

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0469
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING OF 10 NO. DWELLINGHOUSES
NAME OF APPLICANT SITE ADDRESS	JOHN HARE ARCHITECT LAND OPPOSITE MOOR VIEW & ADJACENT ASHFORD GROVE, THORNLEY
ELECTORAL DIVISION CASE OFFICER	THORNLEY Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. **Site:** The site is located at the east end of Hartlepool Street, within the settlement of Thornley, lying to the east of Moor View and to the south of Ashford Grove. The settlement boundary of Thornley follows the south and east boundaries of the application site. Thornley itself is an elevated settlement with a history as a mining community being close to Wheatley Hill within the previous District of Easington.
 - 1.1 The site is a small "L" shaped parcel of land of about 2,284 square metres and which wraps around the side and rear of properties on Ashford Grove but with the main site boundary facing onto Moor View. The entire site area is generally overgrown with its previous domestic garden and bungalow layout being totally lost under rough grass and shrubs. The bungalow and other garden buildings were evidently demolished some years ago.
2. **Proposal:** This proposal seeks outline planning permission for the construction of 10 no. dwellings accessed directly from Moor View along with details of layout and scale; design and landscaping would be reserved matters should the application be approved.
 - 2.1 The application is being reported to Committee as it is a major development.

PLANNING HISTORY

3. None relevant

PLANNING POLICY

4. NATIONAL POLICY:

4.1 National Planning Policy Framework

4.2 On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

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/letternppf>

5. REGIONAL PLAN POLICY

5.1 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets 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.

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

5.3 Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

5.4 Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.

- 5.5 Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
- 5.6 Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
- 5.7 Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
- 5.8 Policy 39 - Seeks to generate at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.
- 5.9 The above policies are not considered to conflict with the NPPF.
- 6. **LOCAL PLAN POLICY:**
 - 6.1 District of Easington Local Plan
 - 6.2 Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
 - 6.3 Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
 - 6.4 Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
 - 6.5 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
 - 6.6 Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
 - 6.7 The above policies are not considered to be out of date or to conflict with the NPPF.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

7. STATUTORY RESPONSES:

7.1 Northumbrian Water – no objections subject to surface water drainage condition

7.2 Environment Agency – no objections, informal advice offered

8. INTERNAL CONSULTEE RESPONSES:

8.1 Planning Policy – no objections

8.2 Environmental Health – no objections subject to conditions relating to construction hours

8.3 Archaeology – no objections

8.4 Ecology – no objections

8.5 Tree Officer – some concerns relating to loss of trees

9. PUBLIC RESPONSES:

9.1 The application has been advertised by way of a press notice, site notice and individual letters to residents. One objection has been received which raises concerns relating to access and drainage.

10. APPLICANTS STATEMENT:

10.1 Contact and discussions were held with the Central and East Durham Area Office Planning Department representatives over a period of time leading up to the preparation of the scheme design. Discussions were also held with the Highways Engineer enabling the site layout to be amended in order to comply with his requirements. The Senior Planning Officer dealing with the enquiry was happy to “confirm that the proposals are considered acceptable in principle and that there are no significant planning concerns regarding the scale and layout of the development.”

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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=116546>

PLANNING CONSIDERATION AND ASSESSMENT

11. As this application seeks outline planning permission with only appearance and landscape being reserved matters, the main planning considerations are therefore the principle of the development in terms of accordance with planning policy, the layout of the development and impact on surrounding occupiers and the street scene, highways issues, other site specific issues and public responses.

12. Principle of the development and planning policy

12.1 The proposed development is considered to be in keeping with the National Planning Policy Framework (NPPF).

- 12.2 At the time of the application submission, the NPPF was in draft form and thus the application was initially considered against Planning Policy Statements, namely PPS1: Delivering Sustainable Development and PPS3: Housing, these required a sequential approach to the identification of housing sites, which prioritised land in sustainable urban areas. Having re-assessed the application against NPPF, it is Officer's view that the application accords with its aims of sustainable development as the site is within a predominantly residential area, which is situated within the settlement boundary of Thornley.
- 12.3 The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a sustainable site situated within the settlement of Thornley, it is considered to accord with the general principles of RSS in terms of a sequential approach for development. The aims of this policy are reflected in the NPPF, therefore the potential abolition of Regional Strategies would not affect the outcome of this application.
- 12.4 The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.
- 12.5 Policy 67 of the Local Plan, although dated, is still considered relevant and broadly in accordance with the NPPF. The policy states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although the application site is greenfield, it is considered that the site is in a sustainable location within the settlement boundary and therefore meets the aims and objectives of Policy 67 if not the letter of it. However, in any event, greater weight must be afforded to the NPPF than Policy 67 and it is considered that the proposal satisfies the criteria of sustainability in the NPPF.

13. Layout, impact on surrounding occupiers and the street scene

- 13.1 This application is for outline approval only with appearance and landscaping being the only matters reserved. The applicant has submitted a layout plan showing 10 no. dwellings. In all instances, the distancing standards would be adequate and would therefore protect the privacy of existing and future occupiers. The layout of the development is constrained by the shape of the site which is an L-shape and constrained by the existing properties and land outside of the settlement boundary. The proposed layout of the dwellings is guided by the need for adequate access, parking, amenity space and privacy distances. As such, it is considered that the proposals are acceptable in terms of layout, the impact on the street scene and surrounding occupiers in accordance with saved local plan policy 35 and the aims of the NPPF. With regard to the tree officer's comments regarding the three mature trees on the site, it is considered that the proposed development of an existing,

largely untidy site with housing far outweighs the need to protect these particular trees. Furthermore, in order to mitigate this, a landscaping condition should be imposed.

14. **Highways Issues**

14.1 The highways officer suggested amendments during the application process which the applicant has adhered to. On this basis the highways officer has no objections subject to a condition requiring an appropriate visibility splay.

15. **Site specific issues**

15.1 In terms of childrens play space, saved policy 66 of the local plan states that “developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site”. As such, the applicant has agreed to enter into a Section 106 legal agreement to secure a financial contribution for the provision or improvement of off-site play areas.

15.2 Policy 39 of the Regional Spatial Strategy seeks to generate at least 10 percent of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20 percent of regional consumption by 2020. As such, an appropriate condition should be imposed.

16. **Public responses**

16.1 One objection has been received from a member of the public. The concerns raised are regarding the access arrangements and drainage. Both the highways officer and Northumbrian Water have no objections to the proposals subject to conditions. Therefore, it is not considered that the objections raised should warrant refusal of planning permission.

CONCLUSION

17. In conclusion, it is considered that the proposal is in accordance with the National Planning Policy Framework and the relevant regional and local planning policies which do not conflict with the framework. The location of the proposed development is considered sustainable as it has good access to community facilities such as shops, schools and public transport. In addition it is not considered that there would be any adverse impact on the street scene or surrounding occupiers. On this basis it is considered that the proposals are in accordance with the National Planning Policy Framework and other material planning considerations including regional and local plan policies which are not in conflict with the framework.

RECOMMENDATION

That the application be **APPROVED** subject to the applicant entering into a Section 106 agreement and to the following conditions;

1. Approval of the details of appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any 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 shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- a) the expiration of five years from the date of this permission; or
- b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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 References; Site Location Plan Drwg No 304-10, Proposed Site Layout Drwg No 304-20a

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

4. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and part 10 of the National Planning Policy Framework.

5. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with part 11 of the National Planning Policy Framework..

6. No development shall commence until such time as a scheme showing the necessary junction sight visibility splays onto the C65 Moor View has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved visibility splays shall be provided before the first dwelling is occupied and shall be retained in perpetuity while the development exists.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

7. Notwithstanding the submitted plans, the front elevations of plots 1 to 4 must face onto the C65 Moor View.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan and part 7 of the National Planning Policy Framework..

8. Construction work shall not take place on site outside the hours of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1200 hours on Saturday and not at all on Sundays and Bank Holidays.

Reason: In the interests of preserving the amenity of residents in accordance with saved policies 1 and 35 of the District of Easington Local Plan and part 11 of the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until:

a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment. Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.

b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.

c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.

d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.

e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority

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 risks to workers, neighbours and other offsite receptors in accordance with part 11 of the National Planning Policy Framework.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

NATIONAL PLANNING POLICY FRAMEWORK

DISTRICT OF EASINGTON LOCAL PLAN
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ENV18 - Species and Habitat Protection
ENV35 - Environmental Design: Impact of
Development

ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development
HOU67 - Windfall housing sites

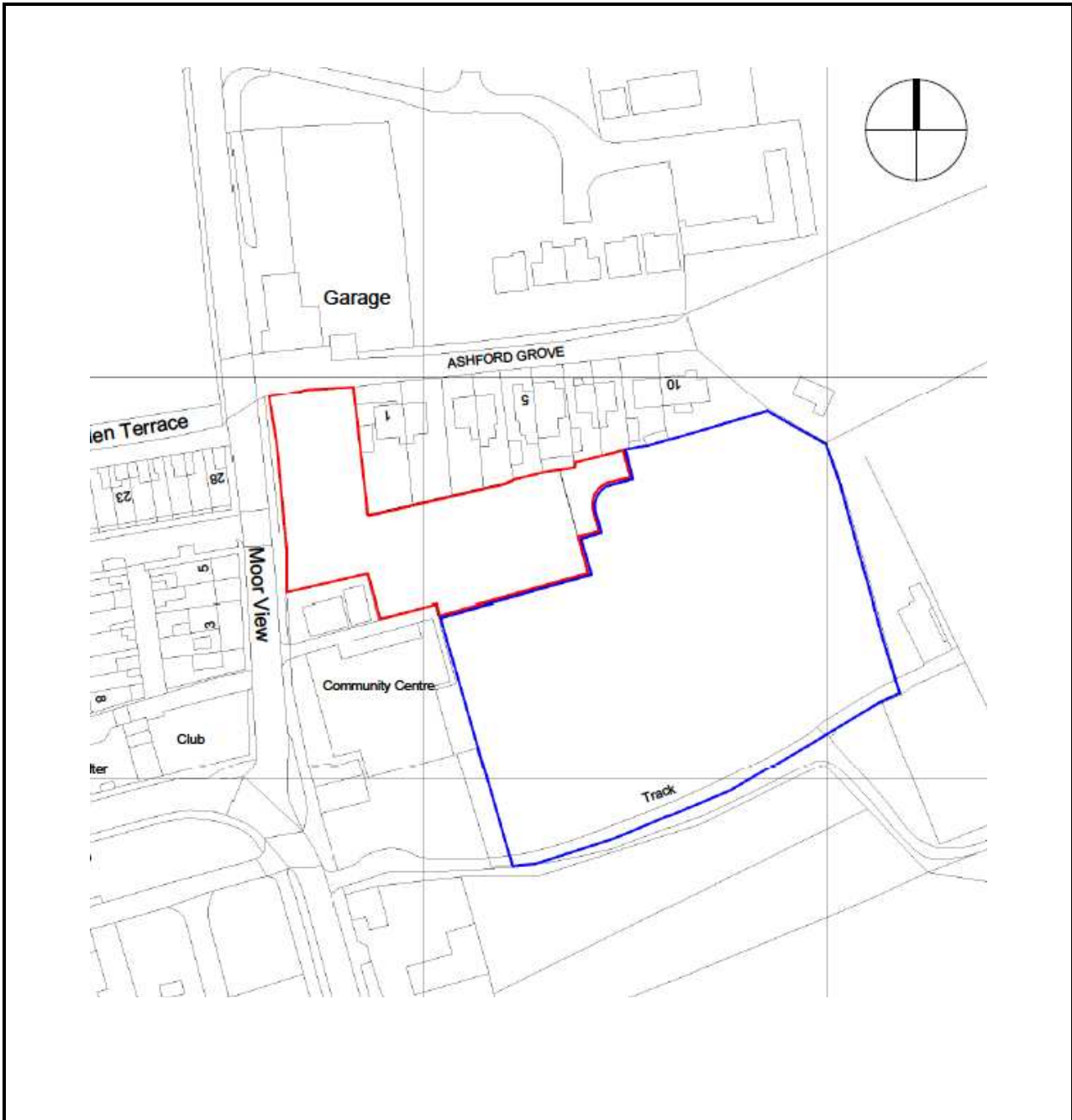
REGIONAL SPATIAL STRATEGY
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Policy 2 - (Sustainable Development)
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)
Policy 39 - (Renewable Energy Generation)
Policy 4 - (Sequential Approach)
Policy 8 - (Protecting and Enhancing the Environment)

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, layout of development, amenity of neighbours and highways issues.
3. The grounds of objection were not considered sufficient to lead to reasons for refusal, as the issues regarding highways and drainage were considered satisfactory by the local planning authority in consultation with the relevant statutory consultees.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Proposed **RESIDENTIAL DEVELOPMENT**
COMPRISING OF 10 NO.
DWELLINGHOUSES at **LAND OPPOSITE**
MOOR VIEW & ADJACENT ASHFORD
GROVE, THORNLEY PL/5/2011/0469

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Comments

Date 10th April 2012

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