



Area Planning Committee (Central and East)

Date Tuesday 10 February 2015
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Last Meeting held on 13 January 2015 (Pages 1 - 12)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/14/02320/FPA - The Cooperage, Durham Road, Bowburn (Pages 13 - 26)
Demolition of existing public house and erection of retail and office building with associated parking and landscaping.
 - b) DM/14/02852/FPA - Site Of Former Coxhoe Pottery, Front Street, Coxhoe (Pages 27 - 46)
Erection of 30 no. dwellings including demolition of existing dwelling on site and pumping station.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

2 February 2015

To: **The Members of the Area Planning Committee (Central and East)**

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,
K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, R Lumsdon,
B Moir, J Robinson and K Shaw

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 13 January 2015 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, C Kay, J Lethbridge, B Moir, R Lumsdon and A Turner (substitute for Councillor S Iveson)

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, D Freeman and S Iveson.

2 Substitute Members

Councillor A Turner substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meetings held on 9 December 2014 were confirmed as correct records and signed by the Chairman.

4 Declarations of Interest

In relation to item 5b Councillor P Conway clarified that, although a member of Belmont Parish Council, he took no part in discussions on planning related business at the Parish Council.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

a CE/13/00862/OUT – Land at Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham

The Committee considered a report of the Senior Planning Officer regarding an outline application with all matters reserved except access and layout for residential development of 6 executive dwellings at land at Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members

of the Committee had visited the site and were familiar with the location and setting. He advised of an additional letter of objection which had been received which raised particular concerns regarding a septic tank at the site and the boundary wall. The Committee were advised that both matters were civil issues.

Councillor E Huntington, local Member, addressed the Committee. She advised that Councillor R Todd, also local Member for the application area, was fully supportive of the objections she was to make in respect of the application.

Councillor Huntington advised that predominantly, the trees on the site were all in remarkable condition and there was a wealth of wildlife in the area which would undoubtedly be affected should the application be approved. She highlighted that the trees were protected by a Tree Preservation Order and furthermore she was aware of a covenant which stipulated that the land should not be sectioned off.

Both the trees and the biodiversity in the area were at risk from the proposed development and the Senior Ecologist had indicated that because of potential issues of shadowing, it may be the case that further trees would need to be removed than the 19 referred to in the application. Shade would make the properties unliveable and poor television reception may be experienced, so again it may be that further trees would be removed in the future.

The loss of ground fauna was a particular concern and Councillor Huntington advised that several officers of the Council were not satisfied with the proposals. Members were advised that the adjacent nature reserve formed part of the woodland corridor which was a valuable heritage.

Councillor Huntington acknowledged that issues relating to the on site septic tank were indeed civil matters, however she highlighted that the outlet pipe ran through the soil for waste to decompose naturally and should the development be approved, the system would be dysfunctional and a health hazard.

In relation to the adjacent highway, Councillor Huntington advised that it was a busy road, used regularly and so she was concerned about the impact additional traffic would have.

The Committee was advised that there had been a lot of new development in Shotton and the area had reached saturation point. She also strongly objected to the destruction of the nature reserve.

Mrs S Tullin, local resident, addressed the Committee. She strongly objected to the application as the proposals would have a significant impact on the surrounding area and in particular, on her property. She would suffer adverse impact from noise, disturbance, loss of trees and loss of privacy. She stated that should the application be approved, a clause should be imposed to ensure that no more than the 6 proposed properties be built at the site for 20 years.

Mrs Hoban, local resident, addressed the Committee to read out a statement from Mr Hall, local resident. Mr Hall's main objections to the application related to the 130 metre boundary he shared with the application site and the brick wall which

was the applicants responsibility. The Committee was advised that the wall was in a dangerous state of neglect and urgently needed repair. As the applicant now intended to divide the current boundary up with 4 new owners, Mr Hall feared that the issue with the wall would not be resolved.

Mr Hall also raised concerns regarding his septic tank water overflow discharge, which had been in place for over 90 years. The Committee was advised that the proposed development would impede the soak away from Mr Hall's septic tanks irrigation trench, which would subsequently cause ground water flooding with a serious health hazard occurring both for himself and all of his neighbours.

Members were advised that Mr Hall had discussed the matter with the applicant in September 2013, as such Mr Hall was confident that the applicant was fully aware of the problems the application would cause. Mr Hall advised that he had taken legal advice as he feared that potentially he and his family could become homeless should the application be approved. Mr Hall highlighted that the applicant had been refused planning permission in 2003 to build only 2 houses in the same location where he now wished to develop 3. Furthermore, Members were advised that the applicant had applied a total of 5 times over the years for various housing planning permission on the site and each time he had been refused. Mr Hall found the application to be vexatious, with a lack of empathy for the countryside, wildlife, other people and neighbouring properties.

Mr Hoban, local resident, addressed the Committee. He advised that he and other residents had been astounded at the last meeting, he felt that vital issues which had been raised within the letters of objection were not mentioned during the meeting.

Mr Hoban stated that issues regarding the lane had not been mentioned, nor had issues raised relating to health and safety concerns regarding the septic tank. He highlighted that various Council officers – the Senior Ecologist, Senior Tree Officer and Senior Landscape Advisor – had all raised objections and concerns to the proposals. Those officers had raised issues regarding the extent of shade to the proposed dwellings which would make them practically unliveable, suggesting that extensive shade may lead to further tree felling requests. Those officers had stated that there were other similar examples around the county where trees with surrounding land had been decimated despite planning conditions which were supposed to protect the trees.

Members were advised that despite those original concerns from officers, there was no evidence of any mitigations or amendments to the proposals which would have reasonably changed their opinions.

Mr Hoban advised that the sale of Brackenhill House as it currently stood, would bring a substantial profit and he felt that the only reason for the application was to maximise the value of the land. Mr Hoban believed this would be at the expense of the environment, health and safety and also against the concerns of neighbours and Council officers.

The Senior Planning Officer and the Highways Officer responded to the points raised as follows:-

- Members were reminded that issues regarding the septic tank and the boundary wall, were civil issues;
- Members were advised that in relation to concerns regarding drainage, Northumbrian Water had not raised any concerns;
- From a highways perspective, the 6 dwellings would only generate 1 additional vehicle movement every 10 minutes, based on a national system of traffic generation analysis.
- The road width along Shotton Lane varied, being 8.5 metres wide at the widest point and 4.5 metres wide at the narrowest point. While it was acknowledged that the footway was lost in narrow parts, there was no conflict between vehicles and pedestrians and the Committee were advised that 2 vehicles could safely pass on a road width of 4.1 metres;
- In referring to section 32 of the NPPF, the Committee was reminded that highways grounds could only be raised as reasons for refusal of an application if the cumulative impact was considered to be severe. Members were advised that during the past 5 years there had only been 5 slight accidents in the vicinity of Shotton Lane, only 1 of which had actually been on Shotton Lane itself.

Mr J Wyatt, agent for the applicant, addressed the Committee. He referred to comments he made to the Committee at the meeting held 9 December 2014 and the subsequent decision by Members to defer consideration of the application to allow for a site visits. Mr Wyatt hoped that Members had found the site visit useful, in particular that Members had seen that the access road was suitable for the proposals and that the layout was very much landscape led. Mr Wyatt highlighted that the application, if approved, would contribute to meeting the need for executive housing in the County.

Mr Lancaster Smith, agent for the applicant, addressed the Committee. He advised that there was no reference to a drainage easement or a covenant on the deeds of Brackenhill House. He further advised that the overflow did not comply with environmental standards.

Councillor Moir was mindful of both the ecological and biodiversity concerns which had been raised by Councillor E Huntington. He concurred that it would be impossible to avoid the disturbance of flora and fauna should the application be approved and he was unconvinced that the woodland could be adequately managed.

In response to queries from Councillor Kay, the Senior Planning Officer clarified that the application site was not part of a nature reserve, though there was a nature reserve adjacent to the site. He further clarified that in relation to concerns raised regarding trees, should the application be approved there would need to be a condition attached to ensure that bat boxes be placed on site.

Councillor Lethbridge expressed concerns based on the comprehensive argument put forward by Councillor Huntington and he stated that the area of Shotton was a sensitive and important area of the county.

In response to queries from Councillor Conway, the Senior Planning Officer clarified that a condition would be imposed to require details of a Woodland Management Plan. The Plan would need to be approved by the Planning Authority and would need to include details of who would be responsible for the management of the woodland.

In relation to the grading of the trees on the site, the Senior Planning Officer clarified that trees were categorised by 3 grades – A, B and C – with A being the highest grade. Members were advised that none of the trees which were to be removed were grade A, 15 were grade C and 4 were grade B.

The Solicitor clarified that the Tree Preservation Order which was in place at the site was actually a Woodland Order, so all trees were protected.

Councillor Moir moved refusal of the application for the following reasons:-

- That the application was contrary to District of Easington Local Plan Saved Policies 1, 3, 18 and 35;
- That the application was contrary to Part 11 of the NPPF.

A further reason for refusal was included further to suggestion by Councillor Lumsdon:-

- That the application was contrary to Part 6 of the NPPF regarding the affected area of the woodland.

Councillor Lethbridge seconded the motion for refusal and upon a vote being taken it was;

RESOLVED:- “That the application be refused for the following reasons:-

- That the application was contrary to District of Easington Local Plan Saved Policies 1, 3, 18 and 35 as it would have a detrimental affect on biodiversity and bats;
- That the application was contrary to Part 11 of the NPPF;
- That the application was contrary to Part 6 of the NPPF regarding the disaffected area of the woodland”.

b DM/14/03318/RM – Land to the North of Willowtree Avenue, Gilesgate Moor

The Committee considered a report of the Senior Planning Officer regarding the erection of 42 residential dwellings and associated car parking, landscaping and engineering works (reserved matters) and the discharge of conditions 4, 5, 6, 7, 8, 11, 12 and 14 of outline approval CE/13/01651/OUT at land to the north of Willowtree Avenue, Gilesgate Moor (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site and were familiar with the location and setting. Members were advised that should the application be approved an additional condition would be added to request a Construction Management Plan.

Members were advised of a late letter which had been received from a local resident which raised issues relating to the temporary access to the development, the planting plan, the footpath link and the removal of trees, all issues which were dealt with within the officers report.

Councillor B Howarth, Belmont Parish Council, addressed the Committee to speak in objection to the application. She advised that the Parish Council acknowledged that outline permission for up to 49 units had been agreed. However the Parish Council felt that this was contrary to a statement from the Planning Inspectorate of February 2014 which stated that any development on that site should be refused as it would do material harm to the character and appearance of the local area.

Councillor Howarth advised that if the development was destined to go ahead even in view of that statement, then the Parish Council would wish to see a design that would have the least detrimental effect on the surrounding neighbourhood. She therefore raised the following concerns in relation to the application:-

3 Storey Apartments and Property Mix – The Parish Council considered one of the most controversial features to be the inclusion of a 3 storey apartment block with 9 flats. While it was acknowledged that the apartment block would fulfil the affordable homes requirement, the Parish Council felt that local residents would benefit from more small, affordable houses or bungalows with access for all. The Parish Council therefore considered the scheme and neighbourhood would benefit from a wider mix of properties than the proposed 3 or 4 bedroom houses and a contrasting inappropriate apartment block.

Design and Layout – Councillor Howarth advised that the proposed layout was compact and the Parish Council was particularly concerned about the close proximity of proposed houses to the Willowtree Avenue border, which had comparatively short gardens. There would inevitably be issues with overlooking and so the Parish Council felt that the provision of a substantial hedge along that boundary was essential to neighbourhood privacy and amenity.

Drainage – Councillor Howarth stated that the development site was higher than the surrounding area and the Parish Council was concerned about the history of surface water runoff, particularly in freezing conditions. The Committee was advised that a public sewer ran across the site and the Parish Council called for a condition requiring Regulation Hierarchy of soakaway, water course and sewer and also immediate attention to be given should any later problems arise.

Planting and Landscaping – The Parish Council noted that there was very comprehensive information in the revised Landscape and Planting schemes, particularly in relation to tree planting. It was further noted that there was some neighbourhood concern about the removal of trees in some places and replacement

with close-board fencing. The Parish Council hoped that recommendations would be implemented to preserve environmental aspects of the development and in particular the Parish Council sought an assurance that there would be adequate gapping up of retained boundary trees and hedging and protection of retained species during the construction period.

The Parish Council also asked for a requirement to be included that the grasslands be cut annually and be the responsibility of the applicant once the development was completed.

Traffic Noise – The Parish Council requested that a strict condition be attached to any permission requiring that the recommendations in the final Noise Assessment regarding acoustic barrier fencing, heavy weight glazing and ventilation, be implemented.

Public Right Of Way – Councillor Howarth advised that public footpath no.5 abutted the west and north site boundary and it seemed that the applicant intended for the path to be retained in its definitive route and linked into the proposed footways on site. Members were advised that the path was actually a Parish Path and was maintained by the Parish Council. Councillor Howarth advised that the Parish Council requested that the entire length of the public right of way should be brought up to adoptable standard and adopted by the County Council. It was felt that a safe and accessible route was necessary and it was further requested that an adopted path along the northern edge of the development be created to link with the footpath at the Broomside Lane entrance, for the safety and convenience of residents.

Traffic issues – The Parish Council had concerns regarding off street parking of contract vehicles during construction and while it was recognised that this was not a planning matter, Councillor Howarth requested the imposition of a traffic order for single yellow lines with appropriate time limits, from the Willowtree Avenue to Broomside Lane junctions.

Mr M Pears, local resident, addressed the Committee to speak in objection to the application. Mr Pears stated that less than 10 months earlier the Planning Inspectorate found that any development of the site would go against the core principles of the NPPF and also go against Policy E5a of the saved Local Plan. As such, Mr Pears advised that local residents were extremely disappointed that the proposed scheme was now being considered.

The Committee was advised that there was much local concern regarding loss of privacy. Mr Pears felt that instead of being sensitive to this, the developers had instead chosen to site 4 of the tallest buildings in their scheme immediately behind the boundary fence of existing houses. Local residents were convinced that the proposed 2.5 storey buildings would loom up and overshadow existing houses in an entirely unacceptable manner.

Mr Pears advised that all of the existing Willowtree Avenue properties which backed onto the application site, were 2 storey dwellings. He felt that if the new scheme was to truly integrate into the existing character of the area in a sympathetic

manner, then it would make sense for all proposed buildings towards the southern edge of the site to also be no more than 2 storeys. Mr Pears stated that if the developers were to insist on including buildings taller than 2 storeys, then local residents hoped that they would be sited on the northern edge of the site, away from all existing houses.

The Committee was advised that local residents were also concerned that the overall density of the buildings within the scheme was completely out of keeping with the character of the existing area.

Mr Pears called for the Committee to reject the application on the basis that it did not accord with policies Q8 and H13 of the saved Local Plan.

Mr J Nicholson, local resident, addressed the Committee to speak in objection to the application.

The Committee was advised that there had originally been a construction plan and then construction plan detail drawings which contradicted each other. Mr Nicholson questioned whether Northern Grid would grant permission to use the area adjacent the overhead lines as a "temporary access to build". He also questioned how it was possible to build a 4 bedroom detached property adjacent to the proposed flats when it was required for the temporary access to build.

Mr Nicholson felt that the parking arrangements for vehicles during the construction stage was inadequate and only available for some phases of development. Furthermore he highlighted that parking on the highway by construction related vehicles must be avoided as the highway was an important bus route.

The Committee was advised that the geotechnical report indicated that areas of the site could cause risk to human health and the whole area would require removal of considerable volumes of waste material.

Mr Nicholson questioned how mud was going to be prevented from being transported onto the highway and he raised a particular concern as the downward gradient was towards Broomside Lane and if the carriageway was greasy then vehicles would not be able to stop in time.

In relation to the public right of way, Mr Nicholson questioned how it would be constructed and maintained during the construction of the properties and associated drainage and sewerage works.

In relation to safety, the Committee was advised that the development access was hidden and safe sight distances were inadequate. They were less than 30m, but should be 40m for a 30mph speed limit. Mr Nicholson further advised that when leaving the development, vision to both sides would be obscured by the 1.8m high close board fencing.

In relation to density, Mr Nicholson advised that planning guidance stated that development boundaries should not be fenced as they produced a collection of buildings with poor townscape and no character or sense of wellbeing. Furthermore

the Committee was advised that planning guidance also stated that for security purposes, parking should be to the front of any flats and not to the rear. Mr Nicholson also highlighted that the development had no communal space and failed to meet any key objectives.

The Principal Planning Officer responded to the points raised as follows:-

- 3 Storey apartment block – there had been lengthy negotiations in relation to the 3 storey proposed dwellings. It was highlighted that the density of development had reduced from original plans for 54 dwellings and the Planning Authority now felt that there was a satisfactory mix of house types proposed for the site. Furthermore the Affordable Housing officers were satisfied with the proposals.
- Proximity to adjacent houses – the layout did achieve the required privacy standards of minimum 21m separation distance;
- Drainage – the Planning Authority had liaised closely with Northumbrian Water in relation to the application and Northumbrian Water was now satisfied with the proposals;
- Landscaping – should the application be approved the Planning Authority would expect a comprehensive landscaping plan from the developers which would include plans for replanting on the site;
- Powerlines – the land under the powerlines could end up being managed by an appointed Management Company;
- Public Right of Way / Parish Path – Though the Rights Of Way Officer was satisfied with the proposals, concerns raised during the meeting would be brought to their attention;
- Yellow Lines – It was reiterated that the Highways Authority was satisfied with the proposals;
- Appeal Decision – In October 2013 an application for 54 dwellings had been refused and subsequently an appeal had been lodged. Before determination of the appeal the committee had resolved to approve a new application for 49 dwellings. As such that application superseded any decision from the Planning Inspectorate on the original application.
- Proximity of Overhead Cables – this was not a planning issue;
- Parking for construction operatives – this was a matter that the agent present may wish to address;
- Mud on the highway – any issues with mud on the highway could be subject to action by the Highways Team if highways were not kept clean;
- Design and lack of fencing off – the Planning Authority was satisfied with the design proposals.

Mr D Brocklehurst, agent for the applicant, addressed the Committee. He advised that the application was granted in outline and the applicant had been involved in detailed dialogue with many relevant officers. The applicant was keen to resolve all concerns relating to the application and Mr Brocklehurst made the following points:-

- 3 Storey dwellings – it was clarified that none of the proposed dwellings were strictly 3 storey, there were 6 x 2.5 storey properties proposed on the site. It

was highlighted that there were already 3 storey properties in the immediate area;

- Construction Parking – The applicant was more than willing to produce a management plan. It was highlighted that 20 spaces were proposed for construction parking which was double the usual expectation and the applicant would strive to avoid parking on the highway;
- Landscaping – The Committee were advised that any trees removed during the construction of the site would be replaced;
- Affordable homes – The Committee was advised that market research suggested that 1 bedroom flats were in demand in the area;
- Noise – 2 noise assessments had been conducted and no concerns had been raised;
- Land under the powerlines – Northern Power Grid were satisfied with the proposals and the land in that area would be managed by the applicant or a Management Company.

Councillor Moir raised concerns regarding the lack of consultation from the developer with local residents. He further raised concerns about the site layout. Councillor Moir was appalled that 2.5 storey properties were to be built behind 66-80 Willowtree Avenue. The Committee was advised that the land sloped down towards the A690 and so the 2.5 storey properties were proposed for the highest point of the site.

Councillor Conway referred to the planning history of the site and stated that he had been perplexed when the last application had been brought before the Committee, given that an appeal decision was outstanding and that the Committee were not able to deal with any material planning considerations.

He advised that there remained an unresolved issue regarding surface water and foul water at the site, where different parties seemed to have differing opinions.

In relation to highway concerns, Councillor Conway stressed that the highway adjacent to the site was a very busy route and also a bus route. Overrunning on the verge occurred regularly and though there were few recorded incident reports, the Committee was advised that traffic incidents did occur regularly and that the statistical evidence was not reflective.

While Councillor Conway was encouraged by the Conservation Management Plan, he felt there remained issues regarding the proposed quality of design. On that basis he felt there were sufficient grounds to refuse the application on the basis that the application did not accord with Part 10 of the NPPF, and policies E16, T1, Q8 and H13 of the saved Local Plan.

Councillor Conway advised that there were already advertising boards for the developer at the site, which contravened planning law and went against the applicants assertion that they were keen to listen to local views.

In relation to affordable housing, Councillor Conway questioned the commercial viability of the site and whether commercial diligence would be sought in the future for a reduction in the number of dwellings.

In conclusion Councillor Conway felt that the current application should be refused to allow issues relating to the quality of design and property types to be addressed.

Councillor Kay queried the percentage reduction in the s106 contribution and also questioned the difference in size between 3 floor properties and 2.5 storey properties.

In response to the query regarding the s106 contributions, Mr D Brocklehurst clarified that the reduction in the s106 affordable housing contribution would be 20%, but the agreed financial contributions would remain at previous levels.

Councillor Bleasdale had concerns regarding the problems which would occur on the highway, more houses in that area would generate more traffic and exacerbate current traffic issues.

Councillors Lethbridge and Clark echoed those concerns and concerns regarding hours of work on site and noise from construction. Councillor Clark also queried whether the Committee could require that any construction traffic departing from the site could not be permitted to turn up into the adjacent housing estate.

The Principal Planning Officer responded to the points raised as follows:-

- Both the 3 storey and 2.5 storey properties were 10.5 metres high and that a typical 2 storey dwelling was 8 metres high;
- A condition could be imposed to regulate the hours of work on site;
- The regulating of construction vehicle movements would be a matter for the Highways Authority.

In response to a query from Councillor Lumsdon, the Principal Planning Officer clarified that 21 metres was considered an acceptable separation distance between 2 storey properties. Mr Brocklehurst clarified that separation distances on site had been deliberately increased to 27 metres.

Councillor Conway moved that the application be refused in its present form for the following reasons:-

- That in relation to issues regarding design and the appropriateness of the site, the application did not accord with Part 10 of the NPPF and saved Local Plan policies T1, Q8 and U8a.

Councillor Conway clarified that U8a was appropriate in relation to issues regarding the consultation process and the differences of opinion regarding water issues.

The Solicitor clarified that the drainage of the site should have been dealt with under the outline planning permission and was therefore not now a matter for consideration.

Councillor Conway therefore clarified the reasons for refusal as follows:-

- That the application was contrary to saved Local Plan policy Q8 on the basis of issues regarding topography of the site, design and layout;
- That the application was contrary to saved Local Plan policy T1 on the basis of traffic issues;
- That the application was contrary to Part 7 of the NPPF on the basis that the design had an adverse impact on the area and was overbearing.

Councillor Moir seconded the motion to refuse the application.

The Solicitor clarified the scope of the matters for consideration before the committee on this reserved matters application following which Councillor Conway rescinded the proposed refusal on traffic grounds as this properly related to the development in principle rather than the reserved matters being considered.

Councillor Moir seconded the motion to refuse the application and upon a vote being taken it was

Resolved:

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

- That the application was contrary to saved Local Plan policy Q8 on the basis of issues regarding topography of the site, design and layout;
- That the application was contrary to Part 7 of the NPPF on the basis that the design had an adverse impact on the character and appearance of the area and was overbearing.

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/14/02320/FPA |
| FULL APPLICATION DESCRIPTION: | Demolition of existing public house and erection of retail and office building with associated parking and landscaping |
| NAME OF APPLICANT: | J A Property Limited |
| ADDRESS: | The Cooperage Durham Road Bowburn |
| ELECTORAL DIVISION: | Coxhoe Tim Burnham |
| CASE OFFICER: | Senior Planning Officer Tel: 03000 263963 email: tim.burnham@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The Cooperage is a premises located on the A177 Durham Road within Bowburn Conservation Area. The pub is currently closed with the building boarded up. To the east of the building and yard areas sits a parking area which has vehicular access from the residential street to the north and Crow Trees Lane to the south. The building has been constructed of red brick and has been altered over time. The site is prominent through facing onto the main road and sits centrally within Bowburn. A bus stop sits on Crow Trees Lane to the south east of the site.
2. The planning application proposes to demolish the building and build a new building in its place. The new building would be of two storey height, constructed of brick walls. Visible parts of the roof would be pitched and slated, with a single ply membrane covering a flat roofed section towards the centre of the building. A flat roofed entrance area would be provided to the south east elevation. The building would host retail and associated store space at ground floor level and two offices at first floor level. A car park providing 21 parking spaces would be provided within the site immediately to the north east of the building.
3. The design of the replacement building has been amended significantly from that originally proposed.
4. The application is being reported to the committee at the request of Cllr Plews on Highways grounds and due to the site being within a Conservation Area.

PLANNING HISTORY

5. There is no recent relevant planning history at the site.

PLANNING POLICY

NATIONAL POLICY

6. 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.

7. 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'.

8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

9. 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 21st century.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

LOCAL PLAN POLICY:

15. 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

16. 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.

17. Policy EMP14: Office Development Elsewhere This Policy relates to proposed office development outside of any identified local centre. It states that Office development in the location proposed would be acceptable provided that there would be no significant adverse impact upon the amenity of neighbouring occupiers, provided that the site is accessible by a choice of means of transport having particular regard to the needs of public transport, pedestrians and cyclists and provided the site is served by roads capable of handling any traffic that would be generated.

18. Policy H13 (Residential Areas – Impact upon Character and appearance) 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.

19. Policy C9 - Loss of an existing community facility - This policy states that planning permission will not be granted for a proposal which would result on the loss of an existing community facility unless it can be demonstrated that the facility is no longer financially viable, or there is no significant demand within the locality or where an equivalent alternative facility is available to satisfy the needs of the local community nearby.

20. 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

21. 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

22. Policy S6: This policy relates to Village shops. It states that within Bowburn shops of less than 1000m² will be permitted provided that it will not adversely affect the vitality or viability of any other local centre of village, provided impacts upon amenity or road safety are satisfactory and provided that it would be situated close or well related to shops and other facilities within the village

23. 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

24. Policy U8A - Disposal of Foul and Surface Water - requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan

25. The emerging County Durham Plan was submitted in April 2014 and the main body has been examined 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). The following policies contained in the Submission Draft are considered relevant to the determination of the application.

26. **Policy 1 Sustainable Development** - This Policy requires that all development is sustainable.

27. **Policy 26 Retail Hierarchy and Development in Local Centres.** Within this Policy, Bowburn is identified as a local centre. The Policy states that new retail provision within these centres should be local in nature and not perform a wider retail function or become a retail destination in its own right. Any proposal should be consistent in scale with the size and function of the centre, Safeguard the retail character and function of existing centres and not detract from their vitality and viability and be convenient and accessible in order to meet day to day needs of residents and contribute to social inclusion and sustainable development.

28. **Policy 44 Historic Environment:** Development will be required to conserve 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.

29. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted. Those that offer significant improvements to heritage assets most at risk through neglect, decay or other threats will be given additional weight.

Development will not be permitted that would entail the loss, in whole or in part, of a heritage asset (designated or non-designated) unless it can be demonstrated that the proposed development will be implemented after the loss has occurred.

Designated Heritage Assets

30. Development which would lead to substantial harm to or total loss of significance of, a designated heritage asset will not be permitted unless it can be demonstrated that the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply:

- a. The nature of the heritage asset prevents all reasonable uses of the site;
- b. No viable use of the heritage asset itself can be found in the medium term that will enable its conservation;
- c. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. The harm or loss is outweighed by the benefit of bringing the site back into use.

Development that would lead to less than substantial harm to a designated heritage asset will only be permitted where that harm is outweighed by the public benefits of the proposal. When considering the balance of considerations great weight will be given to the conservation of the asset.

Non-designated Heritage Assets

The effect of development proposals on the significance of non-designated heritage assets will be taken into account in determining applications. In assessing proposals that affect non-designated heritage assets, either directly or indirectly, regard will be given to the significance of the heritage asset and the scale of any harm or loss

The above represents a summary of those policies considered most relevant in the Emerging Development Plan the full text, criteria, and justifications of each may be accessed at <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psd/p?pointId=2637658#document-2637658>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Northumbrian Water: No objections
32. Highways Development Management: No objections – bus stop requires relocating to aid highways visibility.

INTERNAL CONSULTEE RESPONSES:

33. Drainage and Coastal Protection: No objections - Drainage Scheme required.
34. Archaeology: consider that it has not been fully justified that the building cannot be retained and re-used.
35. Environmental Health: No objections, conditions suggested in relation to noise and dust disturbance etc.

36. Ecology: No objection.

37. Design and Conservation: Do not consider that strong enough case has been made for demolition of building or that the replacement building is of suitable quality.

38. Planning Policy: No objections in principle.

39. Street Scene: No objections.

PUBLIC RESPONSES:

40. A letter of support has been received for the development. It is suggested that the existing building is steadily decaying with pub use unviable in the current economic and social climate. It is suggested that a new building would be a more relevant and beneficial addition to the community. Bishop Auckland Cycling Club have written to express their appreciation for the provision of cycle parking

41. Bowburn and Parkhill Community Partnership and Cassop cum Quarrington Parish Council have suggested that the revised building design would be more sympathetic to the Conservation Area. The Parish Council do however have some concerns over parking, access and deliveries to the store. A letter of concern has been received from a nearby occupier relating to potential disturbance during any periods of demolition or construction.

APPLICANTS STATEMENT:

42. The Cooperage public house, formerly the Wheatsheaf, is an unlisted building, part of the Bowburn Conservation Area; but the car park area to the rear is not part of the Conservation Area. The application proposes to demolish the existing building and provide a small mixed use development, with retail space at ground floor level and office space above. The car park area to the rear will serve the new development.

43. The proposed development site is encompassed by an intensively populated residential area which would welcome a comprehensive retail facility. There is obviously a demand within this locality for such a facility as the existing provision is limited, with many travelling to Spennymoor or Durham for basic daily goods.

44. The retail development alone would require at least 15no. employees and in line with the National Planning Policy Framework (NPPF), the proposal seeks to promote a competitive and vibrant environment, in a location where the service could clearly be sustained; the pre-application enquiry response considered the development site to represent a sustainable location. In addition, the change of use from A4 (Drinking Establishments) to A1 (Retail) and B1 (Offices) would be recognised as Permitted Development under the General Permitted Development Order.

45. The Cooperage is currently vacant and has not had a long-term occupier for some time. Whilst the loss of the public house is regrettable, it has been evidenced that there is not the local demand to sustain such a facility.

46. It is acknowledged that the retention/adaptation of the existing building is the Local Authorities preferred first choice for redeveloping the site and the design process has explored this route extensively. For reasons detailed in other application documents, it was concluded that it would be both more architecturally and economically viable to demolish the existing building and provide a new development.

47. The Bowburn Conservation Area principally encompasses the terraced housing of the former mining village and as described in the Appraisal 2008, 'the terraced rows, typical of mining villages, are now the principle remaining historic feature' and their special character

'arises from the architectural rhythm of the street pattern', the 'uniformity of materials and architectural detail.' The Cooperage building is described in the Local Authorities Design And Conservation Advice (Sept. 2014) as 'retaining its intrinsic character' and as being 'a focal point on an important corner of the Conservation Area; its scale and character blend in well with the adjoining terraced housing which forms the historic core of the heritage asset.'

48. Indeed the Cooperage is a focal point, but it is believed that it is simply the scale and siting of the building that makes it a focal point. Unlike the housing, The Cooperage building does not demonstrate the character that arises from architectural rhythm or pattern and it 'blends in well with the adjoining terraced housing' simply because of its material palette.

49. Whilst it is appreciated that the history of the site is significant, and for that reason the building is considered to be a locally important, non-designated heritage asset, the 'character' of The Cooperage does not extend beyond the physicality of the buildings bricks and mortar. The Cooperage has been extensively altered and unsympathetically extended; the building has been neglected and is falling into disrepair. Its windows and doors are recent additions and there is nothing to its interior of any great merit. Indeed, in its current state of repair, any improvement to the site would have a positive impact on the character and appearance of the Conservation Area and street scene. Since the building has been in the Clients ownership, despite their best efforts, it has been subject to a number of vandal and arson attacks.

50. The application is the result of extensive collaboration with the Local Authority, incorporating wherever possible the advice received. It is believed that the proposal demonstrates a 'high quality replacement building'; one that is contemporary, but that 'fits in with the grain and distinctive character of the Conservation Area.' (L.A. D&C Sept. 2014) The principle elements of the Durham Road (West) elevation of The Cooperage, those that are regarded as intrinsic to its character, are retained in this proposal.

51. In line with the NPPF, the proposal is a clear example of a new development that will make a positive contribution to its locality and the surrounding area. The loss of the existing building 'is outweighed by the benefit of bringing the site back into use'; particularly with a service that reflects the local community's needs.

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://plan-1:8080/IDOXSoftware/IG_search?sort=5&dir=asc&FormParameter1=DM%2F14%2F02320%2FFPA&app_id=1002

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon Conservation Area, highways issues, ecology and other issues.

Principle of development

53. Policy S6 of the Local Plan relates to Village shops. It states that within Bowburn shops of less than 1000m² will be permitted provided that they will not adversely affect the vitality or viability of any other local centre or village, provided impacts upon amenity or road safety are satisfactory and provided that it would be situated close or well related to shops and other facilities within the village.

54. Policy EMP14 relates to proposed office development outside of any identified local centre. It states that Office development in these locations would be acceptable provided that there would be no significant adverse impact upon the amenity of neighbouring occupiers, provided that the site is accessible by a choice of means of transport having particular regard to the needs of public transport, pedestrians and cyclists and provided the site is served by roads capable of handling any traffic that would be generated.

55. Policy C9 relates to the loss of community facilities. This policy states that planning permission will not be granted for a proposal which would result in the loss of an existing community facility unless it can be demonstrated that the facility is no longer financially viable, or where there is no significant demand within the locality or where an equivalent alternative facility is available to satisfy the needs of the local community nearby.

56. Officers note that Policy S6 which relates to Village shops pays particular attention to Bowburn which it states lacks any identifiable village centre. The Local Plan anticipated improvement of retailing facilities in Bowburn throughout the plan period with a retailing site identified at Bowburn South Industrial Estate. Officers have not felt able to give any special consideration to whether or not the provision of retail here would harm that site coming forward. This is because a retail outlet of similar floor space could be implemented within the existing cooperage building under permitted development rights. Further, the scheme currently before members is realistic and deliverable and would provide a focus from a retail point of view in this part of Bowburn.

57. The application is considered acceptable in relation to Policy C9 on the counts that The Cooperage is on balance of probabilities not financially viable and because The Oak Tree Pub on Prince Charles Avenue provides an equivalent alternative facility.

58. The impact on amenity of the proposed retail and office space is considered acceptable. Despite sitting in a partly residential area, it is likely that comings and goings or hours of operations arising from the proposed use would be unlikely to be significantly different to those experienced from a well-functioning pub business. The site is in an accessible and sustainable location and is served by public transport. Cycle parking would be provided. The application is considered acceptable and in accordance with Policies S6 and EMP14.

59. Due to the points mentioned above, the principle of the proposed uses is considered in accordance with Policy H13 which requires that development should not have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

60. The application would meet one of the core aims of the NPPF which is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Impact upon Conservation Area

61. The Development site is located within, albeit on the edge of Bowburn Conservation Area. National and Local Planning Policy requires that any development within a Conservation Area serves to preserve or enhance its character or appearance. This is a requirement of S72 of the Planning (Listed Buildings and Conservation) Areas Act 1990 and Policy E22 of the City of Durham Local Plan.

62. Officers acknowledge that the pub building if in its open and functioning form would make a positive contribution to the significance of the Conservation Area. The NPPF states that the loss of a building which makes a positive contribution to the significance of the

conservation area should be assessed as having 'substantial harm' or 'less than substantial harm'.

63. Planning Officers consider on this occasion that the loss the building would result in less than substantial harm. This is because the building has been extensively altered over time and because its physical appearance and design is not exceptional, uncommon or rare. It is fitted with unsympathetic upvc windows to the upper front elevation and is not fully cohesive. The building is not afforded listed protection, and Officers understand it is not of a level of significance, importance or uniqueness to be afforded such protection. Officers also consider that primarily the character of the Conservation Area is comprised of the rhythmic nature of rows of former colliery houses as they fall downwards from south east to north west, rather than any significant contribution from the Cooperage building which sits on a limb to the southern end of the Conservation Area.

64. Notwithstanding this, Officers do recognise that the building does draw affection locally, is of significant age and has a degree of social history associated with it. Officers also note concern from the Design and Conservation section regarding justification for demolition and concern that the proposed design could be improved.

65. The NPPF states that where a development proposal will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

66. Officers do attribute significant weight to the public benefits that this development could draw. The site has lain empty for a significant period of time and considering the line of failed tenancies that the applicant suggests, financial viability appeared limited.

67. The development proposed would bring the site back into functional use, and create what would likely be a well-used retail outlet for local residents in a location where there is currently limited provision. Modern and desirable office space in what Officers consider a very sustainable location close to the local population and transport links within Bowburn would also be provided. Importantly, the development would also be likely to create a significant number of new jobs, primarily within the retail space but also in association with the Offices above. The applicant's agent has suggested that the retail unit alone would require 15 employees.

68. These factors are considered to be of significant public benefit which would outweigh the less than significant harm that would occur to the Conservation Area. The applicant is confident that the proposed replacement building can be delivered, and a condition is included to ensure that the existing building is not demolished before contracts have been signed for its replacement. Following lengthy negotiation between Officers and the applicant's agent, the replacement building proposed is now considered of an appropriate standard of design to preserve the character and appearance of the Conservation Area. Officer negotiation has resulted in substantial amendments and improvements to the originally proposed scheme.

69. Officers do acknowledge that the preference for this type of building would be some form of conversion with extension and this was originally explored in detail through pre application discussions between Officers and the applicant's agent. However, it became difficult to realise a development that would suit all parties – for example a good level of parking provision was required and the desire to create a focal point on the corner was difficult to achieve with the existing building. When many former pubs are converted all that is involved is a change to a singular retail use making such conversions much more straightforward. This scheme proposes retail as well as office space, and Officers did not want to see the Office space lost. As such a replacement building was discussed and that is

the route as to how this point was arrived at. In accordance with NPPF paragraph 128, the applicants agent has sought to identify the significance of the heritage asset and Officers are satisfied that the level of detail provided is acceptable in relation to this particular case.

70. The design of the building proposed is a significant improvement upon that originally proposed. The building takes on a relatively traditional form echoing the proportions and rooflines of terraced properties within the Conservation Area to the north with a set down incorporated to follow the slope. The visible parts of the roof would be pitched while materials, although the final details would be agreed through condition would be facing brick to match the locality with slate roof.

71. Despite taking on a relatively traditional appearance, modern elements have been introduced in the form of a flat roofed entrance lobby, modern chimney style features and a window of vertical proportion running through from the ground to first floor on the south west elevation. Detail and interest would also be added to the building through cills and heads, recessed 'fake' window openings and brick coursing running at a mid-height across the building.

72. The application is therefore considered to be in accordance with Part 12 of the NPPF in that the less than substantial level of harm from removal of the building would be outweighed by wider public benefit and in accordance with Policy E22 of the City of Durham Local Plan because the character and appearance of the Conservation Area would be preserved.

Highways

73. Highways Development management have raised no objections to the development. They are satisfied that an adequate level of car parking of 21 spaces is proposed within the development. They do however require that the bus stop on Crow Trees lane to the south of the site be relocated slightly as its current position would interfere with access and egress from the car park. It is anticipated that the bus stop would only need to be moved a minimal distance and could remain close to its existing position in relation to the application site. Although this would unlikely need planning permission in itself it is detailed via condition and would have to be arranged through the public transport section.

74. The development would also accord with Part 4 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Ecology

75. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England

76. A bat risk assessment has been carried out on the property. No evidence of bats was found at the building. A mitigation statement has been included within the report relating to careful demolition of the premises. The Senior Ecology officer has offered no objection subject to adherence to the mitigation measures detailed.

Other issues

77. Details are required relating to drainage at the site and a condition is included to that effect. Despite there being limited scope for landscaping as the site would be well developed, Officers consider the site would benefit from a modest landscaping scheme to soften its appearance in this prominent location. Details of materials of hard surfacing can also be reserved via condition. Informatives have been advised from Environmental Health relating to safe demolition of the existing building and appropriate working hours. Officers note concern from an adjoining occupier in relation to disturbance from demolition and construction, although unfortunately some element of disturbance would be inevitable with any demolition/construction process and significant weight cannot be afforded to these concerns.

CONCLUSION

78. Officers consider that the development proposed represents a good opportunity to bring the site back into use and provide valuable jobs, retail and office space in a sustainable location within Bowburn. These matters have been given significant weight by Officers in the decision making process.

79. The development of the site is acceptable in principle relating to the aims of the NPPF and City of Durham Local Plan policies relating to office and retail development.

80. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Conservation Areas should be preserved or enhanced. This requirement is reflected in Policy E22 of the City of Durham Local Plan. Officers consider that the removal of the existing building for replacement with that proposed would meet this test in preserving the Conservation Area. The proposal would also meet the criteria for the loss of buildings within a Conservation Area as detailed in Part 12 of the NPPF in that the level of harm would be acceptable and outweighed by wider public benefit.

81. The development is also considered to be acceptable in terms of highways issues, Ecology and other issues.

82. The development is considered acceptable in accordance with NPPF Parts 1, 4, 7, 10, 11, 12 and City of Durham Local Plan Policies E16, E22, EMP14, H13, C9, T1, T10, S6, Q1, Q and U8A, consequently approval is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Bat Survey and Risk Assessment, The Cooperage by Veronica Howard received 14th August 2014.

Drawing 03 REV I

Drawing 04 REV I received 20th January 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with local development plan policies E16, E22, EMP14, H13, C9, T1, T10, S6, Q1, Q2, U8A and parts 1, 4, 7, 10, 11 and 12 of the NPPF.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

4. Prior to the commencement of the development details of all gutters, downpipes and other external pipework shall be submitted to and approved in writing by the Local planning authority. The gutters/downpipes shall be provided in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E22 of the City of Durham Local Plan.

5. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E22 of the City of Durham Local Plan.

6. Notwithstanding the details submitted within the application no development shall commence until details of a scheme for surface water drainage has been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the bringing into use of the development.

Reason: To ensure appropriate drainage of the site and to use an opportunity offered by new development to reduce the causes and impacts of flooding in accordance with Part 10 of the National Planning Policy Framework.

7. The bus stop to the south east of the site on Crow Trees Lane shall be relocated in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Neither the retail unit, nor the offices shall be brought into use until the bus stop relocation has been completed.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

8. No development shall take place unless in accordance with the mitigation recommendations detailed within Section 4 the Bat Survey and Risk Assessment; The Cooperage by Veronica Howard received 14th August 2014.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

11. The retail premises shall not be open to customers outside the hours of 06:00 to 23:00 on any day of the week.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

12. The existing building shall not be demolished until a contract for the construction of the retail and office building hereby approved has been entered into.

Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The recommendation has been made within the target timescale of an extension of time agreement made between Officers and the applicant.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant

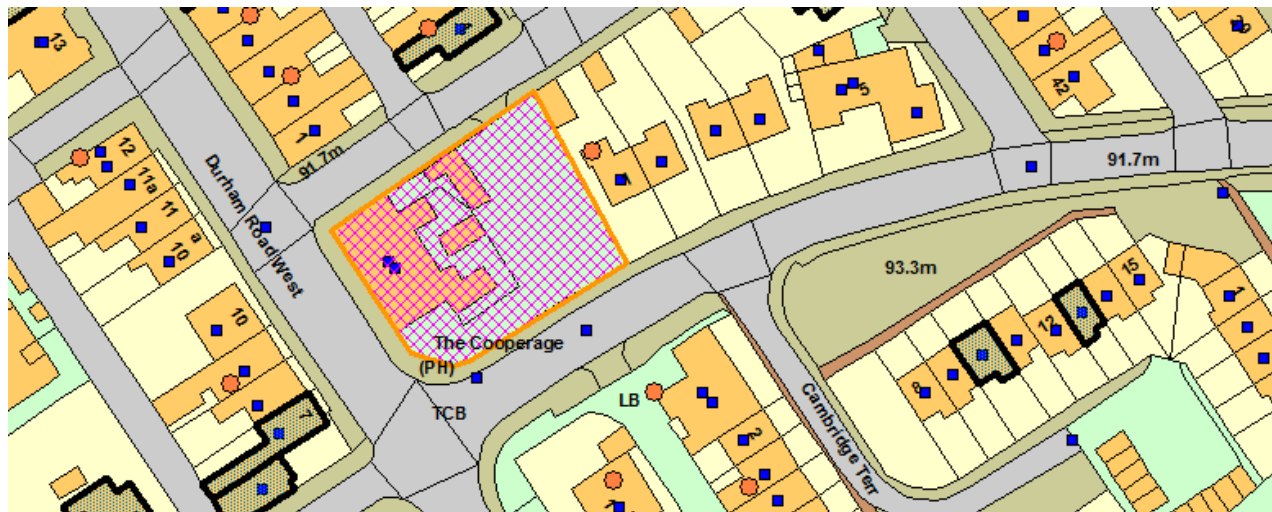
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan

The County Durham Plan (Submission Draft)

Statutory, internal and public consultation responses



Planning Services

Demolition of existing public house and erection of retail and office building with associated parking, works and landscaping

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10th February 2015

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | DM/14/02852/FPA |
| FULL APPLICATION DESCRIPTION: | Erection of 30 no. dwellings including demolition of existing dwelling on site and pumping station |
| NAME OF APPLICANT: | Gus Robinson Developments Ltd |
| ADDRESS: | Site Of Former Coxhoe Pottery Front Street Coxhoe |
| ELECTORAL DIVISION: | Coxhoe |
| CASE OFFICER: | Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. Coxhoe Potteries sits to the east of Station Road/Front Street at the southern end of Coxhoe. Residential development sits to the north of the site with open countryside to the east. Further residential development sits to the south along with open Countryside, beyond this lies the A177.
2. Site levels slope downwards towards the south east corner of the site. The site hosts a relatively modern detached dwelling which is disused and some limited dilapidated structures likely to have been associated with the former pottery use of the site. While it is likely that at some point in the past the site was well developed, the site is now considered largely greenfield, with nature having claimed back the majority of the site from its former industrial use.
3. A uniform row of trees line the south eastern boundary. These are covered by a tree preservation order. Two trees on the north east facing boundary are also covered by this order. Access to the site would be taken from the existing access point past the gable end of 1 The Pottery on Front Street which would be widened and improved to the required standard.
4. The application seeks approval for the erection of 30 no. dwellings. Approval is also sought for a small pumping station that is required on the bottom corner of the site to return foul and surface water to the NWL main sewer at Front Street. 13 no. 3 bed homes would be provided along with 17 no. 4 bed homes. Homes would primarily be semi-detached or terraced; one detached dwelling would be provided.
5. The application has been reported to committee as it constitutes major development.

PLANNING HISTORY

6. Outline planning permission for the erection of 24 dwellings with detailed approval sought for means of access only was approved in 2013.

PLANNING POLICY

NATIONAL POLICY

7. 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.

8. 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’.

9. The following elements are considered relevant to this proposal;

10. *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 21st century.

11. *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.

12. *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.

13. *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.

14. *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.

15. *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.

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)

16. Policy E7 *Development outside Settlement Boundaries* This Policy outlines when development outside a settlement boundary would be deemed acceptable.

17. Policy E14 *Protection of Existing Trees and Hedgerows* This Policy states that the Council will require development proposals 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.

18. 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.

19. Policy H5 *New Housing in the Countryside* Sets out that new build housing development will only be permitted where it is essential that a person needs to live near their place of work.

20. Policy H12 - *Affordable Housing: Ensuring a range of house types.* This Policy states that on larger sites proposed for housing the council will negotiate a fair and reasonable level of affordable housing provision.

21. 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.

22. 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.

23. 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.

24. *Policy T21 Walking* – This Policy states that the Council will seek to safeguard the needs of walkers.

25. *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.

26. *Policy R11 – Public Rights of Way and other paths* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative route could be provided.

27. *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.

28. *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.

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 Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

31. *Policy U5 - Pollution Prevention* seeks to control development that will result in an unacceptable impact upon the quality of the local environment.

32. *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.

33. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

34. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

EMERGING POLICY:

35. The emerging County Durham Plan was submitted in April 2014 and the main body of the plan has been examined 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.

36. 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).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psd/p>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. Highways Development Management: No objection subject to the provision of the new access detailing proposed.

38. Northumbrian Water: No objection

39. Environment Agency: No objection

40. Coxhoe Parish Council: Object to application

INTERNAL CONSULTEE RESPONSES:

41. Education: No objections

42. Landscape: Concern expressed that landscaping scheme has not been submitted up front

43. Trees: No objection, tree protection to be provided

44. Sustainability: scheme to embed sustainability and minimise Carbon from construction and in-use emissions required via condition

45. Design and Conservation: Object to development

46. Drainage: No objection
47. Public rights of way: No objection subject to respecting footpath adjacent to site
48. Archaeology: Monitoring conditions required
49. Ecology: No objections
50. NHS: No response
51. Contaminated land: No objections, further investigation required
52. Affordable Housing: No objections.

PUBLIC RESPONSES:

53. The application has been advertised by way of neighbour notification and site and press notices. Letters of concern/objection have been received from 10 addresses.

These concerns and objections are summarised below;

- Why are 30 houses proposed as opposed to previously consented 24
- Loss of view and privacy for existing occupiers in the area
- Loss of space for wildlife
- Concern over additional vehicular traffic and access point proposed
- Schools and doctors surgery in the area are over capacity
- Concern over pumping station in case of noise or breakdown, could this be relocated on site
- The site has been backfilled with hazardous substances
- Concern over removal of street lights, overhead wires and poles
- The site would be over developed
- Concern that bus stop would be moved
- Loss of property value in the area
- Concern over relationship of plots to corner of site to existing properties at Fair View and Ivy Cottage
- Concern over existing access to Fairview and Ivy Cottage
- Concern over removal of hedge adjacent properties at Belgrave Court

54. In addition to raising some of the concerns outlined above, Coxhoe Parish Council object on the basis that:

- Application should take into account Bogma Hall and Church Commissioners site residential developments
- Poor form of residential development in design terms
- Adverse impact on amenities of new and existing residents
- Little space for landscaping
- Close proximity of housing to mature trees
- Not enough mix of house types on site
- Application contrary to Coxhoe and Quarrington Hill parish plan

APPLICANTS STATEMENT:

55. The development of the former Coxhoe Potteries site will create a vibrant new residential scheme of 30 new homes on land currently occupied by a derelict property, blighted with asbestos contamination and infested with Japanese Knotweed – an invasive plant species.

56. Prince Bishops Homes provides a wide range of quality properties to rent across County Durham and the North East of England and through our innovative rent to buy scheme, Prince Bishop Homes help prospective purchasers into home ownership who would otherwise be unable to purchase their own home. The Prince Bishop Homes scheme is designed for those individuals who wish to purchase a home but cannot afford a mortgage or access funding. The scheme provides the opportunity for a purchaser to acquire the property after occupying the home for 4 years by giving a discount which can be used as a deposit when applying for a mortgage.

57. The new scheme will provide a range of 3 and 4 bedroom homes designed to meet the needs of growing families, close to the major transport links of Durham and the wider North East of England. Despite many challenges, the proposals for the site have been developed to create a scheme of high design quality, retaining existing trees with preservation orders whilst also improving access arrangements for neighbouring properties within the vicinity of the site.

58. The scheme will be delivered in partnership with Gus Robinson Developments, a locally based construction and housebuilding company with a proud tradition of delivering quality homes and for the training and development of its people. Gus Robinson Developments has been recognised nationally for its investment in the creation of new apprenticeships and development of its staff.

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://PLAN-1:8080/IDOXSOFTWARE/IG_SEARCH?APP_ID=1002&FORMPARAMETER1=DM%2F14%2F02852%2FFPA](http://PLAN-1:8080/IDOXSOFTWARE/IG_SEARCH?APP_ID=1002&FORMPARAMETER1=DM%2F14%2F02852%2FFPA)

PLANNING CONSIDERATIONS AND ASSESSMENT

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character and appearance of the area, impacts on residential amenity, ecology, highway safety and other issues.

Principle of development

60. The vast majority of the application site with the exception of the access point is located adjacent to but outside of the settlement boundary of Coxhoe as defined within the City of Durham Local Plan.

61. Local Plan Policy E7 identifies land outside settlement boundaries as being the countryside. Policy H5 of the Local Plan relates to new housing outside settlement boundaries in the countryside and states that such housing will only be acceptable in exceptional circumstances where required for persons employed mainly or solely in agriculture or forestry and even then a series of criteria must be met.

62. The proposal seeks planning permission for a general residential development. As a result the proposed development must be considered to be in conflict with the contents of policies E7 and H5 of the Local Plan.

63. However, planning proposals must be considered with reference to the NPPF. The City of Durham Local Plan is not a plan adopted in accordance with the Planning and Compulsory Purchase Act 2004 but rather pre-dates it though policies were “saved”. As a result the NPPF advises that due weight should be given to relevant policies in the Local Plan according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

64. The key theme running throughout the NPPF is that of sustainable development and the NPPF introduces a presumption in favour of sustainable development. With regards to residential development in countryside locations the NPPF at paragraph 55 advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

65. The application site is not isolated; it immediately abuts existing development and the settlement of Coxhoe. It is well related to other residential property and is within close proximity to existing services and facilities in the village. Occupiers of dwellings in this location would not be reliant on a car for example to access services and facilities within Coxhoe which would be at a near walking distance.

66. The site has been identified within the strategic housing land availability assessment as deliverable within 1-5 years. This document forms part of the evidence base for the forthcoming local plan in which the council are required to identify the location of future housing development in the short to medium term.

67. The site has extant outline planning approval in place for 24 dwellings. This represents a significant material consideration in the determination of this application, as the principle of residential development at this site has been established through the previous approval at the site.

68. Officers acknowledge that a significant amount of the site would be considered greenfield. The NPPF states that land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time is not considered to be previously developed. However Officers need to raise the matter that in some respects, the development site does bear characteristics of previously developed land in that it has suffered a degree of pollution associated with its former use and is in parts contaminated, something which would more commonly be associated with previously developed land. The discussion however relating to greenfield/brownfield land, is not key to the determination of this planning application.

69. The development would enable the provision of 30 residential dwellings in a sustainable location within Coxhoe. The principle of residential development has been established through the outline approval and the site would benefit from the remediation proposed. The principle of the development is therefore considered acceptable.

Impact on character and appearance of the area

70. Part 7 of the NPPF relates to the design of all new development and with good design a key aspect of sustainable development, indivisible from good planning. Policies H13, Q1, Q2 and Q8 of the Local Plan seek to ensure that new development is appropriately designed whilst Policy E14 seeks to retain trees and hedgerows of value where possible and replace those lost.

71. The proposed layout shows a mixture of terraced and semi-detached properties with one detached property proposed. The properties would primarily be served off a cul-de-sac road with hammerhead towards the south eastern corner.

72. The properties themselves would be simple in design, with few distinctive architectural features. A slight step out on rendered elevations would provide just a small degree of relief. Remaining elevations would be constructed of brickwork with concrete roof tiles proposed. Materials proposed are reflective of those in the area. All properties would be two storey in height, measuring approximately 5.1mtrs to eaves level and 8.6mtrs to ridge height. Some limited alternation in the height of terraced dwellings is proposed to break up the ridgelines at plots 9-12.

73. The design and conservation team have indicated that they cannot support the development as it lacks quality and interest in terms of design and appearance. This is acknowledged but there are wider issues to take into account, which on balance point towards a favourable recommendation on the scheme.

74. A pumping station is proposed to the south eastern corner of the site to return foul and surface water to the NWL sewer at the main road. This is the only suitable site for the pumping station as it needs to be located at the lowest part of the site and the required separation distance to residential property which Officers understand to be 15mtrs, would be achieved.

75. The design proposed would offer visitor parking throughout, with all properties provided with outdoor amenity space in the form of what Officers acknowledge are often back gardens of limited size. However, they are of a size appropriate to the dwellings which they would serve and are of no lesser in size than some gardens in the area, particularly in relation to residential development to the north west of the site.

76. Some public objection to the development relates to the impact of the development upon the local landscape and countryside and the loss of trees and hedgerow.

77. The application site does lie beyond the settlement boundary and would develop a grassed and landscaped parcel of land albeit in a rather unkempt state with abandoned dwelling and crumbling outbuildings. The new build would undoubtedly have some impact upon open character of the site and immediate area and would lead to a significantly altered outlook for properties that surround the site.

78. Tree preservation orders have been placed on trees at the site in 2012. 9no. sycamore trees are protected along the south east facing boundary of the site, along with a goat willow tree and further sycamore to the north east facing boundary. These trees are shown for retention on the site layout. Officers acknowledge that these trees would likely cause a degree of overshadowing to the rear gardens and elevations of plots 20-24 and Officers have had to carefully consider the acceptability of this as it is possible that the layout of the development could bring pressure to remove these trees in the future. During site visits Officers have noted that although tall, the trees do have a form that allows light to penetrate through from the south and east. The housing provider has also offered assurances that any future buyer/tenant of plots 20-24 will be made aware of the protected status of the trees and that the authority would not consider favourably any request to remove any of these trees. An informative would be included on the planning permission to further help ensure protection of these trees.

79. The retained trees do have the benefit of screening the development from open countryside to the south. Along with the area of trees and scrub to the east, the impact on

the surrounding countryside would be limited, the development would be read as part of the built up area of Coxhoe with impact softened by surrounding trees and vegetation. The site itself would not be overly visible from the wider public domain as it is tucked away behind existing residential development.

80. A section of well-established hawthorn hedgerow would be lost to facilitate access to the development site. Officers consider this unfortunate; however without its partial removal it is unlikely that any development of the site could take place. Some tree, hedge and planting removal is proposed in the middle of the site to facilitate the development. However a large degree of planting would be retained on and around the boundaries of the site, in particular on the western side of the site to the rear of properties on Front Street and on the northern boundary of the site to the south of Fair View.

81. A condition requiring a landscape scheme has been included; this will enable Officers to negotiate with the developers to provide a modest scheme that would embellish existing landscaping at the site to give a good quality finish to the development.

82. Following clarification of the retaining wall arrangement to the rear of plots 25-30, tree Officers have been consulted on the application and are now able to agree to the application due to the retention of the protected trees at the site. They require that protection measures are put in place prior to commencement of the development. Conditions are included in this respect.

83. Offices acknowledge the concern of some consultees detailed above. The site as it exists suffers a degree of dereliction, which the development of the site would resolve. The house types and layout proposed are relatively standard, although provide a logical residential development where the dwellings would be of appropriate materials, size and scale. Protected trees on the site would be retained during and after the development and the appropriate number of parking spaces would be provided. The impact on the character and appearance of the area is considered acceptable.

Impact upon residential amenity

84. Policy Q8 relates to the layout of residential development and outlines guideline separation distances both for properties within the development and in relation to existing properties outside of the application site. These are 21mtrs – habitable room window to room window and 13 metres – blank two storey gable to habitable room window. Many of the side elevations of the proposed properties are not blank, containing a bathroom window. These windows would be obscure glazed (secured via condition) and it is common to have bathroom windows to the side of properties with shorter separation distances due to the non habitable nature of a bathroom.

85. The required separation distances have been met between properties within the development site itself, with the exception of a slightly short separation distance by 1mtr between the gable elevation of plot 19 and the main rear elevations of plots 13 and 14. In the wider context of the scheme this slight deficiency is considered acceptable by Officers.

86. The required separation distances would be met or exceeded in relation to properties outside of the site. Separation from properties on Front Street would range from 13 metres to the side elevation of plot number 1 to around 28 mtrs to the rear of plots 15, 16 and 17. Separation distances between 4 Doulton Court and plot 20 would exceed requirements at around 18mtrs. To the north of the site properties on Belgrave court would be set over 21mtrs from the front elevations of plots 1-4. Separation distances to Fairview and Ivy cottage to the north of the site would meet with Policy Q8.

87. Officers consider the tightest relationship on the site to be that of plots 18 and 19 to 3 Doulton Court, a residential bungalow which sits at right angles to the previously mentioned plots. However, Officers consider the relationship acceptable. The angles are such that when within the rooms of the respective properties, opportunity for harmful overlooking would be limited. This, combined with a rapidly establishing conifer hedge to be retained along the boundary leads officers to consider on careful balance that the positioning of these proposed properties is acceptable.

88. Officers acknowledge that properties surrounding the site would experience a different outlook with views of houses rather than open land. Officers consider the impact on residential amenity acceptable in relation to the development with particular regard to acceptable separation distances which would be met at the site. Due to this, the impact upon residential amenity is considered acceptable.

Highways

89. There have previously been discussions as to whether it would be necessary to relocate the bus stop which sits close to the proposed access point to the development from the main road. However, following discussion with the public transport section it became clear that there was no simple alternative location to relocate the bus stop to.

90. An access detail has been received which shows the junction lines effectively set back from the bus box associated with the bus stop. Highways Development Management has agreed to this arrangement and has offered no objections. Highways Officers do have concern about the dispersal of visitor parking throughout the site, particularly in relation to spaces located in the far bottom corner adjacent to the pumping station. They consider that the proposed layout would result in cluttered on street demand for parking. However, the correct amount of resident and visitor parking has been provided in line with Highways parking requirements.

91. Highways Officers note that their concern alone would not be a sufficient basis on which to recommend refusal of the application and consider the proposed highway layout to be acceptable. Officers consider that the development would not generate traffic that would be detrimental to highway safety and would therefore accord with Policy T1 of the City of Durham Local Plan. The development would also accord with Part 4 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

92. Access would be maintained to Fair View and Ivy cottage to the north of the site throughout the construction and completion of the development.

Ecology

93. Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the NPPF most notably at paragraphs 118 and 119.

94. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

95. An Ecology survey has been undertaken on the site in May 2014. The buildings on the site following a thorough internal and external inspection recorded no evidence of bats. Commuting Bats were noted foraging over the site. The risk of great crested newts on the site was considered low. Risk to badgers was considered low. Twenty one species of bird were recorded on and around the area during the survey. Mitigation methods are proposed which relate to timing of works, working methods and habitat creation and enhancement. The Senior Ecology Officer has offered no objections subject to adherence to these details.

Other issues

96. Policy R2 of the Local Plan relates to recreational and amenity space in new major residential developments, while Policy Q15 relates to Art in Design. To satisfy Policy R2 on this type of site a contribution towards off site play provision would normally be sought which could be spent on the improvement or provision of play facilities within the local area. Contributions towards public art would also generally be applicable. An affordable housing provision would also generally be required either through on site provision or a financial contribution to off-site provision.

97. In this instance, the developer has argued that the scheme would not be viable should such contributions be required. A thorough viability assessment has been submitted for scrutiny by Officers, who accept that due to abnormal construction costs associated with the past use of the site, the need for an on-site pumping station and high finance costs due to potentially long financial exposure due to the prince bishops model the scheme would not be viable should such contributions be required.

98. The rent to buy model of prince bishops homes does not constitute affordable housing. The applicant has explained the prince bishops model in their statement at paragraph 56, although Officers understand the model allows a tenant to rent the property for 4 years and then use any uplift in the value of the property over those 4 years as a deposit to purchase that property. The implementation of the prince bishops model would be secured through a section 106 agreement as the non-viability of the site for the usual contributions is partly because of the prince bishops scheme proposed.

99. The Ecology report and contaminated land risk assessment have identified invasive non-native species such as Japanese knotweed; Japanese rose and Montbretia on the site. These would be required to be removed and remediated should planning approval be given

100. On site sources of contamination were identified within the desk top contamination study. These relate to the filling of the former clay pit with unknown materials which could contain elevated concentrations of heavy metals, organics, sulphate, acidic Ph and asbestos, soil gas relating to the backfilling of the pit and mine gas emissions. Further investigation has revealed that made ground at the site is potentially contaminated with asbestos. Policy U11 of the City of Durham Local Plan requires that pollution on a site is correctly identified and appropriate mitigation proposed. Part 11 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution. It would be a requirement of any planning approval to fully remediate the site safely to levels that would be suitable for residential dwellings and this is conditioned.

101. Officers consider the opportunity to resolve contamination issues at the site a significant benefit of the scheme.

102. Drainage of foul and surface water is proposed to the main drains, which has been accepted by Northumbrian Water and the Councils Drainage and Coastal Protection team. There is no suitable water course to discharge surface water to and due to the impermeable ground at the site a soakaway system would not be suitable.

103. In relation to the pumping station, this has been considered by Environmental Health and no objection has been raised subject to an informative to seek that the machinery is installed, maintained and operated correctly. Clearly it would be in the developer's best interest to ensure that this was the case.

104. In relation to comments from the Coxhoe Parish Council, the Coxhoe and Quarrington Hill Parish Plan can be afforded only very limited weight in the decision making process due to it being in early stages of development. Concerns over property value cannot be afforded significant weight in the decision making process. The Parish Plan is not part of the current statutory development plan against which applications must be assessed.

105. Officers acknowledge other housing development proposed in the area. An application is pending consideration for 162 dwellings at Bogma Hall Farm while an outline application for up to 50 dwellings is pending consideration at land at Station Road to the west of the application site. Given these applications are undetermined; any decision on this application would then have to help inform the outcome of these applications.

106. Concern has been raised with regards to the capacity of the health care and schooling system in the immediate area to cope with any rise in demand as a result of additional occupants. The council's schools organisation manager has confirmed that no contributions are required from this development towards school spaces. With relation to capacity at Doctors surgeries, the NHS has been consulted and no response has been provided, despite the response being chased up. Officers do not consider it appropriate to delay determination of this application pending a response.

107. The Public rights of way section has been consulted regarding the footpath which runs to the side of one of the boundaries of the development. They have offered informatives for its protection during construction and have not objected.

CONCLUSION

108. Officers acknowledge concerns of the Design and Conservation Team; it is the case that the development is very standard and does not exhibit any exceptional or especially interesting design.

109. Officers also acknowledge concern of Tree Officers and the landscape team relating to potential pressure on TPO trees. Officers also note concern of highway officers relating to visitor parking spaces and acknowledge concerns of Coxhoe Parish Council and local residents in the area who have raised relevant issues against the development.

110. The application represents a departure from Policies E7 and H5 of the Local Plan.

111. The current proposal represents a denser scheme than would have been likely with the previous outline approval. Whilst that level of development may have been preferable, it has not been pursued. Accordingly this application must be determined on its own merits.

112. The development has a realistic chance of coming forward and Officers understand the developer would look to progress the scheme immediately. The scheme would provide comfortable, if modest housing which would likely be aimed at renters/buyers at the affordable end of the housing market. The site has many attributes of previously developed land, has land contamination issues and hosts invasive species and this development would enable those issues to be addressed. This housing could be delivered in a sustainable location and would be acceptable in terms of scale, form, density and materials. It would have an acceptable impact on residential amenity, be appropriate in terms of highway safety and would be acceptable in relation to Ecology and other issues. There is an extant outline planning approval on the site for 24 houses. Officers have afforded these matters significant weight in the decision making process.

113. Due to the benefits detailed above and general accordance with Policy, Officers, on balance, recommend the application for approval.

RECOMMENDATION

That the application be **APPROVED** subject to a Section 106 legal agreement to secure the Prince Bishops housing model proposed, and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Extended Phase 1 Survey by E3 Ecology Ltd, The Pottery, Coxhoe Received 22nd September 2014

Geo-environmental appraisal for former Coxhoe pottery by Dunelm Geotechnical October 2014 received 14th October 2014

Drawing (00)350 REV J

Drawing (00) 353 REV B

Drawing (00) 354 REV B

Drawing (90)400 REV B

Drawing (90)500 REV D

Drawing (90)510 REV B all received 24th November 2014

Site Entrance Layout Drawing 000-02 REV A

Drawing (00) 352 REV K

Drawing (90)394 REV D

Drawing (90)393 REV D

Drawing (90)392 REV D

Drawing (90)304 REV F

Drawing (90)391 REV D

All about Trees AMS TPP REV A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with local development plan policies E14, E16, H12, H13, T1, T10, T21, R2, R11, Q1, Q2, Q5, Q8, Q15, U5, U8A, U11, U14 and parts 1, 4, 6, 7, 10 and 11 of the NPPF.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

4. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policy Q5 of the City of Durham Local Plan 2004.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Postfieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.

vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii; Monitoring arrangements, including the notification in writing to the Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the City of Durham Local Plan because the site is of archaeological interest

8. A copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the development hereby approved by this permission.

Reason: To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost and makes this information publicly accessible.

9. No development shall take place unless in accordance with the mitigation and recommendations detailed within section F the Extended Phase 1 Survey by E3 Ecology Ltd, The Pottery, Coxhoe received 22nd September 2014.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

10. No development shall take place unless in accordance with the recommendations of the Arboricultural Impact Assessment for Trees at The Potteries, Coxhoe. The developer shall provide a minimum of seven days notice in writing to the Local Planning Authority of the intended commencement date on site, for the purposes of inspection of the tree protection measures prior to commencement.

Reason: To retain and protect important trees and hedging on site in accordance with Policy E14 of the City of Durham Local Plan 2004.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the bathroom windows to the upper side elevations of the properties shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy Q8 of the City of Durham Local Plan.

12. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

The submitted Phase 2 report states that further testing is required to delineate the asbestos findings on site to see how wide spread it is. A gas risk methodology should be provided as part of this additional Phase 2 Report to ensure the proposed monitoring complies with current standards.

Pre-Commencement - If the additional phase 2 report identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3 remediation strategy, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion- Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The recommendation has been made within the target timescale of a planning performance agreement made between Officers and the applicant.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan

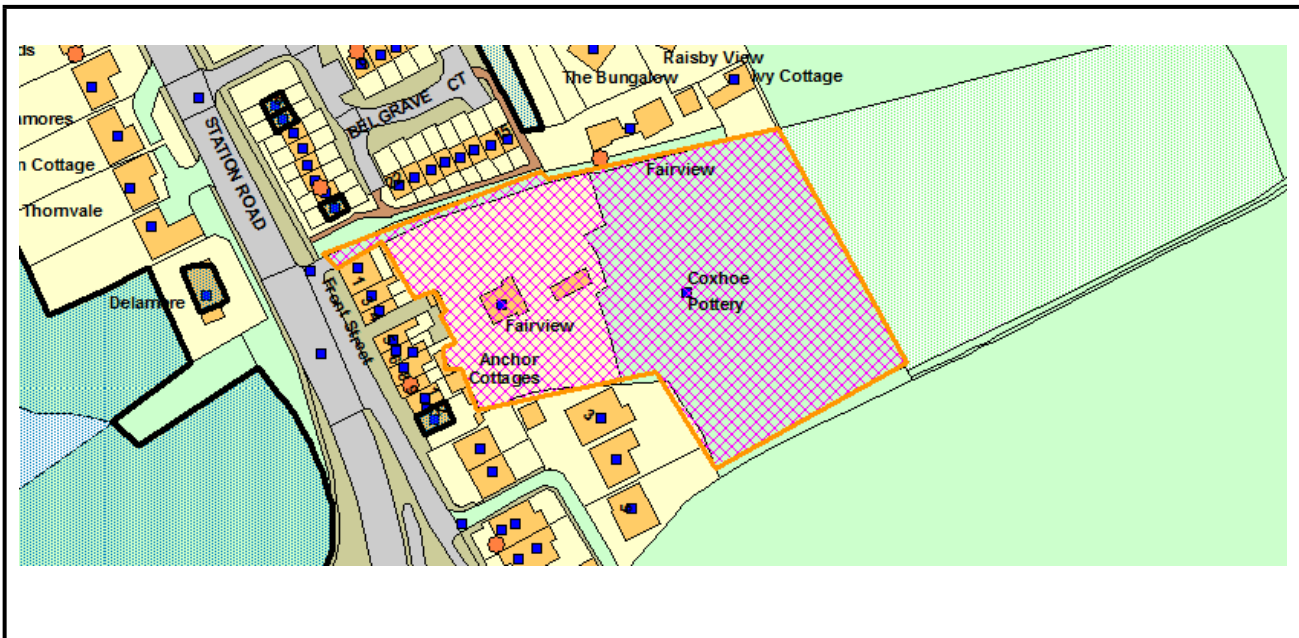
The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

Statutory, internal and public consultation responses

City of Durham Local Plan 2004

Consultation responses



Planning Services

Erection of 30 no. dwellings including demolition of existing dwelling on site and pumping station

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10th February 2015

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