



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/14/00573/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 89 dwellings
<b>NAME OF APPLICANT:</b>	Dere Street Homes
<b>ADDRESS:</b>	Land to the west of Deerness Heights, Brandon, Durham
<b>ELECTORAL DIVISION:</b>	Brandon
<b>CASE OFFICER:</b>	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. This application site is approximately 2.70 hectares in size and lies outside of the settlement boundary of Brandon but within the Brandon Conservation Area. The area currently consists of open grassland enclosed by mature and semi-mature trees and hedgerows. A Public Right of Way runs through the centre of the site from east to west.
2. The site forms part of the larger landscaping contractors' holding known as Brambledown. The area sits between the contractor's storage buildings to the west, the existing housing to Deerness Heights to the east, existing housing to the south of Brandon Lane and grazing land to the north. The site is rectangular in shape and slopes to the east following the general fall of the land down towards Brandon Village, the site has a tree belt frontage onto Brandon Lane to the south.

#### The Proposal

3. This application proposes the construction of 89 dwellings which would be made up of 35 two bedroomed, 37 three bedroomed and 17 four bedroomed dwellings made up of terraced, semi-detached and detached properties resulting in a density of 32.9 dwellings per hectare, reflecting the Deerness Heights development to the east. Parking provision would be provided on site in the form of 175 off-street parking spaces. The development would be served by a single access off Brandon lane which runs along the southern boundary of the site.

4. All dwellings would have front and rear gardens and would be laid out to create a grid
5. system/perimeter block layout with all dwellings facing inwards towards the road. The development would have a tree lined public footpath running through the site from east to west which would link up the existing Public Right of Way. The development would be mostly made up of two storey dwellings although there would be some two and a half storey, some split level three storey dwellings taking advantage of the sloping site and some three storey dwellings.
6. The dwellings would be constructed in traditional style using various facing bricks and roof tiles and would incorporate various roof styles. A variety of features would be used to add interest to the design such as stone heads and cills to windows, feature garage doors and doorways. Various paving materials would be used throughout the site for shared surfacing along with tree, hedge and shrub planting which would be subject to a landscaping condition.
7. This application is being referred to Committee as it relates to a major residential development.

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## **PLANNING HISTORY**

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8. None relevant.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
11. The following elements are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
13. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the

needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

15. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change*. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:* <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

#### **LOCAL PLAN POLICY:** (City of Durham Local Plan 2004)

19. *Policy E14 - (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
20. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will

be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

21. *Policy E21 Conservation and Enhancement of the Historic Environment* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
22. *Policy E22 Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
23. *Policy H2 - (New Housing within Durham City)* states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.
24. *Policy H12 - Affordable Housing* seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.
25. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
26. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
27. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
28. *Policy R2 - Provision of Open Space – New Residential Development* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
29. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
30. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved

subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

31. *Policy U15 - Energy Conservation – Renewable Resources* permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

#### **EMERGING POLICY:**

32. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
33. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
34. *Policy 15 (Development on unallocated sites)* – States that development on unallocated sites will be permitted on the basis that they are appropriate in scale, design and location to the character and function of the settlement, they do not result in the settlements last community facility, would not prejudice the intended use of adjacent sites and land uses and that they are not in the countryside.
35. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
36. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
37. *Policy 44 (Historic Environment)* - Development will be required to preserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.
38. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

- 39. Natural England has no objections to the proposals but offers informal advice.
- 40. Environment Agency has no objections but has offered informal advice offered relating to surface water drainage.
- 41. Northumbrian Water – No objections subject to a foul sewage condition.

### **INTERNAL CONSULTEE RESPONSES:**

- 42. Planning Policy Officers consider that the scheme should be strongly resisted.
- 43. Housing Delivery – no objections. The applicant proposes 20% affordable housing in line with requirements in the area.
- 44. Ecology Officers – No objections subject to mitigation contained in the ecology report being conditioned.
- 45. Highways Officers have raised objections to the proposals for two reasons. Firstly, the layout of the proposal is unacceptable and would lead to highway safety issues and the development does not make provision for 'non-allocated' parking spaces which does not meet the Councils parking standards. Secondly, it has been noted that the emerging Durham Plan contains a proposal for the Western Relief Road scheme which aims to relieve pressures on the highway network on the west side of Durham city. Officers view is that the submission of this planning application is premature as the traffic impacts will add to an existing unstable network problem on the A690 and A167. It is considered that the impacts could be considered severe in accordance with the test set out in the NPPF. It is proposed to retain the Public Right of Way through the site and in this regards there are no objections.
- 46. Archaeology Officers have raised concerns regarding lack of archaeological information submitted with the application.
- 47. Contaminated land Officers have no objections subject to contaminated land conditions.
- 48. Environmental Health have objections subject to conditions restricting construction hours.
- 49. Landscape Officers object to the proposals stating that the site is of high landscape value within the Conservation Area and forms the remaining undeveloped land between two separate settlements.
- 50. Design and Conservation Officers object to the proposals stating that the development would significantly harm the character of the Conservation Area contrary to saved Local Plan and the NPPF.

## **PUBLIC RESPONSES:**

51. The proposals have been advertised by way of a site notice, press notice and letters to individual residents. 7 letters of objection have been received as a result of the consultation process. The main areas of concern are that the proposals would result in flooding due to the gradient of the site and existing watercourses, there would be a loss of wildlife, the green space is in a conservation area and has a well used public footpath running through it and that the proposals would lead to loss of light due to the topography of the land.

## **APPLICANTS STATEMENT:**

52. It is extremely disappointing that DCC Officers are recommending the refusal of this application. There is a significant business case for the approval of this application which outweighs any minor harm that the development may have. This material consideration is again reiterated below and we would urge members to appreciate the wider positive implications which will arise as a result of approving this application.
53. Brambledown Landscape Services Ltd is an important local employer based in the village of Brandon. It is family owned and operated and for the past 27 years has been in Brandon. The business has come through a very difficult time over the past four to five years as a result of the recession and reduction in public spending. Having built up a strong and successful business with a turnover of £10m-£11m per annum servicing local authority grounds maintenance and landscaping contracts and directly employing more than 100 people, with the cuts made in public sector budgets, it has seen the majority of its client base fall away and has had to re-position itself servicing smaller, lower value private sector work. As a result it has seen its turnover halve, and whilst this has inevitably resulted in job cuts and some redundancies, it still directly employs around 70 people. The directors are looking to re-build the business to its former turnover level, but to do so they recognise that they will need to reinvest in the business. The Applicant provided a detailed financial assessment for officers and Business Durham to consider as part of the planning application. Brambledown's directors and shareholders owns the application site, 2.4 ha site off Brandon lane, formerly used by the business for more than 20 years for growing its own stock. However, changes in their market mean that it is now cheaper to import from Europe than to grow their own stock and as a result the site has lain unused for more than 10 years. Development of this land for residential use will realise a capital receipt for the directors, and although still reasonably modest for the scale of the site, this will give them the ability to reinvest in the business. Such an option, despite discussions with their bank, has been closed to them over the past few years.
54. Conservation Area - DCC concluded that the proposed development would cause significant harm to the character of the Conservation Area. The crux of the issue is that the Council should be able to understand the significance of the Conservation Area through its appraisal (The Conservation Area appraisal has NEVER been carried out). LPA's have a general duty that from time to time they should determine which parts of their area have special architectural and historic interest and formulate and publish proposals for the preservation and enhancement of Conservation Areas. Brandon Conservation Area was designated in 1976. In the 38 years since its designation there has been no published appraisal of the Conservation Area to set as a baseline. Consequently the evidence base for comments which conclude there

would be significant harm are lacking. Our Heritage Consultant assessed the significance of the Conservation Area. Using the methodology set out in that report it was found the most significant element of the Conservation Area to be the historic core of the village, situated around the village green. The subject site was considered to be of **no special interest or significance** in terms of the architectural or historic merit. Using the NPPG which has been published after this application was submitted it was not considered that there is any evidence that the proposal would seriously affect a key element of a designated heritage asset. The topography of the site together with existing and proposed landscaping means that the impact of the development on the setting of the most significant element of the Conservation Area would be negligible and therefore there would be no harm.

55. Landscape - As confirmed within the submitted Landscape report, the site is largely visually enclosed and tightly bordered by housing/ built form to the west, south and east and the existing mature hedgerow/ tree belt forms a strong boundary to the north. Visual impacts will be limited to receptors in close proximity to the site and those further away to the north where the landscape is more open. Views from the north of the site would be viewed in the context of the existing settlement edge. However no views of the proposed development site from Durham Cathedral and Durham Castle (World Heritage Site) can be gained. Views from the surrounding context elsewhere are screened by topography, vegetation and built form. There is no current landscape policy designation for the site (only saved policies adopted in 2007) and the Conservation Policy does not accord with NPPF, therefore the development management policies of NPPF apply (Para 14) - i.e. no adverse impacts which would significantly or demonstrably outweigh the benefits of the proposal. It is felt that only limited weight can be afforded to the emerging landscape policy as a development control tool, as it has not been rigorously tested by an Independent Inspector.

56. In summary there are no defensible reasons for recommending the refusal of this application, the significant material considerations outlined in our business case, supported by Business Durham, should outweigh any minor potential impacts that this proposal may have.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:  
[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=M4W1OFBN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M4W1OFBN5B000)*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

58. In this instance, the relevant considerations are the principle of the development, in particular the accordance with the Governments recently published National Planning Policy Framework (NPPF), the emerging County Durham Plan (CDP) and



the saved policies from the City of Durham Local Plan. Other material considerations are the scale, layout and design of the development, impact on the conservation area, highways issues, affordable housing, economic impact and the concerns raised by local residents.

### **Principle of the development**

59. Saved Policy H2 of the City of Durham Local Plan allows for windfall development of previously developed sites within the settlement boundaries, provided that the scheme is appropriate in scale, design, location and number of units. This proposal seeks to redevelop a parcel of land outside of the settlement boundary and is therefore not considered to adhere to this policy.
60. Notwithstanding that the proposals are outside of a settlement boundary in the countryside, the proposal is considered to be sustainable in terms of its location with good access to community facilities such as schools, healthcare provision, shops and public transport links. It is therefore considered that the proposal is in a sustainable location for residential development in terms of access to community facilities in accordance with the principles and overarching aim of the National Planning Policy Framework.
61. The emerging County Durham Plan (CDP) will also aim to direct the majority of new housing to the main towns and secondary settlements of the County in order to create more sustainable places. All development proposals will be assessed against sustainability considerations; relevant considerations listed in the policy include the need to locate development with the aim of reducing the need to travel, to promote sustainable communities by allowing small-scale development to meet local needs and considerations relating to sustainable design.
62. However, being in a sustainable location does not necessarily make a development acceptable, and there are other issues in terms of the location of the development such as the impact on the Conservation Area, landscape impact and highways issues which must also be considered and these are discussed in more detail below.
63. The NPPF requires LPAs to maintain a five-year supply of deliverable sites to ensure choice and competition in the market. The SHLAA report for 2013 concluded that a five-year supply could be demonstrated in County Durham, so there are no deficiencies which need to be addressed by the release of more housing land. However, it is not the intention to resist schemes solely on oversupply grounds, but instead recognise that it enables the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.
64. The nearby 'East of Brandon Football Club' site is allocated for residential development in the CDP. It is the view of the spatial policy team that there are several sites assessed as green in the SHLAA which are preferable to the proposal site. These include sites 4/BR/01, 09 and 10 in Brandon. These sites are considered to be in more appropriate locations regarding the existing residential framework of the settlement and would not detrimentally impact upon the character or setting of the conservation area.
65. Policy 16 of the CDP states that development on unallocated sites will be permitted provided the development is appropriate in scale, design, and, location, and has regard to the character and function of the settlement and helps to consolidate the

built form of the settlement. This proposal is not considered to accord with this policy for reasons set out later in the report.

66. Overall the proposal is contrary to adopted Local Plan policy as it is outside a defined settlement boundary. The NPPF takes a more positive approach to development but in interpreting this the emerging CDP officers would consider the proposal inappropriate. The proposals would cause harm to the Conservation Area and would have negative highway safety implications (both discussed below), there are other more appropriate development sites in the area, including a housing allocation in the CDP and the Council has evidence of a five year housing land supply. On this basis the principle of the development cannot be accepted.

### **Scale, layout and design of the development**

67. The NPPF's twelve core planning principles states that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design, the NPPF states, is "indivisible from good planning."
68. Policy H13 of the Local Plan states that planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. Policies Q1, Q2 and Q8 list design features which will be encouraged within residential areas. In addition, saved Policy Q8 of this plan sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised. These policies are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.
69. The dwellings would be constructed in traditional style using various facing bricks and roof tiles and would incorporate various roof styles. A variety of features would be used to add interest to the design such as stone heads and cills to windows, feature garage doors and doorways. It is considered that the design of the dwellings is fairly standard and although this would not warrant an objection on the basis of saved policies H13 and Q8 of the local plan it is considered that the design of the proposed dwellings would not preserve or enhance the Brandon Conservation Area and therefore would be contrary to saved policy E22 of the local plan and part 12 of the NPPF.
70. The development is a fairly intensive housing scheme of a grid system/perimeter block layout which picks up the elements and context of Deerness Heights It provides 89 units in total on 2.8 hectares with little open space. The development is fairly urban /suburban in character with little response to the rural setting of the area, the layout and the character pays little credence to the village informal built form and pays more reference to the Deerness Heights urban housing scheme.
71. The development covers the whole site and extends right up to the historic hedgerow boundary to the north and west, sometimes encroaching onto it, there seems to be little softening and reducing in scale of the density up to the boundaries here. The intensity of development will encroach on the character of the historic village and setting and be harmful to the Conservation Area here and the rural character of the distinctive field system and contrary to Policy E22 of the Local Plan and part 12 of

the NPPF. Design and Conservation officers have objected to the proposals on the basis of the above.

### **Impact on the Conservation Area and surrounding landscape**

72. The proposed site is located to the west of Deerness Heights, to the north of Brandon Road and to the south and west of old Brandon Village. It is within Brandon Village Conservation Area which was designated in 1976, the Conservation Area boundary extends to Deerness Heights and Brandon Lane and links into the Brancepeth Conservation Area to the west. Deerness Heights is a large estate which stretches out to the rising farmland to the north. The site at present is rural in character and is undeveloped, it is a field of rough grassland, surrounded by attractive hedgerows and trees, beyond this is Brambledown Landscape depot. The site rises from south to north and east to west and is elevated with extensive views to the north towards Ushaw Moor and the Deerness Valley.
73. This site was originally considered as part of the SHLAA and was not considered suitable for housing development by design and conservation officers as the fields form an integral part of the setting of the village and character of the Conservation Area and are vital in preventing the coalescence of Brandon Village with Brandon.
74. These field patterns remain today and are an important part of the history and development of the village, and are a key component of the character of the Conservation Area. The fields subject to this application were part of the historic development of the village and landscape and have remained undeveloped and despite the fact that some of the boundaries have been lost over time, they remain important historically and form a vital part of the character and setting of the village and Conservation Area. Developing these fields would be harmful to the overall character of the area contrary to saved Policy 22 of the Local Plan which states that the council will seek to preserve the character of the Conservation Area, protecting trees, hedges, landscape features, views and undeveloped areas which contribute to the character of the area and its setting.
75. The Conservation Area is very extensive and as mentioned includes the historic field enclosure that radiates out north, east and west of the village. The historic landscape provides a very attractive environment and links effectively with the Brancepeth Conservation Area, which forms one of the largest areas in County Durham. This provides an important green protected corridor of significant heritage/landscape value.
76. Brandon Village is essentially a village with one street with a village green, the green served as a communal grazing area either side of the street and this area was bordered by agriculturally related buildings and cottages. The present village still embodies the remains of the old agricultural settlement, Some farms remain active, some have their outbuildings surviving, while others have been replaced by cottages and terrace housing.
77. The hill top settlement with the combination of its buildings, good use of materials and its prominent undulating site makes Brandon one of the best examples of local vernacular architecture in its natural landscape setting. The historic field enclosures part of the natural landscape setting associated with the village radiates out and includes the fields, including the application site up to Brandon Lane. This formed the setting of the village and continues to do so. Developing this site would be harmful to

the setting of this hill/ridge top village and contrary to saved Policy 22 of the local plan and part 12 of the NPPF.

78. In summary, the fields (the application site) are very important component of the Conservation Area character and the historic village setting. These fields are significant as they were part of the post medieval historic enclosures of the 17th century, the intrinsic field pattern radiated out from the village centre and is still visible today. The fields themselves have remained undeveloped over time and are important as they provide separation between the historic core of Brandon village and the adjacent housing estates in Brandon. They provide an important green buffer, and the fields are vital in preventing the coalescence of the two settlements. Development here would significantly harm the character of the Conservation Area and the surrounding area as a whole and be contrary save Policy 22 of the Local Plan and part 12 of the NPPF and on this basis design and conservation officers object to the proposals.

### **Highways Issues**

79. Highways officers have been consulted on the proposals and object to the proposals for several reasons.
80. The emerging Durham Plan contains a proposal for the Western Relief Road scheme which aims to relieve pressures on the highway network on the west side of Durham city. It is considered that the submission of this planning application is premature as the traffic impacts will add to an existing unstable network problem on the A690 and A167. Officers believe the impacts could be considered severe in accordance with the test set out in the NPPF.
81. A traffic analysis has been submitted for consideration which assesses the level of generation, distribution, and impact on the local highway network. Highways officers have assessed this analysis and do not agree with some of its outcomes. In particular, traffic generated from the development will enter a congested network either at Saw Mill Lane or at Front Street Langley Moor. This additional traffic would result in additional queuing and delay on the A690 to Stonebridge and Neville's Cross, and would add to queues at Front Street and Saw Mills Lane. Whilst the level of generated traffic is below the Department for Transport threshold for junction analysis requirement, it is considered that the cumulative impact of this site together with any additional growth or generation from sites west of Durham City cannot be accommodated on the already saturated network.
82. In addition to the above, a residential travel plan has been appended to the transport statement, the contents of which do not afford confidence that sustainable travel planning has been given any priority.
83. The layout of the proposed development follows a mix of standard cul – de sac arrangement; private shared drives; and a proposed adopted shared use space. The proposed shared use space which is indicated as to be adopted is not acceptable. The concept of the development must be clear and in this case it is unclear as to the purpose and difference of the shared use space in relation to the private shared drives and standard highway layout.
84. No turning provision is made for vehicles in the proposed shared surface area. Its purpose, use and access location together with lack of turning facility is unacceptable. The private shared drives must be a maximum of 25m long in

accordance with the Council's emerging highway design guidance. The private shared drive is over 60m in length creates a problem for servicing and refuse collection and is also unacceptable. The design layout contains poorly thought out parking provision. Some parking areas are indicated entering the footways longitudinally, or entering the carriageway across radii. This creates safety and buildability issues and cannot be accepted. The parking provision does not meet with the Council's adopted standard for residential parking. No 'non allocated ' visitor parking provision has been made throughout the site, this is not acceptable. The turning head to the rear of unit 19 is too short and has not been designed to take into account vehicle turning requirements, this is also not acceptable.

85. In summary, highways officers object to the proposals due to the impact of increased traffic on the strategic road network and due to the layout of the development not complying with the Councils highways standards and subsequently creating an adverse impact on highway safety. Therefore the proposals are considered to conflict with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

### **Affordable housing**

86. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general. The provision of affordable housing where a need has been identified is encouraged through the NPPF (Para's 47, 50, and 159) which also requires a range of dwelling types and sizes, including affordable housing to deliver the sustainable, inclusive and mixed communities. Emerging Policy 31 of the CDP is consistent with these objectives of the NPPF.

87. The SHMA, NPPF, Policy H12 of the CDLP and draft Policy 31 of the CDP therefore provide the justification for seeking affordable housing provision on this site. The County Durham Strategic Housing Market Assessment update (SHMA) report was completed in 2013 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area where Brandon is located (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.

88. The applicant's planning statement advises that 20% of affordable housing will be provided as part of the development. Policy 31 specifies a tenure mix of 75% affordable rented housing and 25% intermediate housing. Should planning permission be granted for this scheme, a S106 legal agreement will need to be secured to ensure delivery, and this should reflect the policy requirements for affordable rent (75%) and intermediate (25%).

### **Economic Impact**

89. As part of the justification for the development proposals, the applicant has submitted an economic statement which sets out the economic circumstances of the landowner who owns and operates Brambledown Landscaping Services. The report details the benefit the proposed development would have on the business due to the capital receipt from the sale of the land for housing. It is stated that the financial gain from the sale of the land would be re-invested back into the business allowing the business to grow back to its former turnover level. It is stated that the economic benefits to the business and the local economy would significantly outweigh any adverse impact.

90. Business Durham have been consulted and have assessed the submitted economic statement and in light of its findings supports the sale of land to release capital for Brambledown to re-invest back into the company.
91. Business Durham state that Brambledown has depots in Yorkshire and Tyneside, but its head office is based in Brandon. The company employs 69 staff with 30% living within a 2 mile radius of Brandon and 50% within a 5 mile radius. The company also supports a number of local contractors, however, the number of contractors has also significantly reduced over the last few years. The company has enjoyed a steady growth in previous years and re-invested its profits back into the business, forming a strong business built upon contracts from Local Authorities across the North East. According to Brambledown's economic contribution report, over the last 5 years, the company has suffered from a downturn in business due to the recession. Staffing and sub-contracting costs make up the majority of the company's outgoings, and in 2013 the company made a loss. The company has had to undergo changes to cope with the loss of public sector environment and regeneration contracts across the region. They have had to make staff redundancies and have reduced their number of vehicles on the road as well as having to put a freeze on replacement of older vehicles. The directors have realised that in order to safeguard current employment and to maintain its position in the current marketplace as well as having the capability to act on new opportunities that present themselves, the company will need to find a source of new finance. The capital receipt from the sale of land at the current site would assist in securing the long term future of Brambledown, the people it currently employs and assist in future expansion plans.
92. Officers acknowledge that the economic situation of Brambledown can be looked upon by members as a planning consideration, although it is not considered that this should outweigh the objections in terms of the principle of the development, the adverse impact on the conservation area and the significant highway safety concerns raised. Indeed, it is respectfully suggested that supporting failing businesses through the granting of inappropriate planning permissions for residential development would create an undesirable precedent and on this basis should be avoided.

### **Letters of concern from nearby residents**

93. 7 letters have been received from local residents whose main areas of concern are that the proposals would result in flooding due to the gradient of the site and existing watercourses, there would be a loss of wildlife, the green space is in a conservation area and has a well used public footpath running through it and that the proposals would lead to loss of light due to the topography of the land.
94. In terms of flood risk there have been no objections from either the Environment Agency or Northumbrian Water who have assessed the proposed means of both foul and surface water drainage. Ecology Officers and Natural England have been consulted with regard to the potential impact on wildlife and neither have raised an objection to the proposals. In terms of the public right of way the applicant proposes to maintain access through the site and on this basis there have been no objections from the public right of way officers. Finally, officers agree with the objections from residents that the proposals would lead to an adverse impact on the conservation area and would result in the loss of an important landscape feature.

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## **CONCLUSION**

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95. In summary it is considered that the principle of the development is not acceptable as the site lies outside of the settlement boundary and would have a significant adverse impact on the character and appearance of the Brandon Conservation Area. The proposals are not acceptable in terms of highway safety due to the impact on the strategic road network and the unacceptable layout of the proposed development. In addition to this, there are other more appropriate sites for residential development in the nearby locality including a site which has been put forward as a housing allocation in the County Durham Plan which forms part of the Councils five year housing land supply. The business issues raised by the applicant have been noted and acknowledged, however it is not considered that such issues outweigh the significant planning concerns outlined in this report.

96. On the basis of the above, officers recommended that the application be refused.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The proposed development would result in an adverse impact on the character and appearance of Brandon Conservation Area contrary to saved policy E22 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.
2. The proposed development by way of its layout and design would lead to an adverse impact on highway safety contrary to saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.
3. The Local Planning Authority considers that the proposed development, as result of the levels of traffic that it would contribute towards already saturated junctions at peak times would lead to severe cumulative impacts upon the transport network in form of exacerbated delays contrary to paragraph 32 of the National Planning Policy Framework and saved policy T1 of the City of Durham Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on attempting to seek solutions to problems arising during the application process. The decision has been made within the target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

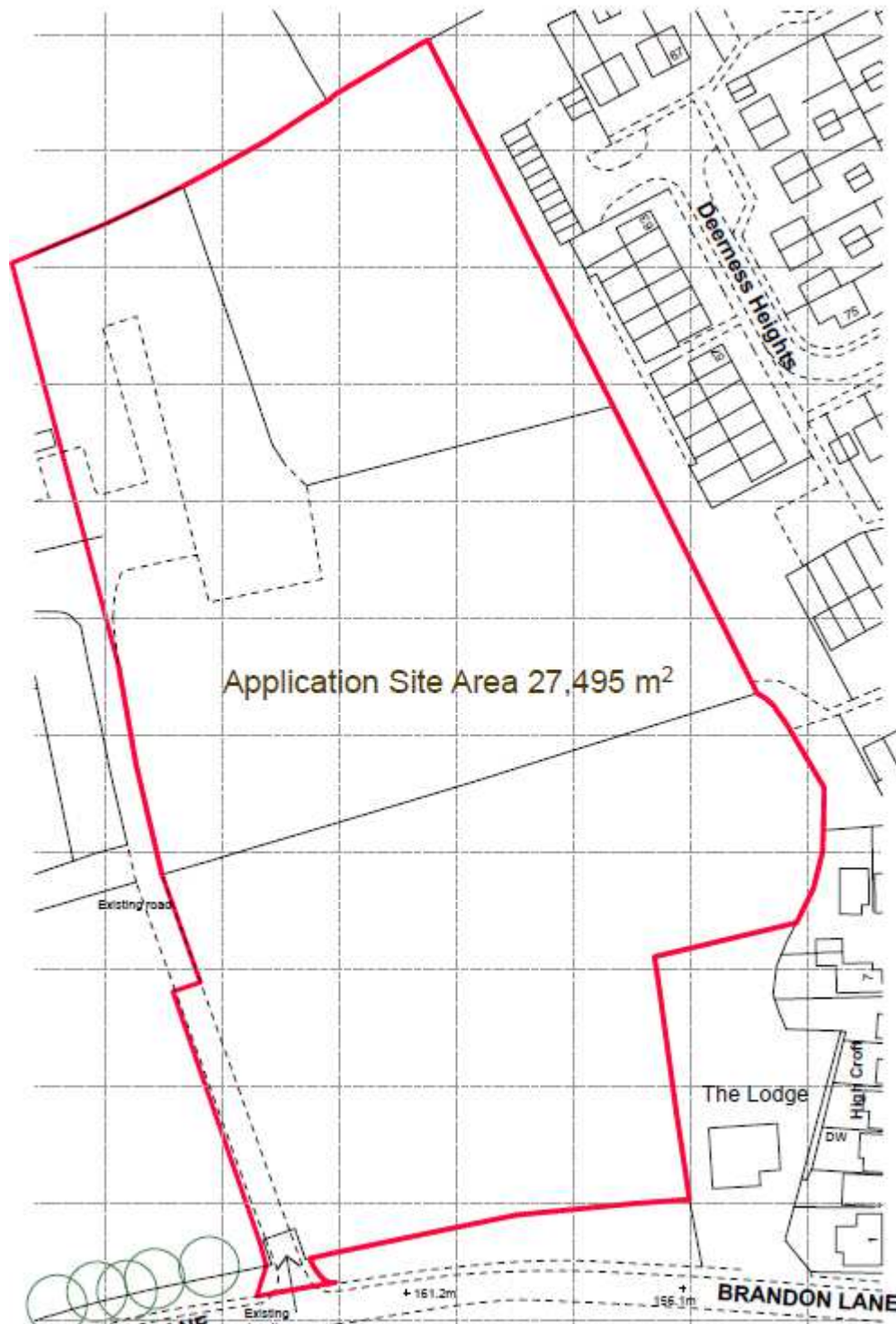
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
National Planning Policy Framework  
Emerging County Durham Plan  
Consultee responses





**Planning Services**

Land to the west of Deerness Heights,  
Brandon

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**Date** 11<sup>th</sup>  
November 2014

