correct records and were signed by the Chair.

APPLICATIONS TO BE DETERMINED

The Chair noted that, in order to best accommodate Registered Speakers and Local Members present, it was perhaps preferable to take the Applications set out on the Agenda in the order of Items (f), (g), (e), (a), (b), (c) and (d). Members of the Committee agreed.

(f) CMA/1/50 – South Moor Football Club Playing Fields, South Moor Road, South Moor, Stanley

Proposed new 360 place Primary School including associated vehicular and pedestrian access and car parks, sports pitch provision and landscaping works.

The Senior Planning Officer (Strategic Team), Grant Folley gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site the previous day and were familiar with the location and setting.

During his presentation the Senior Planning Officer (Strategic Team) provided the following updates received since the reports had been prepared and provided responses where necessary:

- There had been no objections from statutory and internal consultees
- An additional letter from the Old South Moor Residents Association containing 100 signatures had been received, noting concerns in relation highways safety
- There had been 9 letters of support from the public and 2 letters of objection.

The Senior Planning Officer concluded by informing the Committee that the recommendation was for approval subject to the conditions as set out in the report.

The Chair asked the Local Member present, Councillor D Marshall if he would like to speak in relation to the Application.

Councillor D Marshall explained that all of the Residents of South Moor were in favour of a new school for the area and that the old school should be replaced. Members of the Committee were informed that a consultation process had taken place with letters having been sent home via children at the existing school and several events where local people had a chance to comment on the design and location of the proposed new school had taken place. Councillor D Marshall added that unfortunately those residents that lived closest to the application site did not appear to have been consulted and that concerns had been raised with him, and the local M.P., at a Residents' Meeting 2 weeks ago. The Committee heard that the main concerns related to the location of the school on the busy main road, with no side streets to enable safe dropping off and picking up of children.

Councillor D Marshall also explained that the road, the C11, had a chicane located near to the Application Site and that he had spoken on several occasions to the owner of the house nearest the chicane where several accidents had taken place, resulting in damage to the nearest property, 4 accidents within a week. Members learned that one incident involved an electricity pole being struck with power to nearby houses being disrupted.

Councillor D Marshall informed the Committee that Residents of South Moor had been told over 18 months ago that something would be done in order to address the highways issues and concerns when the Application for the new school would be considered. Councillors heard that the current School Crossing Patrol Guard had had to hit some vehicles that were not stopping in order to allow children to cross the road safely. Councillor D Marshall noted that if cars were to park on the main road in order to drop off and pick up children, there would not be enough space on the road for emergency vehicles or buses to get past. Referring to the additional car parking spaces as explained in the committee papers, this was a reassurance to residents in respect of some of the parking issues, however those dropping off children would still need to turn around and that this would likely require a driver to go along to Quaking Houses or to use Muriel Street nearby, affecting the Residents of this private street.

Councillor D Marshall reiterated that no one wanted to lose the new school, however, Residents needed reassurance that children would be safe when attending the new school and that there needed to have been full consultation with local people on proposal to achieve this. Councillor D Marshall added that if the Council were to get this application wrong in respect of Highways issues, the local people would never forgive the Authority. Councillor D Marshall concluded by asking what consultation had take place with South Moor Football Club as regards joint use for the car parking, and who would get priority and when.

The Chair thanked Councillor D Marshall and asked the spokesperson for the Old South Moor Residents' Association, Mr B Thurgood to speak, having 5 minutes to address the Committee.

Mr B Thurgood said that consultation by the Council had been poor, and that Residents were not informed as regards an opportunity to input until a few weeks ago at a meeting attended by the Senior Planning Officer (Strategic Team). The Committee were asked to considered that there was a greater volume of traffic along the main road than inferred by the Officer's report, with Residents' having surveyed the number of cars on an afternoon, noting over 100 cars in a 30 minute period. Mr B Thurgood added that when Councillors attended the site yesterday, their coach had parked on the side of the road adjacent to the site and that this had seriously narrowed the road at this location and if another vehicle had parked nearby, this could have resulted in the road being un-passable for other vehicles. Mr B Thurgood explained that the proposed area for additional sports pitch provision would only be able to have access via Muriel Street, a private street, and that this could be potentially problematic. The Committee were asked to note that Residents believed that there could be a turning circle for parents dropping off and picking up children, especially if the existing poor quality changing facilities for South Moor Football Club were removed, of course accepting that improved replacement facilities would need to be provided at a cost.

Mr B Thurgood added that it would be preferable from Residents' perspective to have the additional sport pitch provision to be provided from existing fields located at the bottom of the Application Site, already utilised by the Football Club for training, and that Mr R Jones, Secretary of the Football Club had noted that Muriel Street was not what he had been told as regards the additional sports pitch provision.

The Chair asked if The Senior Architect, Neighbourhoods, Dean Henderson wished to speak on behalf of the Applicant, namely Durham County Council. The Senior Architect explained that he would not make a former comment, rather if Members of the Committee had any specific questions relating to the design he would endeavour to answer them. The Chair asked Members of the Committee for their comments and questions.

Councillor P Charlton noted that the provision of a new school was good; however, she asked whether the potential hazard of the nearby stream had been addressed. The Senior Planning Officer (Strategic Team) explained that the stream was north of the proposed school and that within the plans this would be incorporated into a pond and wetland "wildlife area" and that normal health and safety protocols would be applied as part of the development. Councillor P Charlton also asked whether the proposed 37 car parking spaces were adequate, given the size of the school and the use by the Football Club in addition. The Senior Planning Officer (Strategic Team) referred the Committee to the Senior Professional Assistant, Highways, Regeneration and Economic Development, Neil Thompson in relation to several issues raised by the Local Member and the Speaker on behalf of Old South Moor Residents' Association.

The Senior Professional Assistant explained that the 37 car parking spaces was in excess of the usual provision made by the Council for a school of this size and type, with 35 members of staff for the school, 9 of those being part-time which would give 24-25 spaces according to policy. Members were informed that parking standards stated no provision of parking for parents at schools, and that there was National Planning Policy guidance regarding child safety and child obesity that states that Local Authorities should not provide parking for parents and should encourage children to walk to school.

Councillor D Southwell noted that all Members supported the development of a new school; however, he added that he sat in amazement at the comments from the Highways Officer relating to guidance. Councillor D Southwell acknowledged the concerns raised by the Local Member and the Residents' Association and asked whether the design as set out in the Application made the best use of the site. Councillor D Southwell queried whether it would be possible to move some of the car parking provision elsewhere within the scheme to allow for a turning circle off the highways to enable parents to turn safely.

Councillor D Southwell moved that the Application be deferred pending revisions to the scheme that took into account the concerns raised by the Local Member and Residents' Association, he was seconded by Councillor G Richardson.

The Chair asked if Members wished to continue the debate before deciding on the motion for deferral, the Committee agreed.

Councillor J Shuttleworth noted with disappointment the comments from the Residents' Association regarding the consultation by the Council and added that it may be beneficial if the application was deferred to allow time for amendments to the scheme to take into account the views as expressed at the meeting.

Councillor G Richardson concurred with the points raised by Councillor D Southwell and added that he was aware of a newly constructed school in Marske which, similar to the South Moor site, faced directly on to a main road and that this school had flashing "20 mph" signs at each end of the school.

Councillor D Boyes noted that he was also leaning towards deferral, however he asked for further details from Officers relating to the points raised by Members, especially on the issue of consultation with Residents, the apparent discrepancy between the number of accidents on the main road as reported in the Committee papers and those mentioned by the Local Member and the possibility of a turning circle for parents vehicles.

Councillor G Holland noted he was minded to support deferral of the application and asked whether Paragraph 37 of the Officers' report relating to the comments from the Council's Low Carbon Officer was sufficient, in that as the Application was by the Council could the Authority look to aim beyond the BREEAM standard of 10% "renewable" and aim for 50% or greater by incorporating technology such as ground source heat pumps and solar panels in order to better provide sustainable and self-sufficient buildings.

Councillor A Turner asked whether the access to the new sports pitch provision was to be provided from Muriel Street or otherwise.

Councillor O Johnson noted that the Officers' Report stated that it was not policy for parents to be allowed to access or use the parking facilities on school sites and asked whether this policy was correct if it did not take into account the location of a school and that was this an opportunity to "get it right" for the benefit of parents and local Residents.

Councillor M Dixon noted that the consultation undertaken by the Council had resulted in Residents choosing the site and that all parties had agreed that a new school was welcome. Councillor M Dixon asked if there would be any negative affect on the scheme if the Application were deferred and also noted that the Committee could be accused of creating policy "on the hoof" and set a precedent for future school developments and asked whether the concerns raised could be dealt with through conditions and informatives within any approval the Committee granted.

The Senior Planning Officer (Strategic Team) explained that scrubland referred to as a possible alternative for the additional sports pitch provision was too wet for such use and that the access to the proposed provision would be through the existing site entrance and across the site, not from Muriel Street.

Councillor M Dixon noted that the issues noted regarding potential congestion could be averted if parents were encouraged to take children to school along the footpath and cycleway that led to the north of the site, in line with existing policies.

The School Places Strategy Manager, Children and Young People's Services (CYPS), Sheila Palmerley noted with disappointment the views of the Residents' Association and Local Member as regards the consultation process undertaken by CYPS in relation to the new school for South Moor. The School Places Strategy Manager explained that the consultation had been carefully planned and had involved local Residents in deciding upon the site for the new school and that this had been taken into account in the report then taken to Cabinet. Members were asked to note that any Local Authority would not be expected to knock on every door within their area; however, in the region of 3000 documents were distributed between 7 May and 11 June 2011. The School Places Strategy Manager added that the existing School, their Governors, Stanley Area Action Partnership, Stanley Town Council, local Sure Start and the local M.P. were all consulted on the proposal. Members were assured that the consultation process had been thorough and a list of those consulted was available. The School Places Strategy Manager concluded by noting that any deferral of the Application could have a negative affect on funding provided from Central Government for the new school.

The Senior Planning Officer (Strategic Team) explained that, from a Planning perspective, 136 individual responses had been received and that the proposal had been reported in the press and advertised on the Application site. In relation to the parking provision as set out within the Application it was noted that, in accordance with policy, none were for parents and that from discussions with the Headmistress the amount of parking proposed was acceptable. Members were informed that Planners had looked at the plans and there was scope for an additional 6 spaces albeit with the loss of a section of grassed amenity area. The Senior Planning Officer (Strategic Team) added that parking for parents and a turning circle would be outside of existing policy and that colleagues from the Highways Section may wish to comment further in this matter. In response to Councillor G Holland, the Senior Planning Officer (Strategic Team) noted that the BREEAM "Excellent" standard was currently the highest national standard. It was reiterated that access to the new sports pitch provision would not be via Muriel Street, rather through the site and Members learned that it could be possible to include a condition for a Private Road sign for Muriel Street within the Application. The Senior Planning Officer (Strategic Team) added that within the Travel Plan information it was noted that 50% of the pupils lived within 800m of the site and there was public footpath leading to the site.

The Senior Professional Assistant explained that the figures relating to accidents on that particular road were Road Traffic Accidents as reported to the Police and this was the information made available to the Council's Accident Investigation Team, 1 accident in the last 10 years. Members noted that upon checking for non-injury reports to the Police and speaking to Officers from the Area Maintenance Team, the Senior Professional Assistant learned that there had been 1 repair in the last 4 years.

The Senior Professional Assistant reiterated other Officers' comments regarding Council Policy not to provide parking for parents and added that whilst the County average for the percentage of children walking to school was around 50%, the figure for the current Greenlands School was 72-73%. Members were informed that the traffic flow for the road had been measured less than 3,000 vehicles per day, with 240 recorded in the busiest hour in line with those figures quoted by the Residents' Association. Members learned that this figure did not constitute a large volume of traffic and consequently Officers felt there were no highway safety issues on that road.

The School Places Strategy Manager explained that the funding from the Department for Education was to be used by 2013 came from the last Spending Review 2008 – 2011 and there was concern that Government may accuse the Council of "delaying".

Councillor D Southwell asked whether Officers would comment on the possibility of a Zebra Crossing for the site and also whether deferring the Application by one month to the next meeting of the Committee would have that serious an effect upon the scheme.

The Senior Professional Assistant explained that there were specific criteria for the provision of crossings for the public highway and that in 2004, Cabinet received a report that contained information on research that had demonstrated that in cases where pedestrian crossings had been installed in areas with low traffic flow it could be shown there was an increased safety risk as drivers became used to the crossing not being in use and drove on that basis. The Committee learned that the site at South Moor only had a quarter of the foot traffic and less than 10% of the traffic flow in order to meet the minimum criteria for a Zebra Crossing.

The Senior Planning Officer (Strategic Team) noted that should the Application be deferred and altered there would be a requirement to re-consult on the Application and it would be unlikely the Application would be able to be prepared in time for the next scheduled meeting of the Committee.

Councillor M Dixon asked for clarity on the issue of the School Crossing Guard currently serving the existing school. The Senior Planning Officer (Strategic Team) confirmed that there had been assurances that the School Crossing Guard would move to serve the new school. Members also noted that there would be difficulty in having a specific condition relating to the School Crossing Guard, however, there was scope for conditions relating to traffic management and any barriers or signage as deemed necessary.

The Senior Professional Assistant asked the Committee to note that if Members were minded to approve the Application, there was the possibility of warning signs and appropriate highways markings to alert road users of the school.

Councillor M Dixon moved that the Application be approved subject to Members additional comments.

Councillor A Turner asked what the significant delay to the project would be if the Application was deferred.

The Section Manager, Technical Services, Neighbourhoods, Richard Fenwick asked Member to take into account the comments from other Officers relating to the consultation that had taken place relating to the site for the new school and that Residents had been instrumental in choosing the location. The Committee were reminded that it was a well established fact that vehicles and children should not mix on school premises and that it would be wise to continue with such practice. The Section Manager referred to the figure of 72-73% of the pupils attending the existing school walking and noted that there could be initiatives such as "walking buses" to help highlight any issues relating to safety. Members were reminded that there was an expectation by the Residents that the new school would be opening in 2013 and Councillors also were informed that the Programme of Works had little "float", only 1 or 2 weeks, and that deferral of the determination of the Application for up to 2 months could mean the scheme was not achievable. The School Places Strategy Manager added that there was a finite budget for the project and any additional costs that may be incurred from additional works would then need to be diverted from allocations to other schools.

Councillor G Richardson asked the Chair if it would be possible to allow the Local Member an opportunity to speak now that Members had debated the issues relating to the Application.

Councillor D Marshall reiterated that all Residents did wish for a new school and that the concerns that had been raised with him as the Local Councillor had related to the highway and safety for the children that would attend the new school. Councillor D Marshall noted that if it was not possible within the Application or existing budgets, it maybe possible at a future date through negotiation with the Football Club or other parties to look at issues such as a turning circle.

Councillor D Boyes noted that after hearing the comments from Officers and being reassured on several of the points raised by Members he would second the Motion of Councillor M Dixon for approval of the Application.

Councillor D Southwell stated that it was important that the budget allocated for the new school was not lost and was reassured by the additional information from Officers and withdrew his motion for deferral.

The Chair acknowledged the withdrawal of the motion and reiterated the points raised by Members prior to any vote on approval of the Application. The Chair noted that Members had agreed with the additional 6 parking spaces to be incorporated into the existing design, speed warning signs, barriers and consultation on traffic plans. The Senior Planning Officer (Strategic Team) reiterated that the School Crossing Guard would be moved from the existing location to serve the new site.

Councillor M Dixon moved that the application be approved, subject to the additional conditions; he was seconded by Councillor D Boyes.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, with the amended and additional conditions as set out below:

1. Before works commence on site details of the proposed car parking provision including layout, number of spaces, surface materials and drainage shall be submitted to and approved in writing by the Local planning authority. The proposed car park will provide for at least 43 no. car parking spaces. The approved scheme shall be implemented as part of the development in accordance with those details. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.
2. Before works commence on site a scheme for the provision of Traffic Management Improvements in the vicinity of the site shall be submitted to and approved in writing by the Local planning authority. The scheme shall include the provision of pedestrian barriers and appropriate signage to be provided at the front of the school. Details shall also be provided of the re-location of the School Crossing patrol, which currently operates at the existing school site. The approved scheme shall be implemented as part of the development in accordance with those details.

(g) CMA/1/53 – Tanfield Lea Road, Tanfield Lea, Stanley

Proposed erection of 6 bedroom house to be used as Children's Home (Use Class C2).

The Senior Planning Officer (Strategic Team) gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site the previous day and were familiar with the location and setting.

During his presentation the Senior Planning Officer (Strategic Team) provided the following updates received since the reports had been prepared and provided responses where necessary:

- 1 further letter of objection from a member of the public with references to impact on wildlife and highways safety.

The Senior Planning Officer (Strategic Team) reiterated that whilst the site was outside of the settlement boundary and the Application a departure from Local Plan Policy, in this instance, Officers had felt the need to ensure a safe residence for vulnerable individuals would be in keeping with the need to support the wellbeing of communities as set down in National Planning Policy and would outweigh any planning harm identified by reason of conflict with saved Local Plan Policy.

Councillor O Johnson noted that he had spoken to Councillor J Wilson, Local Member for the Application, and he had withdrawn his objection to the Application.

Councillor D Southwell noted that the Officers had clearly demonstrated that there was a need for this residence; however he added that it was sad that there was a need to depart from Local Plan Policy to build outside of the settlement boundary and was concerned that this may set a precedent. Councillor P Charlton agreed that the loss of green space was a concern and the Committee should be careful not to set a precedent for the future. The Chair asked Officers to comment on the potential for a precedent being set.

The Senior Planning Officer (Strategic Team) explained that Officers considered the departure from Local Plan Policy to be acceptable and that any precedent was specific to that site and that all future cases would be considered by Committee on a case by case basis.

Councillor D Southwell moved that the application be approved; he was seconded by Councillor P Charlton.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

(e) CMA/7/83 – Thyssenkrupp Tallent Premises, Newton Aycliffe Business Park, Newton Aycliffe

Extension to existing manufacturing distribution facility creating new production and dispatch facility including: staff facilities, car park, service yard and rationalisation of access and new security fencing.

The Senior Planning Officer (Strategic Team) gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The Senior Planning Officer (Strategic Team) noted an amendment to Condition No.16 included in the recommendation report.

Members of the Committee agreed the amendment as set out by the Officer.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, with the amended condition as set out below:

16. The existing redundant vehicular access(s) to the development site from Groat Avenue and St. Cuthbert's Way shall be closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is brought into use.

(a) CMA/7/82 – Kirk Merrington County Primary School, South View, Kirk Merrington

Proposed demolition of School building and erection of 120 place Primary School.

The Strategic Team Leader, Allan Simpson gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

Members were informed that the objection from Sport England was a "technical" objection due to the loss of a playing pitch, though the provision of a Multi Use Games Area (MUGA) was felt to outweigh this loss.

Accordingly, the Strategic Team Leader advised Members that the recommendation was for Members to be minded to approve, with the application then having to be referred to the Government Office..

Councillor M Dixon moved that the application be approved; he was seconded by Councillor D Boyes.

RESOLVED

That the Committee were **MINDED TO APPROVE** subject to the conditions detailed in the Officer's report to the Committee and that the application be referred to the Government Office in accordance with Town and County Planning (Consultation) (England) Direction 2009 and in the event that the Secretary of State does not call in the application, the determination of the application shall be delegated to the Head of Planning Services, in consultation with the Chair and Vice-Chair of the Committee.

(b) CMA/4/58 & CMA/4/59LB – Durham Castle, Palace Green, Durham City

Replacement of floodlighting and associated works.

The Strategic Team Leader, Allan Simpson gave a detailed presentation on the report relating to the abovementioned planning applications, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

Members noted that the International Council on Monuments and Sites (ICOMOS) had raised no objections to the proposed scheme.

Councillor D Boyes moved that the application be approved; he was seconded by Councillor M Dixon.

RESOLVED

That the applications be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

(c) CMA/4/60 – Unit A, Arnison Retail Centre, Pity Me, Durham

Demolition of retail unit and redevelopment to provide new retail units, including mezzanine floors, associated landscaping, parking, servicing and access works.

The Strategic Team Leader, Allan Simpson gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The Chair noted that the scheme required a loss of 41 car parking spaces; the Strategic Team Leader explained these were to the front on the existing Unit A. Councillor D Southwell noted he supported the Application and stated that the loss of any disability parking provision would be undesirable.

RESOLVED

That the applications be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

(d) CMA/4/61– Belmont Park and Ride Site, Belmont

Extension of the existing Park and Ride site.

The Strategic Team Leader, Allan Simpson gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The Committee noted that an objective of proposed extension would be to help with parking capacity issues when Durham hosted events such as the Miners' Gala and Lumiere.

Councillor K Holroyd asked whether the car parking would still be restricted to those using the Park and Ride Scheme. The Strategic Team Leader confirmed this was the case, with the spaces being used as an overflow capacity in the cases of large events as explained.

Councillor K Holroyd moved that the application be approved; he was seconded by Councillor D Southwell.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.