

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00338/OUT
FULL APPLICATION DESCRIPTION:	Outline application (all matters reserved except access) for up to 50 dwellings
NAME OF APPLICANT:	Church Commissioners for England
ADDRESS:	Land at Station Road, Coxhoe
ELECTORAL DIVISION:	Coxhoe
	Chris Baxter
CASE OFFICER:	Senior Planning Officer
	03000 263944
	chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on land to the west of Station Road in Coxhoe. There are residential bungalows located along the east boundary of the site, with the adopted C23 road of Station Road located beyond these bungalows. The north of the site is bounded by residential properties on Oakwood and Ashbourne Drive. The A177 bypass is located directly to the south and there are open fields, linked with Bogma Hall Farm, to the west. The site itself is currently a field with some trees and hedging scattered across it. There is a field access gate to the south east corner of the site which joins Station Road. The junction of the A177 with Station Road is directly on the south east corner of the application site. The A1(M) motorway is located approximately 450 metres away to the west.

The Proposal

2. Outline planning permission is sought for residential accommodation for up to 50 dwellings. All matters are reserved for future consideration except access which is to be determined at this stage. Access details have been submitted indicating that the proposed access to the site would be onto Station Road to the south east of the site. Although layout is reserved for future consideration, an illustrative layout masterplan has been submitted to give an indication that the site could accommodate 50 properties. This illustrative layout essentially shows a main spine road running through the site with houses located either side of the road.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. There is no planning history on this site which is relevant to the determination of this proposed development.
5. A full planning application (Ref: DM/14/02041/FPA) for the erection of 162 dwellings has been submitted on the site known as Bogma Hall Farm, which is on the fields directly to the west of the application site. This application is currently pending.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
12. *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.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *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

15. *Policy H5 (New Housing the Countryside)* sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.
16. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required 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. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
17. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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

24. *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.
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.

EMERGING POLICY:

26. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *Environment Agency* has not raised any objections to the proposed development.
28. *Northumbrian Water* has not raised any objections subject to a condition for a scheme for the disposal of foul and surface water to be submitted.
29. *Durham Highways Authority* has indicated that proposed access for 50 houses is considered acceptable and there would be no adverse impacts on the existing highway network.
30. *Natural England* has not raised any objections to the proposed development.
31. *The Coal Authority* has not raised any objections to the proposed development subject to a condition for intrusive investigation works to be undertaken prior to development.

32. *Police Architectural Liaison Officer* has not raised any objections but has provided advice in relation to the design of the scheme.

33. *Coxhoe Parish Council* have raised concerns in relation to increased traffic, biodiversity and noise.

INTERNAL CONSULTEE RESPONSES:

34. *County Spatial Policy Team* has not raised any objections to the proposed development.

35. *County Landscape Team* has not raised any objections to the development of the whole of the Bogma Hall Farm site however concerns are raised to this scheme coming forward in isolation.

36. *County Tree Officer* has not raised any objections to the proposal.

37. *County Environmental Health (Noise, dust and light)* has no objections in principle however in order to minimise the environmental impact some conditions are recommended.

38. *County Environmental Health (Contaminated land)* has not raised any objections subject to the imposition of a condition.

39. *County Archaeology Section* has not raised any objections. Conditions are recommended for further archaeological works to be undertaken prior to development commencing.

40. *County Ecology Section* has confirmed that the ecology reports submitted with the application are acceptable.

41. *County Drainage Officer* has not raised any objections to the proposed development.

42. *County Education Section* has indicated that there are no contributions required for additional school places in respect of this development.

43. *County Public Right of Way Team* has not raised any objections to the proposed scheme.

PUBLIC RESPONSES:

44. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 27 letters of representation have been received on the application, which includes a letter of objection from the City of Durham Trust, a residents group, the Durham Wildlife Trust, Coxhoe Community Partnership and the local medical practice.

45. Issues surrounding the principle of development have been raised by objectors. It is noted that the site is outside the settlement limits, is a greenfield site and not considered to be an infill site and therefore the development is contrary to local plan policies. The application is also considered to be contrary to emerging CDP policy 30 as the proposal does not deliver a single comprehensive scheme for the allocated site with structural planting and a single access point. The scheme is also not considered to be in line with the Parish Plan 2.

46. Residents have raised concerns with noise issues, archaeology, flooding concerns, loss of trees, habitat and impact on ecology. It is considered that the site provides an attractive entrance into the village and this proposal would result in the loss of landscape character. It is also noted that there is no landscape scheme submitted with the application. Concerns are also raised with regards to loss of privacy, loss of views and devaluation of existing properties. Some local residents have also indicated that there are legal easements/covenants restricting development in this area.
47. A main concern raised by the majority of the objectors is the impact the development would have on traffic and vehicle movements in the area. The access to the site is considered dangerous and the scheme would result in an increase in traffic which would be detrimental to highway safety.
48. There is also a concern that the proposed development would have an adverse impact on local amenities, in particular the local school and medical practice. It is also noted that there is limited parking in the village and the number of local shops is limited. It is concluded that there is no need for housing.
49. A letter of support has been received from Barratt Homes who wish to highlight the collaborative and joint working arrangements between Barratts and the Church Commissioners in bringing forward this site for development.

APPLICANTS STATEMENT:

50. On 10th June 2015, the Council's Cabinet considered 'Assessing Development Proposals in County Durham' and agreed it as the Council's Policy Position Statement to provide a consistent approach to determining planning applications in light of the Interim Inspector's Report on the County Durham Plan (CDP).
51. This confirms that as the Inspector's Report has diminished the status of the emerging CDP and 'saved' policies in existing Local Plans are now between 11 and 19 years old, the NPPF and its presumption in favour of sustainable development is the key material consideration for planning decisions in the interim.
52. The Application Site is part of the larger Non-Green Belt allocation at Bogma Hall Farm within the emerging CDP. Whilst only limited weight can be given to this, in such circumstances the Position Statement acknowledges that 'As the Council considered these sites to be appropriate allocations, it follows that the Council considers them to be sustainable. It is therefore likely that they will be acceptable if they overcome infrastructure requirements and detailed development management issues'. As confirmed by statutory consultees, there are no objections to the proposed development and any requirement to improve supporting infrastructure or otherwise secure appropriate mitigation will be addressed by the agreed planning conditions and Section 106 Agreement.
53. In further considering the presumption in favour of sustainable development, the Position Statement confirms that a planning balance will be applied, which in accordance with paragraph 14 of the NPPF, indicates that planning permission should be granted unless the adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits. The key benefits of the proposal are:
 - Help deliver the Bogma Hall Farm site, which is part of the Council's 5 Year Housing Land Supply
 - Provide a mix of house types to meet market demand

- Deliver 20% Affordable Housing to meet identified local needs
- Reduce the need to travel due to its accessibility to local facilities
- Increase patronage to help sustain local businesses and services
- Provide economic benefits from temporary construction jobs, increased Council Tax receipts and New Homes Bonus
- Achieve a net gain in the quantity and quality of ecological habitat for Great Crested Newts and other wildlife

54. Whilst the remainder of the wider allocation falls in separate ownership, the Applicant has worked jointly with the adjacent developer from the outset to ensure the whole site is planned and designed to deliver a comprehensive development. Planning applications for both parts of the site have been brought forward concurrently to further demonstrate a comprehensive approach has been adopted.

55. In applying the 'planning balance', the proposal will deliver sustainable development, contributing to the objectives of the CDP by helping meet the housing needs of the County and delivering other economic, social and environmental benefits. It is identified as a sustainable location which is suitable for residential development, as demonstrated by the Council's evidence base. As such, it is considered to benefit from the NPPF's principle in favour of sustainable development as no adverse impacts have been identified which would 'significantly and demonstrably' outweigh any benefits of granting planning permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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 residential development of the site; highway and access issues; affordable housing and section 106 contributions; ecology and flood risk; residential amenity and noise issues; visual impact; and other issues.

Principle of residential development

57. The site is located outside of the existing settlement boundary for Coxhoe and comprises greenfield land. There are no specific landscape or site designations relevant to the site. Saved Policy H3 of the local plan specifies that new housing development on sites which are located within the defined settlement boundary will only be permitted in instances where it involves the development of previously-developed land. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary. Consequently, the development of the site for housing would be in conflict with local plan policy H3 and there would need to be other 'material considerations' to justify a departure from that policy.

58. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local Planning Authorities are expected to boost significantly the supply of housing, consider

housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. To accord with the NPPF new housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure (health, education, leisure and open space). New development should be located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.

59. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community should be provided. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.
60. Coxhoe is recognised as a smaller town/larger village (2nd tier in the County Durham Settlement Study) in the County and is a focus for growth within the plan. The application site is considered to be within a sustainable location within close walking distance to a good range of shops and services located within Coxhoe. The site is also within close walking distance to bus stops which provide regular links to other settlements, including Durham City. In terms of the issue of settlement limits, the emerging CDP proposes to remove them altogether and the NPPF places emphasis on delivering houses within sustainable locations and not necessarily restricted to settlement boundaries. Proposed development on sites outside defined settlement boundaries should be assessed on their merits and individual circumstances. Development can be considered acceptable provided that it is appropriate in scale, design and location to the character and function of the settlement; and is considered to form part of the built environment of the existing settlement. Whilst the application site represents land on the edge of the settlement, it can be viewed as well contained on account it is bound by the A177 bypass to the south.
61. It is important to note that the application site does form part of a larger site (Bogma Hall Farm) which is proposed to be allocated for housing within the emerging CDP under policy 30. Policy 30 of the CDP does indicate that the development of this Bogma Hall Farm allocated site would need to be delivered as a single comprehensive scheme, which incorporates structural landscaping and be accessed from a single access point. Stage 2 of the Examination of the CDP was intended to assess individual allocations in the CDP, although most are not mentioned specifically, the nature of the Inspectors Interim Report has effectively undermined the proposed allocations in the CDP. Therefore very limited weight could be afforded to this particular allocation within policy 30 when the Council is assessing the proposals. As previously mentioned in paragraph 5 of this report, there is currently a separate application for residential development for the remaining part of the Bogma Hall Farm allocation. This application is currently pending.
62. Development within Coxhoe and this particular site complies with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The NPPF is more up-to-date than the local plan and therefore more weight should be attached to its aims and objectives. The proposal for residential development is considered acceptable in principle and would be in line with the sustainable objectives of the NPPF.

63. This application has been made in outline with access to be considered. A detailed access drawing has been submitted. This access would be in the same location as the existing farm access gate which is located to the south east corner of the site where it would join Station Road C23 adopted road. The access details show improvements and alterations to the highway layout in this area by providing a protected right turn into the site. It is noted that the proposed access is located approximately 75 metres from the junction of the C23 with the A177. Concerns have been raised in general regarding the traffic increase this site could bring and in particular the impact it could have on the junction with the A177.
64. The County Highways Officer has assessed the transport statement submitted with the application which included speed counts and surveys of the area. The Highways Officer has carried out site visits on various occasions during peak periods to carry out queue length counts at the junction of the A177/C23. The Highways Officer is satisfied that there is not going to be any conflict with the proposed vehicular access and queue lengths. The proposed access is to have adequate visibility splays providing vegetation in the verge is removed. The removal of vegetation can be sought through the reserved matters stage. The estimated trip rates for the proposed development of 50 houses during peak hours are 28 trips in the morning and 32 in the evening. The Highways Officer is satisfied that there will be no material impact on the existing highway network.
65. Whilst it is noted that the proposed access would be able to accommodate a development of up to 50 houses which would not compromise highway safety. It is noted that the proposed access would be unlikely to support a residential scheme of over 50 houses.
66. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

Affordable housing and section 106 contributions

67. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
68. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA, NPPF and Policy H12 of the local plan therefore provide the justification for seeking affordable housing provision on this site. The applicant has committed to signing up to 20% affordable provision on this site and this would be secured through a section 106 legal agreement.
69. The applicant has also accepted that the proposed development would be required to provide either public open space/recreational provision either within the site itself or provide a financial contribution to other open/recreation space in the near locality. Given this application is only in outline, the final layout of the scheme is not determined and therefore it's not possible to determine whether open space/recreation provision would be included within the final layout. The applicant has agreed to a formula approach being tied up within a section 106

legal agreement by which any shortfall in on-site provision can be met through a commuted sum payment towards off-site provision in the locality. The Council considers this approach to be acceptable and would be in line with policies R1 and R2 of the local plan.

70. The Council also encourage the provision of artistic elements in the design and layout of new development. The applicant has agreed a contribution of £35,000 towards public art and this will be secured through a section 106 legal agreement.
71. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2 and Q15 of the local plan.
72. It is noted that local residents have raised concerns with regards to the pressure additional residential properties would have on local services, in particular the local school and medical practice. In terms of the local primary school, the Councils Education Section have indicated that this proposed development would not require any commuted sum contribution to the improvement of the primary school. In terms of the local medical practice, the NHS has indicated that there is no option to increase capacity via an extension to the Coxhoe Medical Practice. It has further stated that funding for GP premise extensions is not dictated by projected patient numbers or population increases, as there will always be a degree of patient choice. It is noted that there are other medical practices within adjacent settlements of Kelloe and Bowburn which offer an alternative choice. On this basis, it is not considered there is any justification for this proposed development to contribute to medical practices within the locality.

Ecology and flood risk

73. A flood risk assessment has been submitted as part of the planning application for the proposed development. The available surface water connection is the sewer which crosses the site which would be utilised as the outfall connection to watercourse. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the details which have been submitted and no objections have been raised. Northumbrian Water has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly.
74. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have 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 an 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.
75. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

76. As the green field nature of the site could mean that a protected species may be disturbed by the proposed development, the applicant has submitted a number of ecology habitat surveys, including a bat risk assessment and extensive great crested newt surveys and mitigation proposals which have been assessed by the Council's Ecology Officers. In terms of potential impacts on bats, the bat risk assessment has indicated that there are no trees or buildings on the site which could potentially host bats. The site itself does have a high value as a potential bat foraging and commuting habitat with mature trees along the north boundary, well developed hedgerows and shrubs within the site itself. In order to minimise adverse impact on local bat populations mitigation measures are proposed. The Council's Ecology Officer is satisfied with the proposed mitigation measures in terms of bats and a condition is recommended for the bat mitigation measures to be adhered to.
77. The surveys submitted in respect of Great Crested Newts (GCN) have indicated that GCNs are present within the application site and adjacent land including ponds found in neighbouring gardens on Station Road. An outline mitigation method statement has been submitted which indicates that the GCNs can be translocated to a new wetland habitat area on land to the south of the application site. This method statement sets out initial procedures describing how the GCNs will be trapped and collected and then relocated to the new habitat area. To fully complete the mitigation process and ensure all the GCNs have been relocated this would mean that ecologists would have to enter third party land to trap and collect GCNs from the ponds in neighbouring gardens. The Council's Ecologist has fully assessed the outline mitigation method statement and has indicated that the information is acceptable and would allow the GCNs to be relocated without causing any harm to these protected species, and it is likely that a Natural England license would be granted on this basis. To ensure the protected species are not adversely compromised, it is essential that the mitigation for the GCNs is fully completed prior to works commencing on site. The applicant is committed to ensuring the GCNs are protected and they have agreed to a condition within a section 106 legal agreement ensuring the mitigation of the GCNs are fully adhered to. A condition within the section 106 legal agreement is therefore recommended.
78. Given the above, it is considered that a licence from Natural England is likely to be obtained and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. Subject to the proposed mitigation detailed in the various submitted ecology reports, it is considered that the proposals would be in accordance with part 11 of the NPPF.

Residential amenity and noise issues

79. The application has been made in outline with all matters except access being reserved for future consideration. An illustrative masterplan has been submitted showing certain site development parameters. The masterplan shows a central spine road running through the centre of the site with houses located either side. Information submitted within the design and access statement indicates that the houses are envisaged to be two storey and would achieve the minimum separation distance of 21 metres with existing properties. Whilst it is acknowledged that final design and layout details would be agreed at reserved matters stage, it is considered that a scheme can be brought forward which would not compromise residential amenity of neighbouring properties in terms of loss of privacy.

80. The site is within close distance to the A177 bypass and the A1(M) motorway is situated approximately 450 metres away to the west, and therefore there is the potential for noise disturbance to prospective buyers of houses on the proposed scheme. This has been recognised by the applicant and a noise survey has been submitted with the application. Noise level measurements taken at measurement points close to the A177 have levels that would be higher than recommended external noise levels (55dB(A)) and as a result the noise survey has recommended the installation of a fence to act as a barrier to these properties close to the A177 as this will reduce noise levels sufficiently to ensure that they are in line with the recommended external noise level. The Council's Noise Officer has accepted that the installation of acoustic fencing would be acceptable to ensure future residents do not experience any adverse noise impacts from the A177.

81. The other aspect to be considered was the noise levels further into the site that may be more affected by noise from the A1(M). Noise readings in the submitted noise survey indicated the levels would be below the maximum level of 55dB(A). These figures were disputed by some local residents, and subsequently the Council's Noise Officer undertook some independent noise readings over a set period of time. These readings were sporadic but did indicate that some noise levels resulting from the A1(M) did exceed the recommended 55dB(A) level. Whilst it is noted that the noise level would be over the recommended threshold it is also noted that this noise is already present and any prospective homeowners would be aware of the situation when purchasing a property. Allowing residential properties to be situated adjacent to the A1(M) is also not uncommon and there are examples nearby in Bowburn, Carrville and Belmont where properties have been allowed directly adjacent to the A1(M). It is noted that there are properties within the village of Coxhoe itself that are closer to the A1(M) than this proposed site. On balance, it is acknowledged that the external noise levels would be over the recommended threshold. However in this instance it is considered that prospective buyers would be aware of the noise issue when purchasing properties in this location, therefore it is not considered that residential amenity of future occupiers would be adversely compromised. A number of conditions have been recommended by the Environmental Health Officer in respect of noise lighting, dust suppression and development construction methods. The majority of these issues would be covered through separate Environmental Health legislation and it not considered relevant to be imposed as planning conditions. It is noted that the mitigation noise methods detailed in the submitted noise survey are essential, and therefore a condition is recommended ensuring these methods are put in place.

82. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

Visual impact

83. The application has been submitted in outline therefore there are no specific details in terms of design and layout. It is considered however that a residential development can be achieved on site which would be in keeping with the built environment of the existing properties in Coxhoe and would not adversely impact on the landscape character of the area. Landscaping of the site is not included within the outline submission and full landscaping details would be submitted for consideration with a reserved matters application. It would be expected that significant structural planting is incorporated into a reserved matters scheme.

Other issues

84. The Council's Archaeology Officer has been consulted on the proposed development. No objections have been raised however further investigation works has been requested prior to works commencing on site. Conditions are recommended accordingly and it is considered that the proposed development would not adversely impact on archaeology issues.
85. There has been some local objection to the proposed scheme indicating that a residential scheme would result in the loss of view to some neighbours and the devaluation of neighbouring properties. It has also been indicated by some residents that there is a legal easement/covenant which restricts development on this land. These issues are not material planning considerations and cannot be used as reasons to refuse planning permission.

CONCLUSION

86. The proposed development would not strictly accord with existing local plan policy H3. Development within Coxhoe and this particular site does comply with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The proposal for residential development is therefore considered acceptable in principle and would be in line with the sustainable objectives of the NPPF.
87. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development of up to 50 houses. It is considered that highway safety would not be compromised as a result of the proposed development and the proposal would be in accordance with policy T1 of the City of Durham Local Plan.
88. The proposed development would deliver the full amount of affordable housing (20%) on the site. The scheme would also ensure open space/recreational provision is provided for either on-site or commuted sum payments towards off-site provision. A commuted sum payment of £35,000 towards public art would also be secured. All these elements would be secured through a section 106 legal agreement in line with policies R1, R2, Q15 and H12 of the City of Durham Local Plan as well as criteria within the NPPF.
89. Detailed ecology surveys have been submitted primarily in respect of bats and Great Crested Newts (GCN). Subject to extensive mitigation measures which includes the translocation of GCNs to a new wetland habitat area, County Ecologist consider that the proposed development would not adversely impact on protected species and would likely to receive a Natural England license. It is therefore considered that the proposed development would be in accordance with part 11 of the NPPF.
90. Although this is an outline application, it is considered that the parameters set out in the masterplan and the design and access statement does provide sufficient confidence that a high quality layout and design framework can be provided and appropriately accommodated in amenity terms. In respect of noise issues, whilst the Council's Noise Officer has accepted that noise levels from the A1(M) would be over the normal threshold for external areas, it is accepted in this instance that the benefits which the scheme provides can outweigh the increased noise levels.

It is also noted that it would be for prospective house buyers to decide on whether the noise levels from the A1(M) is acceptable when they are purchasing the properties. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.

91. It is acknowledged that the proposal has generated some opposition from local residents which live close to the site. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of 20% affordable housing; a financial contribution towards open space and recreation provision in the locality; a public art contribution of £35,000; and details of the ecological mitigation for the translocation of Great Crested Newts to off-site wetland habitat and the long term management of the wetland habitat area; and subject to the following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters for the development must be made not later than the expiration of five years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
VN50412-PD-001	Proposed Site Access	27/02/2014
RG-M-02 A	Site Location Plan	27/02/2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. Prior to the commencement of the development intrusive site investigation works in relation to the coal mining risk assessment of the site shall be undertaken. Should

these investigation works confirm the need for remedial works, the proposed details of the remedial works shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the stability of the site and to comply with policy H13 of the City of Durham Local Plan.

5. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

6. 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 shall be 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) Post fieldwork 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 County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

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

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

7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the archaeology mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: to comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Bat Risk Assessment prepared by Penn Associates dated June 2014.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

9. The development hereby approved shall be carried out in full accordance with all noise attenuation measures, advice and recommendations within the Noise Impact Assessment prepared by Environmental Noise Solutions Limited dated 14th October 2013 and the Noise Impact Assessment Addendum prepared by Environmental Noise Solutions Limited dated 12th November 2014.

Reason: To safeguard the residential amenity of future residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion 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 policies E1, E2, E2A, and H13 of the City of Durham Local Plan.

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 decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



Planning Services

**Outline application (all matters reserved except access) for up to 50 dwellings at Land at Station Road, Coxhoe
Ref: DM/14/00338/OUT**

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Date 14th July 2015

