



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00166/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 47 two storey dwellings with associated access, parking, open space and parking.
<b>NAME OF APPLICANT:</b>	Hellens Group
<b>ADDRESS:</b>	Land at Commercial Road East, Coxhoe, Durham, DH6 4UJ
<b>ELECTORAL DIVISION</b>	Coxhoe
<b>CASE OFFICER:</b>	Peter Herbert, Senior Planner, 0191 3833399, petergherbert@aol.com

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. Planning permission is sought for the erection of 47 dwellings on land to the east of Commercial Road East, Coxhoe, within an area known as Four Mile Bridge.
  2. The site lies at the northern edge of the village, within the settlement boundary, on land that forms part of a reclaimed former lime works.
  3. A stream runs along the site's northern boundary, beyond which lies open land designated as a County Wildlife Site. To the south, running in an east west direction, lies a quarry access road, known locally as the "haul road," which serves the Coxhoe Joint Stocks quarry landfill site.
  4. To the east lies open countryside, whilst to the west lies phase I of the overall former lime works' redevelopment in the form of housing currently under construction.
  5. The current proposal, constituting phase 2 and the completion of the former lime works' regeneration, consists of 47 detached, semi detached and linked town houses arranged around open spaces and culs de sac at a density of 44 units per acre. Bedroom provision would range between 2, 3 and 4. A dedicated electricity substation would also be provided.
  6. Two vehicular access points would be provided, one taken from the phase 1 site, and the other directly from the "haul road." A 1.5 spaces per dwelling parking provision has been provided, taking the form of garaging, driveways and parking laybys.
  7. House styles have been designed to offer local distinctiveness, with "arts and crafts" detailing and a simple palette of materials.
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8. A series of open spaces within the site seek to promote a village green setting, and landscaping within the site is designed to enhance that character. The strong existing tree cover along the northern boundary of the site will be retained to both soften the development from external views and retain a natural wildlife corridor complimentary to the adjoining wildlife site. A tree belt will be planted along the eastern site boundary to provide further screening, whilst an acoustic fence, punctuated by planted recesses, will form the southern boundary adjoining the “haul road”.

9. The application is supported by a Design and Access Statement, Flood Risk and Drainage Assessment, “Percentage for Art” proposal, updated Biodiversity Implementation Strategy, “Affordable” Housing Statement, a “Summary of Abnormal Costs, and a Statement of Community Involvement.”

10. This application is being referred to committee for determination at the request of the local County Council Member.

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## **PLANNING HISTORY**

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11. Outline planning permission was granted in 2007 for a mixed use development on the former Coxhoe lime works site at Four Mile Bridge comprising 80 dwellings and 2400 sq m of employment use.

12. Reserved matters consent was granted in 2009 in respect of 80 dwellings, including details of design, layout, scale, access, and landscaping

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## **PLANNING POLICY**

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### **13. NATIONAL POLICY:**

**Planning Policy Statement (PPS) 1:** Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning system.

**PPS 3:** Housing underpins the delivery of the Government’s strategic housing policy objectives

**PPS 9:** Biodiversity and Geological Conservation provides administrative guidance regarding the application of law in England relating to planning and nature conservation.

**PPG13:** Transport has as its objective the integration of planning and transport, together with the promotion of more sustainable transport choices for both people and freight.

### **14. REGIONAL PLANNING POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, set out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS set out the region’s housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision,

strategy, and general policies will guide development over a longer timescale.

In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intension.

Policy 2 Sustainable Development promotes (inter alia) the reclamation and reuse of derelict land for more productive purposes.

Policy 8 Protecting and Enhancing the Environment encourages the maintenance and enhancement of the quality, diversity and local distinctiveness of the North East environment.

Policy 29 Delivering and Managing Housing Supply sets out housing targets on previously developed sites, encourages Local planning Authorities to consider the reuse of employment sites for housing where they are not required for long term employment use.

Policy 33 Biodiversity and Geodiversity promotes habitat protection and creation.

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## **15. LOCAL PLAN POLICY:**

**Policy EMP 9b (Local Industrial Sites)** identifies the application site as suitable for small businesses providing local employment opportunities.

**E18 (Sites of Nature Conservation Importance)** seeks to protect such sites by minimizing harmful impact and enhancing their value.

**Policy H3 (New Housing development within the Villages)** allows new housing within settlement boundaries subject to suitable design and scale.

**Policy H12 (Affordable Housing)** seeks such a fair and reasonable provision of "affordable" homes on schemes of 25 houses or more.

**Policy H13 (Residential Areas – Impact upon Character and Amenity)** precludes development that will have an adverse impact upon residential amenity.

**Policy H14 (Improving and Creating More Attractive Residential Areas)** encourages respect for and the enhancement of local character, and the promotion of high quality design.

**Policy Q1 (Designing for People)** promotes the taking into account of all users needs.

**Policy Q2 (Designing for Accessibility)** requires account to be taken to minimize conflict between pedestrians, cyclists and motorists.

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**Policy Q8 (Layout and Design – Residential Development)** encourages high residential development standards.

**Policy Q15 (Art in Design)** promotes artistic elements, either on site or within the facility, to be provided to enhance both developments and the areas within which they are located.

**Policy R2 (Recreation and Amenity Space – New Residential Development)** requires an appropriate level of both informal play space and private amenity space to be provided within new residential developments.

**Policy T1 (Traffic Generation – General)** discourages development that would generate traffic levels prejudicial to highway safety.

**Policy T10 (Parking – General Provision)**, requires a balance to be struck between safe off street parking and the discouragement of an over reliance upon the use of the private car.

**Policy U8A (Disposal of Foul and Surface Water)** requires adequate provision to be made to avoid flooding.

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*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.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **16. STATUTORY RESPONSES:**

The Highway Authority offers no objection. It is satisfied that the traffic likely to be generated by the proposed development can be accommodated safely within both the existing road network and proposed estate road layout.

The Environment Agency offers no objections subject to any planning consent being conditional upon measures prescribed by the Agency to mitigate flood risk, and the applicants adhering to standing advice relating to the contamination of controlled waters and foul sewage disposal.

Northumbrian Water offers no objections.

### **17. INTERNAL CONSULTEE RESPONSES:**

The County Council Planning Policy section raises no objection to this proposal. Whilst it recognizes that, were it approved, further housing in this location would remove the possibility of any employment use on what remains of the former lime works site, such a departure from Local Plan policy is considered to be justified.

A recently completed Employment Land Review provides an assessment of all employment sites within County Durham. While the final document is yet to be approved, early indications suggest a significant over supply of employment land within the County.

The justification for housing on phase 1 of the former lime works site's redevelopment was to help fund the whole site's decontamination, allowing a smaller area of employment land to become available. However, in view of both the Employment Land Review's findings and the

remote location, relative to the rest of Coxhoe, it is now considered unlikely that this employment land will be taken up by an operator.

The site is considered appropriate for further housing as phase 2 of that already under way, and that all relevant policies in respect of design, open space, art provision and wildlife site protection have been fully addressed.

In regard to the applicant's "Summary of Abnormal Costs" statement, which seeks to justify exemption from any "affordable" housing provision, an analysis of the figures provided has been carried out by the County Council Assets team, using its Pro-Val computer programme. The conclusion reached is that, taking fully into account the substantial cost of decontaminating and restoring this heavily contaminated site, it would indeed be financially unviable to provide "affordable" housing, the cost implication of which, in terms of housing value returns, would prevent housing being built.

The County Ecologist accepts the terms of the submitted Biodiversity Implementation Strategy, and requests that implementation be a condition of any planning approval, so discharging obligations as required by the Conservation of Habitats and Species Regulations 2010.

The County Council Low Carbon Officer offers no objection subject to 2010 Building Regulations sustainability standards being observed, and proposed solar pv panels be of at least a 1kw peak system.

#### **18. PUBLIC RESPONSES:**

Coxhoe Parish Council has formally objected to this application. Stated grounds are the highway safety implications of the additional traffic generated by 47 new homes joining the "haul road" and its junction with the A177 at Commercial Road East; the negative impact on the local economy of the loss of any employment land on this site; an estate layout that suggests future phases to the east into open countryside; and the inadequacy of the "Percentage for Art" contribution, which is considered to be disproportional to the disruption to the village the proposed development will generate, and the profits accrued.

The Parish Council has formally requested that this application is considered by the Planning committee rather than dealt with by officer delegation, adding that it is opposed to any further housing within the village until its social infrastructure is improved. The local County Council Member supports such a referral to committee.

#### **19. APPLICANTS STATEMENT:**

The applicants argue that this proposal represents sustainable development within village settlement boundaries which regenerates contaminated land, and provides much needed housing within the County.

The considerable cost of reclaiming this highly contaminated site is cited as the reason why an "affordable" housing provision is financially unviable.

Discussions have taken place between a local employer (Coxhoe Paving) in respect of them relocating to the application site, but this has not proved fruitful, and it is now contended that the land is unlikely to prove attractive to businesses when compared to what else is available

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within County Durham.

This scheme was presented to a Coxhoe Parish Council meeting in September 2010, attended by community members, and views expressed by Coxhoe residents at that time are said to have been taken into account. No substantial concerns regarding these proposals were raised at that time.

Finally, it is contended that the sensitivity of the adjoining wildlife site has been both respected and positively addressed in a manner likely to lead to its enhancement.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00798/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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20. The acceptability or otherwise of this proposal rests essentially upon whether the replacement of employment land by housing and an absence of “affordable” housing is justified. Then, should that be the case, whether in all other material respects this development meets Local Plan objectives.

21. In respect of employment land release, the applicants have argued there is an over provision of employment land within the county, and the restricted size and relatively isolated location of the land in question militate against likely take up. This is supported by the findings of the recently completed Employment Land Review. Efforts have been made to attract a nearby local business to the site, and this is the type of local employer most likely to be interested in such a site. Therefore, given the lack of interest, and the availability of employment land elsewhere, it is accepted that this land would be more productively used for housing, particularly as housing is already being built on the adjoining site.

22. Turning to the absence of “affordable” housing provision, a compelling financial argument has been reviewed and accepted by the County council Assets team, therefore there is no reason to pursue this matter further. In a recent High Court Judgment in regard to Blyth Valley Borough Council’s Local Plan Core Strategy economic viability was cited as a material consideration in respect of the formulation of “affordable” housing provision.

23. Accordingly, it is concluded that these two minor departures from Policies EMP9b and H12 have been convincingly argued.

24. House designs, layout, parking provision and landscaping were the subject of extensive pre planning submission discussions with Design and Highway Authority staff members. The scheme is well considered, with a variety of sustainable house types offering local distinctiveness. Open space provision is imaginative, enhanced by tree planting and associated landscaping, whilst all users are accommodated in a safe manner.

25. Accordingly, the objectives of Policies H3, H13, H14, Q1, Q2,Q8, R2, T1, T10 and U8A of the Local Plan are considered to have been addressed.

26. A Biodiversity Strategy aimed at protecting and enhancing the local ecology has been accepted by the County Ecologist, so complying with the objectives of policy E18 of the Local Plan.

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27. Policy Q15 requires one percent of build cost to be dedicated to art, and the applicants, in response to local wishes, propose to recreate a level crossing gate with associated landscaping at the Commercial Road East – haul road junction in recognition of the former Clarence Railway that passed through the village. An element of art has already been provided as part of phase 1 of the development of the overall site as required by the terms of the outline planning consent. The phase 2 scheme completes this obligation, so satisfying both the policy and planning condition.

28. It is therefore concluded that this scheme satisfies the policy requirements applicable to this site, and where departures concerning land use and an affordable housing provision are to occur, these have been convincingly justified.

29. In regard to Parish Council concerns:

- The County Highway Authority has determined that both the proposed layout and local road network can safely accommodate traffic levels likely to be generated by this proposal. Appropriate weight must be given to this conclusion, and in the absence of evidence to the contrary the objectives of Policy T1 are considered to have been fully met.

- The loss of employment land has been most carefully and fully considered. However, in view of the County's over supply, the unlikelihood of the site being attractive to employers and an absence of interest so far, a need for housing within County Durham, and the regenerative benefits of the proposed development, it has been concluded that such a loss is justified and insignificant.

- It is not accepted that the internal road layout suggests future phases extending into open countryside, although it is acknowledged that this land is within the ownership of the applicants. Furthermore, any further proposal would be assessed upon its individual merits.

- The percentage for art contribution is considered to be both adequate and appropriate, taking into account that its nature reflects local wishes and that it represents the balance of a requirement which formed an outline planning consent condition.

- No evidence has been offered to justify the withholding of planning permission on the grounds of lack of social infrastructure within Coxhoe. Moreover, when this issue was raised at the time of the consideration of the earlier Reserved matters application for the 80 houses that form phase 1 of this development, adequate services such as school places were found to be present within the village.

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## **CONCLUSION**

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30. This proposal constitutes the completion of the reclamation and regeneration of the former lime works, bringing clear aesthetic, environmental, ecological and economic benefits to Coxhoe.

31. A minor departure from an employment land designation is considered to be entirely reasonable, and the case for an exemption from an affordable housing provision has been proven.

32. The development is well designed, and future residents will help sustain Coxhoe's vibrant village shopping centre, adding to its economic wellbeing.

33. Parish Council concerns have been carefully assessed, but are not considered to

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outweigh the overwhelming benefits of this proposal.

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## **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun not later than 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:

- Planning Layout DWG 10014 (P)07
- Site Plan As Proposed Planning Layout – Phase 2 DWG 10014 (P)05
- Ambassador Range The Falmouth DWG 2010/FAL1/A/01
- Ambassador Range The Cheadle DWG 2010/CHE/A/01
- Ambassador Range The Tavistock DWG 2010/TAV/A/01
- Embassy Range The Somerton DWG 2010/SOM/A/01
- Statesman Range The Aylesbury DWG 2010/AYE/A/01
- Statesman Range The Ashford DWG 2010/ASH/A/01
- Materials & Boundary Treatments DWG 10014 (P)06
- Street Elevations DWG 10014 (P)10
- Landscape Layout Phase 2 DWG D022.L008 ISSUE 3 REV B
- Non-Standard Boundary Treatment Details DWG 10014 (P)32
- Non-Standard Boundary Treatment Details DWG 10014 (P)33

Reason: To meet the objectives of Policies H14 and Q8 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of walling, roof and floor covering materials submitted with the application, no development shall commence until samples have been submitted to, and approved in writing by, the Local planning authority.

Reason: To meet the objectives of Policies H14 and Q8 of the City of Durham Local Plan 2004.

4. All planting, seeding or turfing identified within the approved landscaping details shall be carried out in the first available planting season following the practical completion of the development, or occupation of the first building. Any trees or plants failing within five years of planting being carried out shall be replaced.

5. The Local planning Authority will review the affordable housing requirement three years from the date of this approval. The review will be in accordance with Policy H12 of the City of Durham Local Plan and associated Supplementary Planning Guidance, and will apply only to houses where foundations have not commenced at the time of the review. Subsequently, any affordable housing will then be implemented on site in accordance with the findings of the review and Policy H12 of the City of Durham Local Plan 2004.

Reason: To meet the objectives of Policy H12 of the City of Durham Local Plan 2004.

6. The submitted Percentage for Art proposal that forms part of the hereby approved development shall be implemented in full prior to the occupation of the first dwelling, unless



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otherwise agreed in writing with the Local Planning Authority.

Reason: To meet the objectives of Policy Q15 of the City of Durham Local Plan 2004.

7. The development hereby approved shall only be carried out in accordance with the approved Flood risk assessment (FRA) 2084-Coxhoe Phase 2 dated October 2010 produced by Shadbolt Consulting, and the following mitigation measures detailed within the FRA:

- Surface water run-off discharge from the site shall be limited to 3.5 litres per second per hectare so that it will not exceed the run-off from the undeveloped site so that there is no increase in off-site flooding.

Reason: To prevent flooding by ensuring satisfactory storage or disposal of surface water from the site.

8. The biodiversity management plan contained within the submitted and hereby approved Biodiversity implementation Strategy shall be carried out in full.

Reason: To meet the objectives of Policy E18 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE DECISION**

1. The proposed development is considered acceptable having regard to the following policies of the City of Durham Local Plan 2004: EMP9b, E18, H3, H12, H13, H14, Q1, Q2, Q8, Q15, R2, T1, T10, and U8A. Due regard has also been given to the discharge of obligations required by the Conservation of Habits and Species Regulations 2010.

2. More specifically, this proposal represents a well designed solution to the regeneration of a formally heavily contaminated site, and offers homes to those who will help sustain village shops and services within Coxhoe.

3. Parish Council concerns have been fully assessed, but are unsubstantiated, and not considered to outweigh advice received from qualified and experienced professionals, or the wider benefits of this development.

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## **BACKGROUND PAPERS**

- Submitted Application Forms and Plans.
- Design and Access Statement
- Flood risk and Drainage Assessment
- Percentage for Art Proposals
- Updated Biodiversity strategy
- Affordable Housing statement
- Summary of Abnormal Costs
- Statement of Community Involvement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2004
- Planning Policy Statements / Guidance, PPS1, PPS3 and PPG13.
- Response from County Highway Authority
- Response from Environment Agency
- Response from Northumbrian Water
- Response from Low Carbon Officer
- Response from County Ecologist





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4/11/024/FPA and 4/11/025CAC	
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<b>Comments</b>	
<b>Date</b>	26 May 2011
<b>Scale</b>	1:1250