

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 4 September 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, J Clare, I Jewell, C Kay, A Laing, L Maddison, H Nicholson, G Richardson, A Shield, A Simpson, P Taylor, F Tinsley (Vice-Chairman), M Wilkes and S Wilson

1 Apologies for Absence

An apology for absence was received from Councillor K Hawley.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 31 July 2018

The minutes of the meeting held on 31 July 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

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

The Committee considered a report of the Senior Planning Officer regarding an application for an additional 21 dwellings on land to the west of Browney Lane, Browney, Meadowfield (for copy see file of Minutes).

S Eldridge, Team Leader – Central and East provided a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and plans of the proposed house types. The Team Leader reminded the Committee that the application had been deferred from its meeting on 31 July 2018 to allow further consideration of highways matters and for a highways officer to attend the meeting.

The original outline planning consent for the residential development of 271 dwellings proposed the signalisation of the Browney Lane/A690 junction. However it had not been possible to develop a detailed design which overcame specific safety issues which had arisen and a Section 73 application had been approved to withdraw this Condition. The initial consented application could therefore have a negative impacts on the wider area as a result of the signalised junction not being delivered including rat running, an issue with speeding at the approach from St John's Road to the new development, safety for pedestrians walking to school and crossing the A690.

Following discussions between the developer and Council officers the developer had agreed a financial contribution for a traffic calming scheme which would address problems on the local road network. This would include speeding restrictions on the approach from St John's Road to the new development, a new school crossing point, a crossing facility on the A690 and traffic calming on Central Avenue and Dorlonco Villas.

The Team Leader reminded the Committee that the application for consideration was for an additional 21 dwellings on the site and that the principal of non-signalisation of the Browney Lane/A690 junction had already been approved. The net increase of 21 dwellings would have a negligible highways impact and the developer had agreed a payment of £10,000 towards a traffic study to consider future impacts on the wider highway network as and when other developments came forward, although this must be viewed as a voluntary payment. This would be secured through a Section 106 agreement, together with 4 affordable houses, £36,363 towards enhancement or provision of play facilities in the Brandon Electoral Division, £102,921 towards additional primary school teaching accommodation and £49,632 towards additional secondary school teaching accommodation.

D Wafer, Strategic Traffic Manager reminded the Committee that it had expressed concerns at its meeting on 31 July about why the traffic signals at the Browney Lane/A690 junction would not be coming forward. The Strategic Traffic Manager informed the Committee that it had always been the intention to install traffic signals at this junction, however it was a tricky location with residential properties fronting onto the junction, a takeaway business being located within the junction area and bus stops which would need to be moved. Although these problems in themselves were not insurmountable, access issues to the petrol station which was also at this location could not be overcome, and there were concerns about safety issues regarding this. Highways officers had consulted with local Members and also had held a public meeting to address highways concerns and these concerns related predominantly to speeding, rat-running and pedestrian crossing of the highway. As a result of consultation with local Members and the community a scheme of traffic calming measures had been agreed to address problems on the local road network. This would include speeding restrictions on the approach from St John's Road to the new development, a new school crossing point, a crossing facility on the A690 and traffic calming on Central Avenue and Dorlonco Villas.

Councillor Turnbull, local Member informed the Committee that he accepted what officers had presented to the Committee and agreed that both he and Councillor P

Taylor, local Member, had worked with the Strategic Traffic Manager to address traffic issues in the area. However, since the Committee last considered this application on 31 July 2018, there had been two road traffic collisions and one pedestrian injury at the junction location.

Mr J Ridgeon of Hedley Planning Services Ltd addressed the Committee on behalf of the applicant, Avant Homes. Mr Ridgeon thanked Council officers for engaging with the applicant throughout the planning process. There were two main issues for consideration by the Committee, these being the acceptability of the development and the need to address the highway impact of the development.

In relation to the first issue, the 21 additional homes would be achieved by replacing larger houses with smaller dwellings from the Avant Homes new Bridge Range. This Range had the same design principles as the mainstream product but was aimed at a wider customer base; especially those looking to buy their first home and a lot of interest had been received from the local community who were looking to buy their first home.

As set out in the Planning Officer's report the proposal was acceptable when assessed against local and national policy and would deliver 4 additional affordable homes and contributions towards play facilities and school places.

The improvements to the local highway network, which were originally proposed in the form of signals at the A690 and Browney Lane junction, had been dealt with by way of a separate s73 application, which had recently been approved. Avant Homes had been working with Highway Officers for over a year to try and bring this scheme forward but this had proved not to be possible on highway safety grounds.

This planning application sought to resolve the outstanding highway issues with the local highway network.

Avant Homes had been working with Highway Officers and a Local Traffic Calming scheme, which included speed reduction measures on Browney Lane, improved and additional crossing facilities, traffic calming and a school 20mph zone had been agreed.

The applicant and Council officers were confident that the proposed traffic calming measures would address the concerns the local community and members had in relation to the increase in number of motorists 'rat running' through the adjacent residential estate, the safety of school children and speeding.

The Local Traffic Calming scheme could be required by condition and the applicant would be working with the Council to ensure it was implemented as quickly as possible, to the benefit of the residents of the development and to the surrounding area.

Avant Homes had also sought to ensure that the Council could understand future impacts on the wider highway network. A contribution for a traffic study could be delivered through a Section 106 agreement.

Mr Ridgeon requested that the Committee support the officers' recommendation and approve the application.

Councillor P Taylor thanked the Strategic Traffic Manager for his work regarding traffic measures at this location but informed the Committee that the meeting with the local community which had been referred to had been organised by the local Members and not by the County Council. Councillor Taylor added that the developer, Avant Homes, had neither been in contact with the local Members nor local residents over the last 12 months.

Councillor Jewell asked what the perceived knock-on effects of the proposed traffic calming measures might be. The Strategic Traffic Manager replied that the traffic calming measures would slow traffic and would be of benefit to local residents, however as a result of this journey times through the area would be increased.

Councillor Wilkes informed the meeting that the applicant had been working with officers for over one year and asked why a new traffic survey had not taken place in the last 6 years since the application was originally approved. The proposed signalised junction was intended to address the problem of traffic congestion in the area and not road safety. Councillor Wilkes referred to the proposed traffic study to consider future impacts on the wider highway network as and when other developments came forward and asked how large other developments may need to be in order to fund whatever would be identified in this survey.

Councillor Wilkes expressed anger that the s73 application had been approved prior to the Committee meeting which had fettered the ability of the Committee to recommend that the original s106 agreement should be re-negotiated.

The Strategic Traffic Manager replied that the £10,000 contribution from the developer was to enable consultancy work to be carried out to consider traffic in the wider highways network and produce draft proposals for possible works to other junctions. Any future developments which came forward would then be required to make a partial contribution towards any proposals identified by the consultancy work. The primary concern of local residents was highway and pedestrian safety as opposed to traffic congestion.

N Carter, Planning and Development Solicitor advised the Committee that there were two applications – the s73 to deal with highways conditions and the application before Committee today. Members could have called the s73 to Committee for consideration, but as this had not been done, the application was determined under delegated powers.

Councillor Wilkes replied that the Committee had not been previously informed that members could ask for the s73 application to be called in adding he was appalled that local people and Members for the area had been left to deal with this situation.

Councillor Wilson asked what the impact would be on the highways network of the proposed additional 21 houses.

Councillor Taylor informed the Committee that under the initial application road modifications should have taken place once the 50th dwelling was occupied. The development was now well past this level of occupancy and no highways works had taken place as yet. While accepting the views of Councillor Wilkes, Councillor Taylor took the pragmatic view that 'we are where we are' and there was now a need to find solutions to traffic problems in the area, rather than looking back to the original application.

In response to Councillor Wilson's question, the Team Leader informed the Committee that the proposed additional 21 dwellings would have a negligible highways impact.

Councillor Shield informed the Committee that he considered it had been constrained by the actions of officers. He considered that when the initial assessment had been carried out to recommend the installation of traffic signals at the A690/Brownie Lane junction the correct level of due diligence had not been applied. He expressed great disappointment that the s73 application had been approved under delegated powers when officers were aware of the feelings of the Committee when the application was deferred at the end of July.

Councillor Robinson reminded the Committee that application for consideration was for an additional 21 houses at the Brownie Lane development site and that the s73 application had been agreed and could not be considered. The Planning and Development Solicitor endorsed the comments of Councillor Robinson. He also requested that Officers produce a briefing note on S73 applications.

The Strategic Highway Manager informed the Committee that it was unusual a recommended action could not be delivered. When applications were received there was a limit to the detail of design which could be undertaken within the time limits for consideration.

Councillor Shield informed the Committee that if this full information was known at the time of the initial application then the decision on that application may have been different. This application would result in him providing more challenge to officers in the future.

Councillor Tinsley, while agreeing with what had been said by the Committee, agreed with Councillor Taylor that 'we are where we are'. However, the application had raised the important point that when planning permission was granted with conditions which were fundamental to that permission, members should be made aware of the opportunity to call in any s73 agreement when it was fundamental change to the approved scheme. However, the additional 21 dwellings proposed in the application would have no material impact on highways.

Councillor Robinson informed the Committee that he would ask the Strategic Development Manager to prepare a briefing note for Members on s73 agreements and how Members could call these in.

Councillor Taylor informed the Committee that he and Councillor Turnbull had been contacted about the s73 application but he considered there was more of a need to

agree a workable solution to the highways problems. There had been 100 houses built on the site now and still no highways works had been carried out.

Councillor Nicholson informed the Committee that it needed to consider this application and not what had gone before. While he understood the concerns of local Members, it would be unlikely an appeal would be won if the application was refused. Councillor Nicholson **moved** approval of the application.

Councillor Kay agreed that he had sympathy with and understood the concerns of the local Members. However, the application for consideration was only for an additional 21 houses and as such would have little impact on highways.

Councillor Wilkes how many houses would need to be proposed before the developer of those houses would need to pay for improvement works to other junctions in the area. The Strategic Highways Manager replied that the £10,000 contribution from the developer would be used to look at future potential solutions and as future developments came forward a proportion of the cost of these solutions would be asked of those developers.

Councillor Wilkes considered there should be some contribution to the potential solutions from this development and proposed that this should be at a level of £1,000 per dwelling. The application would cause more congestion because more houses were being built. Councillor Wilkes considered the application should be refused under Policy T1 of the saved local Plan because no mitigation had been proposed for increased traffic.

The Planning and Development Solicitor reminded the Committee that the application was for an additional 21 dwellings and the highways impact of this would be negligible or none. There was therefore no justification to seek financial contributions. While he understood the issues raised by Councillor Wilkes, the Committee could not anticipate future highway impacts of future developments.

The Team Leader informed the Committee that if approved, the proposed Condition 8 would need to be amended in light of the scheme for local traffic calming being approved, and Condition 2 would need amending to reflect this also. The implementation plan for local traffic calming would have timescales attached to it.

Councillor Wilson **seconded** approval of the application, subject to the Chairman and Vice-Chairman having oversight of the implementation plan.

Councillor Wilke's refusal motion was put to the vote first and the motion was lost. Councillor Wilson's motion was then put to the vote and it was:

Resolved:

That the application be approved subject to the following conditions and subject to the completion of a Section 106 legal agreement to secure the provision of:

- £10,000 contribution toward a traffic survey
- £36,363 contribution toward enhancement or provision of play facilities in the Brandon Electoral Division

- 15% affordable housing on site
- £102,921 toward additional primary school teaching accommodation and £49,632 toward additional secondary school teaching accommodation

and the Conditions contained in the report, as amended.

Councillor P Taylor left the meeting.

b DM/18/01650/FPA - Land to the South of Durham University Mountjoy Research Centre, Stockton Road, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a Mathematical Sciences and Computer Science building with associated works and access on land to the south of Durham University Mountjoy Research Centre, Stockton Road, Durham (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included an aerial photograph of the site, site location plan, 3D image of the proposed building, proposed elevation, site layout plan, proposed elevations and views of the site from the Mount Joy Complex and Hollingside Lane.

Professor P Hussey, Pro-Vice-Chancellor for Science at Durham University, addressed the Committee to present the proposal for a new Mathematical Sciences and Computer Science building planned for development, south of the City centre, within the University Mountjoy site.

The existing teaching facilities within the Mathematical Sciences and Computer Science departments were currently at capacity. The development would allow for both departments to grow, whilst improving teaching and learning facilities, and ensure they were able to compete on an international playing field.

The development would enable the University to continue to build on its success as a world leading institution and to maximise benefits to the local area. The University boosted the UK economy by £1.1 billion a year and supported nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north east.

The primary objectives of the scheme were to provide state-of-the-art teaching, learning and research accommodation for staff and PhD students, communal mathematical sciences and computer science space, undergraduate study space, research laboratories, seminar rooms and lecture theatres, together with catering facilities. The development would also incorporate high quality external spaces for students and staff.

An innovation and enterprise hub was also a key part of the development and this would provide study space, quiet study rooms, breakout space and a flexible event space. The University currently had around 3,000 students carrying out enterprise activity within the University, but this was spread around various departments and societies. The innovation and enterprise hub would provide a base for this activity

and would also create and foster links between the University, students and businesses locally, nationally and internationally.

A significant amount of planning and preparation had informed this proposal, including extensive pre-application meetings with the Local Planning Authority and other statutory consultees. From the early stages of the planning for the building, careful consideration had been given to its design, its appearance within the landscape and its impact on the Durham City Conservation Area and Durham Castle and Cathedral UNESCO World Heritage Site. The design proposed was set within the landscape with its overall height kept low, in order to protect views towards the Cathedral and World Heritage Site, and to ensure that it did not have a significant effect on these heritage assets.

The University also held a public consultation for key stakeholders and local residents and gathered feedback from this event which had informed the proposal. Extensive archaeological evaluation and recording had been undertaken and this would be placed as public record.

The scheme presented many benefits for both the University and the wider city. It would deliver world-class facilities, supporting the University's agenda for education, research, engagement and student experience, whilst helping to address identified shortfalls and requirements for research, teaching, laboratories and study space. The new building, when operational, would facilitate the growth of both the Mathematical Sciences and Computer Science departments. This in turn would deliver additional employment opportunities with 70 more staff required across both departments in academic and support roles. During the construction period, the employment opportunities would be significant with the creation of 233 direct, and 210 indirect jobs.

In summary, the proposed development was on a well-contained site, would provide much needed additional teaching and study facilities in a sustainable location, would better consolidate academic disciplines and reduce the need for staff and student movements, would contribute to all three objectives of sustainable development: economic, social and environmental, providing substantial benefits in each area including creating new jobs at the University and employment through construction and fully complied with the National Planning Policy Framework and local policy.

Professor Hussey asked that the Committee approve the application.

Councillor Shield informed the Committee that the application would enhance the standing of the University and fully complied with the NPPF and saved plans and **moved** approval.

Councillor Tinsley referred to the request from the City of Durham Parish Council that the determination of the application be paused until the University Masterplan had been submitted as it was part of a larger scheme which would need an Environmental Impact Assessment and asked whether an EIA was required for this scheme or the overall Masterplan. Councillor Tinsley considered the proposed building to be of an excellent modern design.

Councillor Clare considered that it was essential to allow the University to grow and prosper in order to compete. He referred to the concerns of the Durham Castle and Cathedral World Heritage Site Co-ordinator as described at paragraph 77 of the report regarding the woods not being referenced in terms of strategic management in the application.

The Senior Planning Officer replied that the development was well contained within woodland to the south of the site. This woodland is designated as an ecological site and thereby the prospect of any development which would require the removal of these trees thereby very unlikely. In respects to the concerns expressed by the Parish Council regarding EIA, the development had been subject to an EIA screening exercise and this including consideration to cumulative impacts with other development and it was concluded that the development is not EIA development.

Councillor Wilkes referred to paragraph 58 of the report that the Highways Authority had raised no objection to the proposal which would generate more pedestrian and cycle trips and asked whether crossing facilities on South Road were sufficient to ensure the safety of the increase in pedestrian and cyclist numbers. Additionally Councillor Wilkes sought clarity on the proposed plans of the University for a cycling superhighway. While he was supportive of University development, providing student safety was paramount.

D Wafer, Strategic Traffic Manager informed the Committee that the University had a number of developments over a wide area and had aspirations for a super route which included connections across South Road. The University was reviewing the proposed super route by widening paths and installing new crossing points. H Jones, Principal Planning Officer added that a stretch of footpath on South Road is proposed to be widened and a signalised crossing point rationalised as part of the planning permission for the Lower Mountjoy University Teaching and Learning Centre.

Moved by Councillor Shield, **Seconded** by Councillor Wilson and

Resolved:

That the application be approved subject to the Conditions contained in the report.

Councillors Shield and Kay left the meeting but Councillor Kay returned before the consideration of Item (c).

c DM/17/03546/FPA - Hurworth Burn Farm, Wingate

The Committee considered a report of the Senior Planning Officer regarding an application for the proposed upgrading of an existing poultry unit including the demolition of 12 existing poultry sheds and the erection of 4 poultry sheds at Hurworth Burn Farm, Wingate (for copy see file of Minutes).

T Warren, agent for the applicant addressed the Committee. The poultry industry was going through an intense period of investment in new and replacement facilities with increased demand for chicken. A large number of poultry farms had come to the end of their operational life and therefore required investment and upgrading to

bring them in line with modern environmental standards and best techniques for operation.

All large scale poultry units needed an environmental permit to operate and customers expected them to operate in line with best available techniques. Therefore upgrade had become essential on older sites and this is the case with this site.

The UK imported roughly 40% of its poultry meat requirement, with some of the larger supermarkets importing chicken from Brazil and Thailand, particularly for sandwiches and ready meals, with meat imported frozen for onward processing.

The proposed site was well suited for a poultry unit, given its existing use as a poultry unit, and the fact it was away from residential areas. The proposed upgrade would allow for modern buildings which met the current high environmental standards.

The proposal was for significant investment by the owners of the site. This would ensure its long term viability and protect and expand the current employment at the site.

Mr Warren asked the Committee to approve the application.

Councillor Wilkes referred to the proposed stocking density of 38kg/m² and asked how many 42 day old broiler chickens this would relate to per square metre. The Senior Planning Officer replied that he was unaware of this figure but the proposed facility met welfare standards.

Councillor A Bell asked who regulated the density of livestock. The Senior Planning Officer replied that the facility had an environmental permit and would be regulated by the Department for Environment, Food and Rural Affairs.

Mr Warren advised that the chickens had a 60 day life cycle and later on in the cycle would be placed in a different unit. He also added that the Company would not go against health and safety requirements.

Councillor Jewell considered the proposed facility to be an improvement on what currently existed and **moved** approval of the application.

Councillor Richardson informed the Committee that he could see no issues with the application and **seconded** approval.

Councillor Clare considered that the facility would strengthen the local economy adding that welfare concerns were to be dealt with in a different forum.

Councillor Wilkes informed the Committee that he would abstain from voting on the application on the grounds of animal welfare.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

Signed
Chairman of the meeting held on 2 October 2018