

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0494
APPLICATION DESCRIPTION	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 14 SEMI DETACHED/TERRACED DWELLINGS
NAME OF APPLICANT SITE ADDRESS	PF TRADING NORTH EAST LTD LAND ADJACENT TO GORE HALL FARM, THORNLEY
ELECTORAL DIVISION CASE OFFICER	THORNLEY Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. **Site:** The application relates to a site situated within Thornley, at the top of a small hill, north of Gore Hall Farm. The site is bounded to the north and east by existing housing.
 - 1.1 The application site extends to approximately 0.39 ha. The site forms a roughly rectangular grassed area of land, which is currently un-maintained and displays evidence of anti-social behaviour, such as fly tipping and fires. The site undulates, rising from the entrance of the site on the western boundary towards the eastern end of the site, which is the highest and flattest part.
 - 1.2 Prior to the development of existing housing to the north of the site, which was built between 1970 and 1979, the site was used as part of an agricultural unit.
2. **Proposal:** Outline planning consent with all matters reserved is sought for residential development on the land adjacent to Gore Hall Farm, Thornley. The indicative layout submitted with the application includes a total of 14no. dwellings. The application site already has an extant outline planning consent for 5 no. dwellings.
 - 2.1 This application is being reported to Committee as it is a major development.

PLANNING HISTORY

3. Outline planning permission (all matters reserved except access) was granted in January 2009 for 5no. dwellings.

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 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.
- 6.4 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
- 6.5 Policy 66 - 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.
- 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 Environment Agency – no objections

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

8. INTERNAL CONSULTEE RESPONSES:

8.1 Highways – Technical issues raised with relation to the indicative layout plan, however these could be addressed at the reserved matters stage.

8.2 Archaeology – no objections subject to condition relating to archaeological surveys and recording.

8.3 Environmental Health – no objection, however construction hours should be controlled.

9. PUBLIC RESPONSES:

9.1 The application has been advertised by way of a press notice, site notice and individual letters to residents.

9.2 Four letters of objection have been received by members of the public which include concerns relating to loss of privacy, loss of light, anti-social behaviour and that the access is dangerous.

10. APPLICANTS STATEMENT:

10.1 Outline planning consent is sought for residential development on the land adjacent to Gore Hall Farm, Thornley. The indicative layout submitted with the application includes a total of 14no. dwellings. The application site already enjoys extant outline planning consent for 5no. dwellings.

10.2 Whilst the development proposals are relate to what is effectively a Greenfield site, the proposals are considered to be wholly acceptable taking into considered PPS3 (Housing), the Minsiterial Statement on Planning for Growth and the emerging National Planning Policy Framework and the extant outline approval.

10.3 In light of the above planning, design and access statement, the principles and indicative details of the proposed development of this small Greenfield site within Thornley's development limits should be deemed acceptable.

10.4 In light of the information contained within this report we would politely request that the Council support these outline proposals.

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=116855>

PLANNING CONSIDERATION AND ASSESSMENT

11. As this application seeks outline planning permission with all matters reserved, the main planning considerations are therefore the principle of the development in terms of accordance with planning policy, the indicative 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, 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 golden thread 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 black 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 all matters reserved, including layout. However, the applicant has submitted an indicative layout showing 14 no. dwellings. In almost all instances, the distancing standards would be adequate and would therefore protect the privacy of existing and future occupiers, this includes the residential development to the south of the site which benefits from planning permission but has not yet commenced. Notwithstanding this, the final layout would be assessed at the reserved matters stage should this application be approved. The layout of the development is constrained by the shape of the site which is long and narrow and therefore the layout of the proposed 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.

14. Highways Issues

14.1 The highways officer has advised that there are some technical highways issues within the indicative layout which need to be resolved, however this could be achieved at the reserved matters stage when the access and layout is considered.

15. Site specific issues

15.1 The archaeology officers have requested that should the application be approved, conditions should be imposed which would ensure that the site is evaluated and that any important finds are recorded.

15.2 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.

15.3 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 Objections have been received from members of the public. Concerns have been raised regarding the access arrangements. The access does not form part of this application but has previously been agreed as part of the approved application for 5 no. dwellings in 2009.

16.2 Access is only feasible at the western end of the site where it is adjacent to the estate road. The highways officer has not objected to the principle of this.

16.3 Concerns over anti-social behaviour should be considered, however, it is not considered that the outline approval would directly cause anti-social behaviour.

Conversely, development and occupation of the site would eradicate current mis-use.

- 16.4 Concerns have been raised regarding the proximity of the proposed houses to those existing on Gore Hill Estate, and the relationship between the houses subject to this current application and those proposed on Gore Hall Farm to the south. Although approval of the siting of dwellings is not currently being sought, the indicative layout plan submitted with the application demonstrates that all required privacy distances could be met between the existing properties to the north and the proposed houses to the south. Nevertheless, the current proposal deals only with the principle of development. Planning officers are satisfied that the site subject to this application can accommodate fourteen new dwellings and conform to relevant development plan guidelines in terms of site layout, privacy and amenity standards.
- 16.5 For the reasons outlined above 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, a post office, schools and public transport. There would not be any adverse impact on the street scene or surrounding occupiers, privacy distances both within the site and to surrounding properties would be assessed as part of the reserved matters submission. The indicative layout of the proposal is considered broadly acceptable given the constrained shape of the site and adequate amenity space has been provided.

RECOMMENDATION

That the application be **APPROVED** subject to completion of a Section 106 agreement and to the following conditions;

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the 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; No. Location Plan dated Sept 11, DWG no 671 - 01

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. 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.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with the approved strategy,
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
- iii) Measures to ensure the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the County Durham Archaeology Section of the commencement of archaeological works and the opportunity to monitor such works.
- vi) Post-fieldwork methodologies for assessment and analyses.

- vii) Report content and arrangements for dissemination, and publication proposals.
 - viii) Archive preparation and deposition with recognised repositories.
 - ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications
- The development shall then be carried out in full accordance with the approved details.

Reason: To comply with part 12 of the National Planning Policy Framework as the site is deemed to be of archaeological interest.

8. Prior to the development being occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within 6 months of the date of completion of the development hereby approved by this permission.

Reason: To comply with part 12 of the National Planning Policy Framework to make the information as widely accessible to the public as possible.

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.

10. Notwithstanding the submitted information, a maximum of 14 dwellings shall be constructed on the site.

Reason: In order to comply with the level of agreed Section 106 contributions.

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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REGIONAL SPATIAL STRATEGY
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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
HOU66 - Provision of outdoor play space in new
housing development
HOU67 - Windfall housing sites

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 the principle of development and the amenity of neighbours.
3. The objections received were not considered sufficient to lead to reasons for refusal, as the layout was considered satisfactory, the proposals were unlikely to result directly in anti-social behaviour, and the access details were considered satisfactory by the highways officer.

BACKGROUND PAPERS

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



Planning Services

Proposed OUTLINE FOR RESIDENTIAL DEVELOPMENT OF 14 SEMI DETACHED/TERRACED DWELLINGS at LAND ADJACENT GORE HALL FARM, THORNLEY PL/5/2011/0494

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Comments

Date 10 April 2012

Scale