

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/psdip>

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

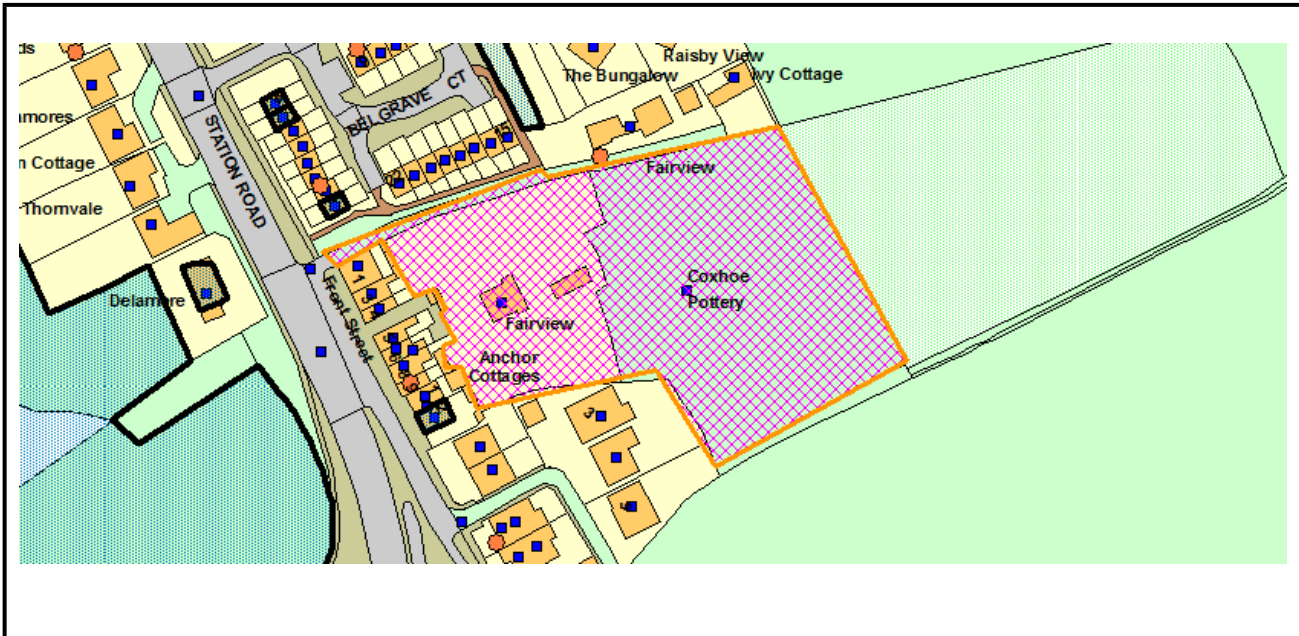
The County Durham Plan (Submission Draft)

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

