

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00599/OUT
<b>FULL APPLICATION DESCRIPTION</b>	Outline application proposing residential development of 70 dwellinghouses seeking detailed approval of means of access only
<b>NAME OF APPLICANT</b>	Harris Developments
<b>SITE ADDRESS</b>	Land at Langley Hall Farm, Brandon Lane, Durham, DH7 8LQ
<b>ELECTORAL DIVISION</b>	Brandon
<b>CASE OFFICER</b>	Barry Gavillet 0191 5270501 planningeasington@durham.gov.uk

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### 1.0 DESCRIPTION OF THE SITE AND PROPOSALS

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#### 1.1.1 Context

1.1.1 This application site is located to the north of Langley Moor and is outside of the settlement boundary; as such the site is classed as being in the countryside. The site is approximately 1.9 hectares and is roughly triangular in shape, it is bounded by the Brandon to Bishop Auckland right of way and woodland to the north and west, Brandon Lane to the south and a mix of open space, residential properties and workshops to the east. The site is a previously undeveloped, agricultural field and is therefore defined as 'greenfield' land.

#### 1.1.2 Proposal

1.2.1 This application seeks outline planning permission for 70 dwellinghouses seeking detailed approval for means of access only, all other matters including appearance, landscaping, layout and scale would be subject to a further application for reserved matters should this application be approved. The main vehicular access point would be taken off Brandon Lane at the south west corner of the site. The applicant's have submitted indicative plans which show a mixture of house types and garages along with private front and rear gardens. Pedestrian links would be created to the Brandon to Bishop Auckland footpath which bounds the north west of the site. The proposal would have a housing density of approximately 37 dwellings per hectare.

1.2.2 The application is being reported to committee as it is a major housing development.

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### 2.0 PLANNING HISTORY

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2.1 None relevant.

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## **3.0 PLANNING POLICY**

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### **3.1 NATIONAL POLICY:**

- 3.1.1 **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.
- 3.1.2 **Planning Policy Statement 3: Housing** PPS3 underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 3.1.3 **Planning Policy Statement 7: Sustainable Development in Rural Areas** sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.
- 3.1.4 **Planning Policy Guidance 13: Transport** objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- 3.1.5 **Planning Policy Statement 9: Biodiversity and Geological Conservation** sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy
- 3.1.6 **Planning Policy Guidance 16: Archaeology and Planning** sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries through the development plan and development control systems, including the weight to be given to them in planning decisions and planning conditions.
- 3.1.7 **Planning Policy Statement 22: Renewable Energy** sets out the Government's planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.
- 3.1.8 **Planning Policy Statement 23: Planning and Pollution Control** The policies in this statement and the advice in the accompanying Annexes (Annex 1: Pollution Control, Air and Water Quality and Annex 2: Development on Land Affected by Contamination) should be taken into account by Regional Planning Bodies (RPBs) and Local Planning Authorities (LPAs) in preparing Regional Spatial Strategies (RSSs) and Local Development Documents (LDDs) - referred to in this Statement as "development plans".

3.1.9 **Planning Policy Statement 25: Development and Flood Risk** explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

## **3.2 REGIONAL POLICY:**

3.2.1 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

3.2.2 However, The Secretary of State for Communities and Local Government's letter dated 27<sup>th</sup> May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils. This intended future abolition must also be given material weight in planning decision making.

3.2.3 **Policy 1** - Strategies, plans and programmes should support a renaissance throughout the North East

3.2.4 **Policy 2** - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

3.2.5 **Policy 4** - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

3.2.6 **Policy 6** - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

3.2.7 **Policy 7** - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

3.2.8 **Policy 8** - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

3.2.9 **Policy 24** - establishes that all development should be designed and located to deliver sustainable communities. Development should be assessed against a wide range of criteria with sustainability in mind including the locational requirements of the development, the need to concentrate development in urban areas, links with

infrastructure and impacts of a development upon the social cohesion of local communities.

- 3.2.10 **Policy 28** – Advises that Local Development Frameworks should make provision for the following average annual level of total dwelling construction in the period 2004-2021.
- 3.2.11 **Policy 29** – Advises that Local Development Frameworks and/or planning proposals shall deliver and manage housing supply
- 3.2.12 **Policy 30** – Advises that in preparation for future reviews of housing within RSS, Strategic Housing Market Assessments will inform a review of the regional approach to addressing affordable housing needs, including an affordable housing target for the Region and each housing market area.
- 3.2.13 **Policy 33** - Requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
- 3.2.14 **Policy 35** - Flood Risk promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
- 3.2.15 **Policy 38** - Sustainable Construction seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

### 3.3 LOCAL PLAN POLICY:

- 3.3.1 **Policy E7 (Development in the Countryside)** advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable such as agricultural workers dwellings.
- 3.3.2 **Policy H3 (New Housing Development within the Villages)** allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
- 3.3.3 **Policy H5 (New Housing the Countryside)** sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
- 3.3.4 **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. The associated Supplementary Planning Document approved (December 2006) advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, nominated to specified eligible households whose needs are not met by the

market. 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.

- 3.3.5 **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.
- 3.3.6 **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.
- 3.3.7 **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.
- 3.3.8 **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.
- 3.3.9 **Policies Q1 and Q2 (General Principles Designing for People and Accessibility)** states that the layout and design of all new development should take into account the requirements of all users.
- 3.3.10 **Policy Q4 (Pedestrian Areas)** requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
- 3.3.11 **Policy Q5 (Landscaping General Provision)** sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
- 3.3.12 **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.
- 3.3.13 **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.

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*The above represents a summary of those policies considered d most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

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### **4.1 STATUTORY RESPONSES:**

4.1.1 The Coal Authority – no objections

4.1.2 Natural England – no objections

4.1.3 Environment Agency – no response

### **4.2 INTERNAL CONSULTEE RESPONSES:**

4.2.1 Archaeology Officer – no objections subject to a programme of archaeological works conditioned;

4.2.2 Ecology Officer – no objections subject to mitigation being conditioned;

4.2.3 Environmental Health – no objections;

4.2.4 Highways Officer – no objections subject to conditions relating to junction radii and footway details;

4.2.5 Landscape Officer – no objections subject to a landscaping scheme.

### **4.3 PUBLIC RESPONSES:**

4.3.1 The application has been advertised by way of a press notice, site notice and individual letters to surrounding residents.

4.3.2 Seventeen letters were received to the consultation of which ten were objections, six comments/observations and one letter of support. The main reasons for objection are as follows:

- The site is in the countryside and the proposal would create urban sprawl
- The proposal would create traffic congestion and would lead to traffic accidents
- Schools and doctors do not have enough places
- There is enough affordable housing in the area
- The field is beautiful and is an important aspect in the village

4.3.3 The City of Durham Trust has commented that the site is outside the settlement boundary but not in Green Belt or in an Area of High Landscape Value. They considered that there may be merit to the scheme.

### **4.4 APPLICANTS STATEMENT:**

4.4.1 Our analysis demonstrates that the development would make an important contribution to meeting local housing needs, and in addition it would generate significant local economic and environment benefits including:

- Employment impacts during construction would be equivalent to 49 years of construction industry employment, together with 58 years of FTE indirect/induced employment as a result of construction related expenditure

- Attraction of economically active households to the area
- Total gross expenditure potential of £1.04m per annum gross
- New Homes Bonus payment to Durham County Council over the 6 year period of approximately £537,500
- An increase in Council Tax revenues of more than £89,500
- Local environmental improvements

4.4.2 The design of new development should evolve from the special local character. 'By Design' talks about the need to create a place with its own character. These principles are embedded within our outline proposals creating a varied scale and building character, existing in 'harmony' with the village, and defining a distinct sense of place.

4.4.3 Our proposals have been developed to ensure that with regard to the site's natural context, it could be a place that meets the needs of existing and future residents. While only 'outline' this statement provides assurance that the expected quality is deliverable.

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*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 [\(link to webpage\)](#). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **5.0 PLANNING CONSIDERATIONS AND ASSESSMENT**

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5.1 As this application is outline with access being the only detailed matter seeking approval, the main planning considerations are the principle of the development and highways issues.

### **5.2 Principle of development**

### **5.3 Compliance with the City of Durham Local Plan**

5.3.1 This site is unallocated greenfield land that is located outside of the existing settlement boundary for Langley Moor. Policy H3 permits housing development on previously-developed sites within the settlement boundary provided that there is no conflict with environmental, open space or design objectives. As the application sites falls outside of the designated boundary, this proposal draws no support from this policy.

5.3.2 Sites located outside of settlement boundaries are to be treated against 'countryside' policies and objectives (Policy H5), and there is a general presumption against allowing housing development beyond a settlement boundary unless it is required to fulfil an employment role. In view of this, it is considered that this proposal is in conflict with the City of Durham Local Plan element of the development plan, and this position is accepted by the applicant in their submission.

5.3.3 The applicant seeks to argue that the Local Plan is "demonstrably out-of-date in relation to housing" on account that it was only intended to provide guidance up to 2006. Whilst it is acknowledged that the Local Plan was adopted in 2004 and is now 7 years old, it is considered that this does not necessarily make it out of date. The key test is whether the strategy/aims of the Local Plan is out of kilter and in conflict with other elements of the development plan including the Regional Spatial Strategy (RSS) and national advice on housing contained within Planning Policy Statement 3 – Housing (PPS3). In relation to these two aspects, it is considered that the Local

Plan strategy is not patently inconsistent with either the RSS or PPS3, and consequently considerable weight must still be attributed to the Local Plan and its policies.

5.3.4 The applicant seeks to attach considerable weight to the emerging County Durham Plan and the indicative housing distribution for Langley Moor, Brandon and Meadowfield of 550 dwellings. It is considered that only limited weight can be attached to this housing figure at this stage. This is in recognition that these figures are still being assessed and could be subject to change. In addition, the final figures will also be required to undergo an examination in public, as will any forthcoming housing allocations.

#### **5.4 Compliance with the Regional Spatial Strategy**

5.4.1 The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.

5.4.2 The locational strategy for the NE region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.

5.4.3 The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.

5.4.4 As part of the on-going production of the 'The County Durham Plan', a 'Settlement Study' has been carried out. This study looks at the amenities possessed by the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Langley Moor is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities.

5.4.5 In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6, 10 and 29 the focus should be on increasing housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of greenfield sites.

5.4.6 Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals, particularly in instances when developers are submitting applications before there is an opportunity to consider different sites on a level playing field though the development of the plan in an open and transparent manner.



- 5.4.7 The applicant's "Planning, Economic and Affordable Housing Statement" examines alternative Strategic Housing Land Availability Assessment (SHLAA) sites within Langley Moor, Brandon and Meadowfield. The conclusion which the applicant draws is that the Langley Hall Farm site is the most suitable and sequentially preferable site in this area. However, one site which the applicant has failed to examine is land adjacent to Brandon football club and substantially surrounded by housing (including a site currently under construction). It is considered that this site is better contained than the application site, and should it be a case that additional land needs to be released in advance of the new County Durham Plan, then this site may well be a better candidate than the application site subject to detailed appraisal.
- 5.4.8 Overall, with respect to the Local Plan and the RSS, it is considered that there is significant conflict with the City of Durham Local Plan on account that housing development is proposed beyond the settlement boundary in the countryside. The development also raises conflict with the RSS on account that the site does not utilise previously developed land, and better sites are available when utilising a sequential approach to development.

## **5.5 Compliance with Planning Policy Statement 3 – Housing (PPS3)**

- 5.5.1 PPS3 clarifies that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure.
- 5.5.2 Housing Policy 28 of RSS for the North East seeks an annual average provision of 1,615 dwellings in County Durham up to 2021, with the adequacy of this level of provision being reviewed by future monitoring and revisions of the RSS. In due course, the County Durham Plan will set its own housing targets for the period up to 2030, however, until the figures contained within the "Policy Directions" document are firmed up and tested through examination, the RSS remains relevant to development proposals until such time as it is revoked under the Localism Bill.
- 5.5.3 The RSS requires the (former) Durham City district to provide 3,800 net new dwellings from 2004–2021 at an average of 225 units per annum (250 for the period 2004-11, 220 for 2011-16 and 190 for 2016-21). This figure should be treated as a floor target, so represents the minimum number of dwellings which must be provided.
- 5.5.4 During the first 7-years of the RSS period (2004 - 2011) there were 2,213 (net) new dwellings completed in the Durham City area. This represents a cumulative oversupply of 463 dwellings against the RSS target for that period (1,750 dwellings). It is important to stress that this represents exceptional performance bearing in mind the prevailing market conditions since 2008 relating to people's restricted ability to secure mortgages, house builders' inability to access funding at reasonable interest rates, the overall viability of schemes and the reluctance of some landowners to sell land at depressed land values. All these factors have resulted in house building levels declining in many areas.
- 5.5.5 The oversupply over the first 7 years of the RSS has to be deducted from the target for the next 5-years.
- 5.5.6 The County Durham SHLAA indicates that 1,157 dwellings could potentially be built in the next 5-years (2011 – 2016). This is 520 dwellings more than the revised 5-year target requires. Consequently the Durham City area comfortably meets its 5-

year housing supply, as required by PPS3 It is important to clarify that the figure of 1,157 dwellings does not include the application site.

- 5.5.7 The applicant seeks to justify the release of this site for housing under para 71 of PPS3. This states that *“where LPAs cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS, including the consideration in paragraph 69”*. However, as clearly demonstrated above, there are no deficiencies in the 5-year supply for the former Durham City area, and as such, the proposal draws no support from those policies within PPS3.
- 5.5.8 PPS3 makes clear that Local Planning Authorities are to maintain an up to date 5-year supply of housing sites. On this final issue, it is considered that there is a 5-year supply of housing within the (former) Durham City area. As such, there is no overriding requirement to release this land for housing imminently.
- 5.5.9 The County Durham Plan will supersede the current Local Plan and through the SHLAA has evidenced land available for housing with a simplistic judgement criteria. This does not directly translate to allocatable housing sites, albeit some will inevitably. Further assessment and appraisal of the SHLAA preferred sites towards an allocations document based on sustainable economic development and local need will set the locations and levels of provision to 2030. This proposal predates these strategic decisions and for the aforementioned reasons no sound justification to bring this site forward.

## **5.6 Affordable Housing**

- 5.6.1 The provision of affordable housing where a need has been identified is encouraged through PPS3, and Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community. 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.
- 5.6.2 The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 30% affordable housing across the former Durham City area, while PPS3 (Para 29) makes plain the importance of the SHMA in setting targets. The SHMA and Policy H12 of the Local Plan therefore provide the justification for seeking 30% affordable housing provision on this unallocated site. .
- 5.6.3 The applicants consider that the inclusion of 30% affordable housing will make their scheme unviable, but have not demonstrated this with robust evidence through a development appraisal. Therefore, on the matter of affordable housing, it is considered that there is a robust case to seek 30% affordable housing, with the onus being on the applicant to provide evidence of viability.

## **5.7 Highways issues**

- 5.7.1 The Highways Officer has noted that there are concerns regarding additional traffic and its impact on the highway network, however it is concluded that the proposal is relatively modest in terms of the existing dwellings already served by Brandon Lane and that the level of traffic flows which would be created by the proposal are not

considered to be unacceptable. The Highways Officer has no objections to the proposed access subject to conditions relating to the junction radii and a footway link being provided to the bus stop to the east of the site. Therefore the proposals are considered to accord with Local Plan Policies T1 and T10.

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## **6.0 CONCLUSION**

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6.1 Overall, it is considered that this proposal conflicts with development plan in respect of policies H3 and H5. The scheme also draws no supports from any deficiencies in the 5-year supply of housing within the City of Durham area to prompt release of housing land ahead of the County Durham Plan. Consideration has been given to whether there are any material considerations to outweigh this conflict, however, as the applicant is reluctant to provide affordable housing and no other tangible benefits are offered it is concluded that the harm caused by permitting residential development in the countryside contrary to the development plan is not set aside by the development hereby proposed.

6.2 The development is thereby recommended for refusal.

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## **7.0 RECOMMENDATION**

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

1. The proposal would result in residential development outside the established settlement boundaries as identified by the City of Durham Local Plan in the countryside, on greenfield land. The proposal is therefore considered to be contrary to national planning guidance contained within Planning Policy Statement 3, Regional Spatial Strategy Policy 4 and saved policies H3 and H5 of the City of Durham Local Plan.

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## **8.0 BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan May 2004
- Planning Policy Statements / Guidance
- Consultation Responses

