

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 19 September 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, N Jones, S Quinn, G Richardson, G Smith, M Stead and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillor Julie Cairns and Councillor Liz Maddison.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 18 July 2024 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/02174/OUT - Land to the West of Five Arches, Evenwood Lane, Evenwood

The committee considered a report of the Senior Planning Officer that was for an outline application for the erection of up to 10no. dwellings and associated works (all matters reserved) on land to the West of Five Arches, Evenwood Lane, Evenwood (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation which included photographs that showed the proposed access to the site, the view from the public highway, the boundary of the site, an existing residential development and an indicative site plan. The application did not reflect the linear character of Evenwood Gate and was in an unsustainable location. There was no access to amenities and facilities that would meet the local needs without the use of unsustainable modes of transport which conflicted with guidance set out by Active Travel England. Upon consultation Evenwood and Barony Parish Council had no objections but had concerns regarding access to the site but Highways had stated that the access was satisfactory. Ecology felt the scheme could achieve 10% biodiversity net gain (BNG) but required further surveys to be carried out in relation to Great Crested Newts, bats, and invasive/protected plant species. Although the proposal was for 100% affordable housing the Affordable Housing Team required further information to demonstrate that a local Registered Provider (RP) was involved in the scheme. There were no responses from the public or local councillors. It was the officer's recommendation to refuse the application as it conflicted with Policy 6, Policy 10, Policy 11 and Policy 21 of the County Durham Plan, Part 9 of the NPPF and CIHT's Planning for Walking 2015.

Mr Fenwick (applicant) addressed the committee in support of the application. He stated that it was a positive application that would provide ten two bed bungalows that if approved would be managed through a social housing provider. The site had previous planning approval which confirmed the site suitability for a new development. He informed the committee that he had been in discussions with the Council House Build Team to plan the next steps. He noted that a demographic profile would be carried out of the local area to identify potential tenants/buyers that would include the elderly and people with disabilities. The properties would be built of a high standard with fencing and landscaping to provide habitats for wildlife. The development would incorporate the community by employing local tradesmen to bring jobs to the area and boost the economy.

The Senior Planning Officer clarified that Mr Fenwick's discussions with Housing had taken place outside of the planning application and planning were not aware of what had been discussed. She concluded that although the application was proposed to be 100% affordable housing no evidence had been provided to meet the criteria of Policy 11 of the Durham County Plan.

Councillor G Richardson asked who owned the houses at the new development on the A688/Evenwood Lane that shared access to the proposed application. He was concerned that this new development had been left in an unfinished state for years.

Mr Fenwick responded that Marfen Homes owned the properties but he had been granted access for this development. He stated that if the application was successful as part of the agreement he was to finish off the properties to a point where they could be sold.

Councillor E Adam requested further explanation as to why the application had conflicted with Policy 6 of the Durham County Plan with this being the main determination for refusal as it had been shown in the presentation that there were dwellings nearby and that it was linked to Evenwood Gate.

The Senior Planning Officer explained that upon assessing the application the criteria for Policy 10 was looked at first in relation to development in the country. The application was not part of a neighbourhood plan and did not demonstrate any of the exceptions within Policy 10. The application failed to meet the long list of requirements set out in Policy 6. The location failed Policy 6f to provide access to good modes of transport and Policy 6d with the design and layout. She was aware that the application was indicative and could change. The application also did not meet the requirements of Policy 11 as although the application presented as 100% affordable housing there was no evidence of a Registered Provider involved. The proposal did not meet the local need for this type of affordable housing in this location to justify the development. On that basis the application was not accepted in principle.

Councillor D Brown requested clarity on the planning history of the site and asked the applicant if he could recall what had transpired over the last twelve years and what issues had arisen.

Mr Fenwick advised that he could not give the history of the site for the last twelve years. He confirmed that there had been a planning application approved for the site in 2015 for seven dwellings with access from Evenwood Lane which was practically identical to the application before committee. Planning permission had lapsed as the farmer and his wife separated and did not progress the application any further.

The Chair opened up the meeting to debate.

Councillor J Atkinson confirmed that he had read the planning report and had listened to the discussions. He had found no reasons to go against officer recommendation to refuse the application as there was very little benefit to outweigh the harm.

Councillor A Savory stated that the planning application before the committee had to be looked upon in its own merit. She had found that there was insufficient information to support the proposal and **moved** to agree with the officer's recommendation to refuse the application.

Councillor E Adam shared the same views as other Councillors that there was insufficient information provided to determine if the application was appropriate. The Senior Planning Officer had provided sufficient explanations as to why the application had been refused on Policy 6, 10, 11 and 21. He recognised that the applicant was still in conversations with Durham County Council and other organisations which would optimistically produce a more viable proposal in the future. He **seconded** the proposal to be refused based on the arguments put forward by Officers.

Councillor G Richardson stated that he had been a member of the Committee since its inception since the Unitary Council and had attended a site visit in 2015 to the location where planning permission had been granted but not acted upon. He agreed with previous Councillors that the application had to be right for the committee to approve it.

Councillor S Zair reiterated Councillor G Richardson that he had also been on the committee since day one. He noted that the decision was required on the application in front of committee. The area needed bungalows that were affordable. He suggested that the application was deferred to gain further evidence that was missing from the proposal.

The Strategic Development Manager informed the committee that the planning application had been submitted on 5 July 2023 which had given the applicant enough time to supply the necessary information. He noted that the planning authority did not have the resources to have planning applications sitting on the system waiting for applicants to supply information which should already be available. He stressed that there was a planning process that if followed correctly with the pre-application Officers were available to provide help and support to ensure all information was obtained prior to the application being presented to committee. He was unsure if the scheme would work but did not want the application left unprocessed indefinitely. However, he understood that it was up to the members to decide.

Councillor S Zair **moved** to defer the application so the applicant could provide all necessary information that was lacking in the application and resubmit to a future committee meeting.

Councillor S Quinn **seconded** the application to be deferred as there was a need for bungalows in the area.

The Chair noted the amendment for deferral put forward by Councillor S Zair and seconded by Councillor S Quinn. Upon a vote being taken, the amendment was **LOST**.

The Chair took the vote upon the motion put forward by Councillor A Savory and seconded by Councillor E Adam to refuse the application in line with the officer's recommendation.

Resolved:

That the application be **REFUSED**.