



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00166/FPA
FULL APPLICATION DESCRIPTION:	Erection of 47 two storey dwellings with associated access, open space and parking.
NAME OF APPLICANT:	Hellens Group
ADDRESS:	Land at Commercial Road East, Coxhoe, Durham, DH6 4UJ
ELECTORAL DIVISION	Coxhoe
CASE OFFICER:	Peter Herbert, Senior Planner, 03000 261 391, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

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." The development provides for 1.5 spaces per dwelling for parking, taking the form of garaging, driveways and 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. The application represents a minor departure from Policy EMP9b and H12 to allow housing development on industrial land and no affordable housing.

11. This application is being referred to committee again for determination following deferral of this application on 14th June pending the outcome of the Parish Plan2.

PLANNING HISTORY

12. 07/00860/OUT - 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.

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

PLANNING POLICY

14. 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.

Planning Policy Statement 3: Housing underpins the delivery of the Government’s strategic housing policy objectives

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

Planning Policy Guidance Note 13: 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.

15. 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. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this applications include the following:

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.

16. LOCAL PLAN POLICY:

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

Policy 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.

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.

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>

CONSULTATION AND PUBLICITY RESPONSES

17. 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.

18. INTERNAL CONSULTEE RESPONSES:

The County Council Planning Policy section raises no objection to this proposal. Whilst it recognises 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 site 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 software based on County Durham baseline data.

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.

19. PUBLIC RESPONSES:

Coxhoe Parish Council prior to deferral did formally object to this application on the grounds of 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 and loss of any employment land on this site. 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 did formally request 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 did support such a referral to committee.

Following subsequent discussions with the Parish and presentation of this revised scheme their previous objection has been formally withdrawn, although they state their disappointment on the lack of affordable housing.

20. APPLICANTS STATEMENT:

The applicant states that following the deferral they have sought to work with Officers and the Parish to overcome some of their concerns. They have negotiated the provision of two bungalows within the scheme, an additional £20,000 for public art/environmental improvement and agreed to enter into a time period of 6 months should they get consent for this application to make good the link access road as part of the former application.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

21. 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.

22. At the June 14th committee this application was deferred on the grounds that Coxhoe Parish Council were shortly receiving the results of their Parish Plan2 consultation and that this would likely indicate a need for older persons accommodation and these results should be incorporated in this development.

23. The Parish Plan2 results were received by the 7th September Parish Meeting which was attended by Officers and the applicant.

24. The applicant presented their revised proposal for the inclusion of two bungalows (plots 85 & 86), an additional £20k to address the deficiencies in the Public Art contribution and an agreement that they will undertake the Basic Cottages resurfacing works within 9 months should they gain consent.

25. Officers support the inclusion of the bungalows responding to local needs and working with the community to resolve these issues. The additional £20K will likely be attributed to further improvements in the central area subject to a formal application for spending to the 106 working group. The Basic Cottages resurfacing work was conditioned as part of the previous application and as such is tied to that consent, a timetable is forthcoming from the applicants to discharge this condition.

26. Whilst the Parish Plan2 has no statutory weight in decision making as part of the development plan it is none the less an indicator of local needs and issues. During the Parish Meeting a representative from Planning Policy spoke about the Localism Bill and the move to Neighbourhood Plans. Although a very different process to a Parish Plan the result will be a locally derived framework consistent with the County Plan but specific to local needs which will be material in future decision making.

27. Currently the localism bill which will enact the relevant legislation is at the Report

Stage in the House of Lords.

28. In respect of employment land release, 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.

29. Turning to the absence of “affordable” housing provision, a financial justification has been reviewed and accepted by the County council Assets team that it is not viable to provide affordable homes. 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.

30. Whilst no formal affordable provision is available Barratt homes the housing partner do have available on this site affordability products as part of their sales package. These are as follows:

- Deposit match scheme: If a purchaser can provide a 5% deposit and has an offer of a 90% mortgage, then Barratt will provide the remaining 5% deposit (effectively a 5% discount);
- Shared equity scheme: Barratt have teamed up with the Halifax, who provides an 80% loan at a fixed rate (5.34%). Barratt provide a loan of 15% of the purchase price for up to 10 years, with no interest payable if the purchaser doesn’t move within that period; only a 5% deposit is required by the purchaser;
- First deposit scheme: Barratt have teamed up with Hitachi Capital who will provide a 15% unsecured loan to the parent(s) of the purchaser; the purchaser has to provide a 5% deposit and obtain an 80% mortgage.;
- Under the First Buy scheme, the government and the house builders will jointly provide a 20 per cent loan to top up first-time buyers’ own deposit of 5 per cent. This will allow them to take out a mortgage for 75 per cent of the property;
- Loans will be free of charge for the first five years and repaid when the property is resold. The funds will then be recycled to fund more homes for the scheme.

31. Whilst not offering the long term affordable discount benefits the above products will allow first time buyers access to the development to serve some local needs.

32. 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 now an increased variety of house types.

33. It is considered the objectives of Policies H3, H13, H14, Q1, Q2,Q8, R2, T1, T10 and U8A of the Local Plan are addressed.

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

of the Local Plan.

35. 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 additional £20K secured through a Section 106 agreement will contribute to further enhancements within the village.

36. It is concluded that this scheme satisfies the policy requirements applicable to this site, and issues concerning land use, affordable housing, public art and housing mix have been addressed and re-examined following the deferral and the Parish have removed their objection.

CONCLUSION

37. This proposal constitutes the completion of the reclamation and regeneration of the former lime works now bringing clear aesthetic, environmental, ecological and economic benefits to Coxhoe, improved upon since deferral.

38. 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 justified and tested by the Council's viability assessors.

39. The Parish Council whilst still disappointed about the lack of affordable housing has withdrawn their previous objection in recognition of the improvements here offered by the developer.

RECOMMENDATION

That the application be **APPROVED** subject to entering into a Section 106 agreement to secure the following:

- The payment of £20,000 for the provision of public art/environmental improvements in the locality.

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 rev C
- 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

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- Statesman Range The Aylesbury DWG 2010/AYE/A/01
 - Statesman Range The Ashford DWG 2010/ASH/A/01
 - Bungalow Type X DWG 10014 (P)11
 - Materials & Boundary Treatments DWG 10014 (P)06 rev A
 - 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 define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E18, H3, H12, H13, H14, Q1, Q2, Q8, Q15, R2, T1, T10 and U8a 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: In accordance with 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.

Reason - In the interests of the visual amenity of the area and to comply with Policy Q8 of the City of Durham Local Plan.

5. The Local planning Authority will review the need for affordable housing provision on the site 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 needed will then be implemented on site in accordance with the findings of the review.

Reason: In accordance with 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 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.

Reason: In accordance with Policy U8a of the City of Durham Local Plan.

8. 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 in accordance with Policy U8a of the City of Durham Local Plan.

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

Reason: In accordance with Policy E18 of the City of Durham Local Plan 2004.

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 Habitats and Species Regulations 2010.

2. It is considered that the departure from Policy EMP9b to allow development of an industrial site is acceptable mindful of support from the Employment Land Review. The affordable housing element has been tested and proved unviable due to the site set up costs and as such is not required.

3. 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.

4. Parish Council concerns have been given very careful consideration and changes implemented to address their main concerns, namely; two bungalows additional arts monies and the resurfacing of Basic Cottages link road.

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



