

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 28 March 2024 at 9.30 am**

Present:

Councillor E Peeke (Chair)

Members of the Committee:

Councillors G Binney, J Blakey, L Brown, J Griffiths, P Jopling, J Purvis, A Sterling and S Wilson

Apologies:

Apologies for absence were received from Councillors W Stelling, K Earley, D Haney, B Moist, K Shaw and A Watson

Also Present:

1 Apologies for Absence

Apologies for absence were received from Councillors W Stelling and A Watson.

2 Substitute Members

There were no substitutes.

3 Minutes

The minutes of the meeting held on 25 January 2024 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

Councillor A Sterling declared an interest in the agenda item as a local member. She would speak on the application and then withdraw from the meeting during the consideration of the application.

5 Applications to be determined;

a DM//23/00870/OUT - Land To The South Of Greenways Court, Greenways, Delves Lane, DH8 7DH

The Committee considered a report of the Senior Planning Officer that was an outline application (with access) for up to 32 no. affordable residential units and 8 no. self-build/custom build plots (all other matters reserved) on land to the South of Greenways Court, Delves Lane, DH8 7DH (for copy see file of minutes).

S Henderson, Senior Planning Officer gave a detailed presentation that included a site location plan, a wider site location plan, site photographs and the proposed layout of the site. He explained that the outline application was for up to 32 affordable residential units and 8 self-build/custom build plots on green space. A significant housing development of 288 dwellings had been approved immediately to the southeast of the site. Upon consultation there were no objections from the Coal Authority and Northumbrian Water. NHS NE and Cumbria had no objections but subjected the application to a financial contribution of £19,320 to provide additional capacity. The application was also subject to a financial contribution of £82,770 for secondary teaching but not for primary education. There were no objections from the Lead Local Flood Authority but they required suds and a drainage strategy to be imposed. There had been 112 notifications of objection and 1 neutral notification with the main reasons for objection being that there would be a loss of open space that was used as a recreational facility, there was already a development for housing nearby underway, there would be the impact of further construction work that was directly overlooked by a residential care home, there would be traffic congestion and there would be an impact on wild life. There were good transport links and pedestrian access to shops but it was officer's recommendation to refuse the outline application as the development would result in the loss of open space of recreational and visual amenity value and it was contrary to policies 6, 25, 26, 29, 31 and 39 of the County Durham Plan and Paragraph 11 of the NPPF.

Councillor A Sterling, local Councillor addressed the committee in objection to the planning application. She stated that it was a small piece of land that was vital to the community as it was the last piece of grassed space in the village. She had submitted a letter of context that proposed that the significant housing development that had started at the south of the area provided sufficient housing. She felt that there was no further demand for housing therefore the additional houses were not necessary or warranted. The village green provided a vital service for recreational purposes where children played and dog owners walked their dogs. It was an integral part of the community.

She added that there was a legal and moral obligation to leave the green space unspoiled due to the restrictive covenant that restricted any new

development to be built on the land. The covenant was included in the sale of the houses nearby and had been acknowledged by Hilary Armstrong MP. The land had been purchased for £1,000 which would increase in value with the sale of the proposed properties but the loss of the green space would be a blow to the village. Residents would have gladly paid for the land had they known the intentions. She implored the committee to heed the voices of residents and honour the heritage for generations to come to refuse the application.

Councillor A Sterling left the meeting at 10am.

Mr S Smith, local resident addressed the committee in objection to the application. He commented that he had lived in the village for 35 years and there was a strength of feeling within the community to protect the land as this was the second attempt that residents had to ward off attacks to destroy their green space within the village in 24 months. He stated that the first was an application for 280 units that had been granted that was underway by Miller Homes. It was an attack on the heart of the community who used the green space. There were 119 objections to the application and only one in support. He thanked planning officers who had recommended that the application come to committee. The green space was used by children who played sports in a safe environment and residents who walked their pets. This would cease if the application was approved. There was huge value on the green space for both resident's physical and mental health which was vital during lockdown throughout the Covid pandemic.

He added that the green space was important to all residents. He informed the committee that there was a covenant on the land not to build that was at the forefront of resident's objections that had been in place in 1962 when the Coal Authority transferred the land to the local authority which was confirmed by Hilary Armstrong MP in 1994. The covenant was enshrined on the field in the sale of properties in the area. If residents had known the intentions of the developer, they would have paid for the field to ensure there was no future development on the land. To remove the green space was unacceptable as the application would increase the number of houses in the area but would add strain on the local area as there would be no increase in the number of services or the school size which had not changed for 60 years. There was nothing in the application that showed evidence that there was a need for such houses. He respectfully asked members on behalf of himself and other residents that the application be refused.

Mr G McGill, agent for the applicant addressed the committee in support of the application. He clarified some discrepancies that had been included in the press. In terms of the layout he explained that although the application was outline the design was made to work not that it would 'probably work'. There was no major wildlife on site that would be impacted. The land was

stable and the outline application would be reflective of Delves Lane even at a detailed stage. The application would include affordable housing and although limited there would still be open space. He noted that Durham was the worst area to meet affordable housing needs with huge waiting lists for properties. The housing needs assessment measured how successful the market was for houses that was emphasised by the Miller Homes site in the vicinity as young people could not get on to the housing ladder. He felt that a planning report would be written positively if a development was required in an area but negatively if there was not a need. He felt that this report had focused on the negative aspects. In the planning balance there was an unmet need for affordable housing which this application would contribute towards. He stated that there was no need to submit a viability assessment as the value was in the need for affordable housing to meet the unmet need. The Council cut the grass that involved maintenance costs and he felt that the land was not well used as he had not seen many people on it. The development was not for profit and asked members to be minded to approve the application.

The Chair opened up the committee to questions and debate.

Councillor P Jopling had analysed the report and on first thoughts the outline planning application seemed to be satisfactory as an infill plot. However she had attended the site visit and found the area to be densely populated by houses. She noted that the area had been identified as the last piece of green open space available in the community which all the residents needed more than ever. She felt that the developer had an ample design but it should be delivered elsewhere. The developer had taken a chance with this land due to the restrictive covenant. The land was in the vicinity of a residential care home which she felt the self-build units on the development would cause indefinite disruption as they would take so long to complete. She did not think it was a bad planning application but it was in the wrong area. She did not want to go against the officer's recommendation and supported the refusal of the application.

Councillor S Wilson acknowledged that there was a need for affordable housing. He was aware of the restrictive covenant but this was not material in planning applications and he had given no weight to it. He felt it was rare that someone described amenity space as preserved for residents and the community. He recognised the level of harm that would be caused if the land was developed. There were houses being developed nearby that would provide affordable housing but had also contributed to the lack of open space in the area. He encouraged the developer to work at a different site. He agreed with the officer's recommendation and **moved** to refuse the application.

Councillor L Brown asked the agent why they felt the need to omit a viability statement that was required by policy 25 of the County Durham Plan. She stated that in marketing the houses would bring a profit for the developer of between 15-20%. She understood the benefit of affordable housing that was in huge shortage but not at the expense of profit.

Mr G McGill responded to Councillor L Brown that they had not submitted a viability statement as it would show that the development would not be affordable, would not be profitable and it would not stack up financially.

Councillor L Brown remarked that a viability statement was a requirement of policy 25. She asked highways if it was just parking that they had issues with regarding the application.

D Smith, Principal DM Engineer replied to Councillor L Brown and pointed out that the application was only outline and any highways issues could be resolved at a later stage. He did mention that highways had requested vehicle tracking when the application was submitted which had not been provided to the correct technical standards necessary by the applicant to date. Parking layout issues could be determined at a later stage in the process if the outline application was approved.

Councillor L Brown queried how many affordable homes would be provided on the Miller Homes site.

The Senior Planning Officer confirmed that the Miller Homes site would provide 10% affordable housing.

Councillor L Brown stated that given the position of the information she also agreed with the officer recommendation and **seconded** the application to be refused.

Councillor J Blakey was saddened that developers came in with infill plots that built on every green space. She commented that there was no green space left in her village for children to play safely. The green space had a value to the residents which she appreciated and supported the application to be refused.

L Dalby Principal Planning Officer confirmed for Councillor L Brown that there would be 29 units for affordable housing on the Miller Homes site. He also stated that there was a slight amendment to the report that on grounds for refusal in the recommendations the development would fail to make financial contributions necessary to mitigate the impact of the development on local education and healthcare facilities contrary to Policy 25 of the County Durham Plan and Part 4 of the National Policy Planning Framework. He

stressed that this would not affect any deliberations that had occurred during the meeting.

Upon a vote being take it was **unanimously**:

Resolved:

That the application be **REFUSED**.