

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | CE/13/01554/FPA |
| FULL APPLICATION DESCRIPTION: | 28no. Affordable Dwellings & 6no. Dwellings Including Landscaping and Access |
| NAME OF APPLICANT: | Partner Construction Ltd |
| ADDRESS: | Land North of Dunelm Road and A181, Thornley, Co. Durham |
| ELECTORAL DIVISION: | Trimdon and Thornley |
| CASE OFFICER: | Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 1 hectare and is located on the west boundary of Thornley village to the north of Dunelm Road and the A181 highway. Directly opposite the site to the south east and also off Dunelm Road is the recently completed housing development of Crossways Court (previously Crossways Hotel site). The south west boundary backs onto the A181 highway with residential properties to the north east. There are open fields to the north with the water works covered reservoir site immediately to the north west. The site falls just beyond the development limits for Thornley as defined in the District of Easington Local Plan.

The Proposal

2. Planning permission is sought for residential development for 34 houses in total. The proposed scheme provides a mix of housing with 5 different house types across the site. These house types include 19 two bedroom dwellings and 9 three bedroom dwellings which are to be affordable units. To the north part of the site, 6 four bedroom detached dwellings are proposed. The proposed properties are designed to have a mix of two storey dwellings and single storey bungalows. Access is proposed to be taken from the east corner of the site onto the Dunelm Road.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. No planning history on this site.

PLANNING POLICY

NATIONAL POLICY:

5. 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.
6. 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'.
7. The following elements are considered relevant to this proposal;
8. *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.
9. *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.
10. *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.
11. *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.
12. *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.
13. *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:

District of Easington Local Plan

14. *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.
15. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. *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.
17. *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.
18. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
20. *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.
21. *Policy 67* – Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.
22. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.
23. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
24. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

EMERGING POLICY:

25. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in

Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:

26. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
27. *Policy 15 (Development on Unallocated Sites)* – states that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.
28. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
29. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
30. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
31. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Environment Agency* has not raised any objections.
33. *Northumbrian Water* has not raised any objections to the proposed development. It has been indicated that Northumbrian Water will be contacting the developer direct to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures are undertaken.
34. *Durham County Highways Authority* has not raised any objections to the proposed development. Highway visibility improvements are also required along the main highway junction from Dunelm Road onto the A181.

35. *Police Architectural Liaison* has not raised any objections and has indicated that the developers have made an initial enquiry in relation to 'Secured by Design' certification which they should achieve.

36. *Thornley Parish Council* has not commented on the application.

INTERNAL CONSULTEE RESPONSES:

37. *County Spatial Policy Team* has stated that given the landscape impact of the site can be mitigated, the provision of affordable housing should be afforded weight in the determination of this application; and this represents a material consideration to justify support of this application.

38. *County Landscape Team* has not raised any objections to the principle of development. Additional soft landscaped screening along the boundary with the A181 is required.

39. *County Environmental Health (Noise and dust)* has not raised any objections but does advise that conditions are applied in relation to noise and dust mitigation.

40. *County Environmental Health (Contaminated land)* has not raised objections.

41. *County Ecology Section* has not raised any objections however further information is required to ensure protected species would not be adversely compromised.

42. *Sustainability Team* has indicated that proposals to improve the sustainability of the development are welcomed.

43. *County Housing Development and Delivery Team* has not raised any objections to the proposed development or the affordable housing requirement provision within the 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. 4 letters of objection have been received.

45. Concerns have been raised with regards to highway issues, in particular the dangerous access onto the A181 in which visibility is described as being poor. Local residents have indicated that the utility services in the area are poor with regular power cuts, poor water pressure and sewerage drainage problems; and this development would add more pressure on these services. It has been noted that the site in this application is not allocated within the emerging County Durham Plan and that the site was described in the Strategic Housing Land Availability Assessment (SHLAA) as not being suitable for development. It has been raised that there are other available housing sites within the village which are closer to services, facilities and amenities. Concerns are raised with regards to loss of outlook and privacy as well as overlooking concerns. Some residents are also concerned about the disruption which will be caused during the development stage including noise, mess and traffic congestion. Finally there are worries that the proposed development would see a devaluation in house prices of existing properties.

APPLICANTS STATEMENT:

The planning statement submitted with the application has considered the principle of the proposed development against the policy context set out within the National Planning Policy Framework and the Development Plan. The proposed development represents an affordable housing led scheme, with an element of 'self build' market housing to subsidise the purchase of the land (consistent with the Framework). In this respect the proposed development is contrary to a number of Development Plan policies although the overriding planning benefit of securing local needs housing for the local community provides justification for the proposed development in this location.

The following salient issues are identified to be taken into consideration in the determination of this planning application:

- The proposed development will assist in meeting an identified affordable housing requirement within Thornley;
- Allocations within the emerging Local Plan cannot deliver the 'full' objectively assessed affordable housing requirements. The development will contribute towards achieving this;
- One of the proposed allocations within Thornley may be deliverable over the Plan period although not until the latter stages and will not contribute to the immediate affordable housing shortage identified in the SHMA;
- The delivery of bungalows will cater for the increasing aging population of the area and release larger family housing;
- The proposed development incorporates a mix of residential types and sizes, including a 6 no. bungalows and a variety of 2 and 3 bedroom houses;
- The design and layout of the proposed development has taken into account the surrounding land uses, in accordance with the relevant policy discussed in
- The application has been considered in the context of other sites in and around Thornley and has demonstrated this is the only site which is currently deliverable for the proposed development within the context of the development proposed;
- The proposed development will result in a significant financial benefit to the local planning authority (in accordance with the material considerations set out at Section 143 of the Localism Act), in the form of New Homes Bonus; and,
- The proposal will result in the delivery of a highly sustainable development with all properties completed to Level 3 of the Code for Sustainable Homes and an average 14.85% reduction in energy requirements over 2010 building regulation standards.

Having considered the above salient issues it is concluded that the proposed development is entirely suitable for the application site and will represent a sustainable development in the context of the Framework. In this respect it is considered that the proposed development should be approved without delay, as set out in paragraph 14 of the Framework.

PLANNING CONSIDERATIONS AND ASSESSMENT

46. 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; layout, design and visual amenity; residential amenity; affordable housing and section 106 contributions; and other issues.

Principle of residential development

47. This scheme proposes housing development on greenfield land that is located outside of the existing settlement boundary for Thornley. 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 policies 3 and 67 of the local plan on account the proposal does not comprise previously-developed land within the settlement. Therefore, there would need to be other material considerations to justify a departure from those policies.
48. 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. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. 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.
49. In terms of the emerging County Durham Plan (CDP), the "Pre-Submission Draft" underwent consultation from October to December 2013. Within that draft are the raft of housing sites which are earmarked as allocations to meet housing need up to 2030. Thornley is recognised as a medium sized village (4th tier) within the Settlement Study in recognition that it possesses moderate access to services and facilities within the village, but also good connectivity by public transport to higher tier settlements which have a wider retail offer, employment opportunities and services.
50. Within Thornley two sites have been identified as housing allocations in the CDP. These are:
- H75: Dunelm Stables (SHLAA Ref: 5/TH/06) which is anticipated to be delivered over the medium-term (6-10 years) of the Plan; and,
 - H76: North of Hartlepool Street (SHLAA Ref's: 5/TH/01 & 5/TH/02) which is projected toward the later phases of the Plan.
51. The proposed site in this application has been assessed as part of the development of the CDP and has an unsuitable (amber) classification within the SHLAA. Consequently it has been discounted for housing, and it is not identified in the list of Housing Land Allocations within the CDP. The principal reason why the site was considered to be unsuitable for housing is the *"Development of this agricultural field, which slopes down to the main road, would significantly detract from the landscape and views from the road"*.
52. This clarifies that the issue regarding suitability of the application site is not concerned with whether it is sustainable to develop housing within Thornley, but rather technical issues primarily concerning the landscape impact of developing this particular site. At the time of the SHLAA assessment the proposer of the site was unable to prove that no demonstrable harm would result from development to the satisfaction of the Council, and the landscape impact of developing the site was considered to be significantly adverse to preclude development. The SHLAA

methodology is explicit that if evidence is provided demonstrating that the technical constraint can be overcome, or addressed with appropriate mitigation, the site classification may be reviewed to suitable.

53. As part of the submission of this application the proposed site layout shows the housing layout, and it is noted that the formal response from the Council's Landscape Team advises that they have no in-principle objections to the development. As addressing these issues leads to a form of development that is now considered acceptable in landscape terms, this represents the evidence required which could justify the grant of planning permission, subject to other material planning considerations, and the site would be amended to green/suitable in future reviews of the SHLAA.
54. Another matter to consider with the emerging CDP is whether the development of this non-allocated site would potentially undermine the two identified sites. More specifically it needs to be established if any harm would result in terms of undermining the deliverability of the two preferred sites if this site is also permitted.
55. Details submitted in the planning statement as part of the application have subsequently sought to address the concerns with regards to the other allocated sites within Thornley. In terms of the Dunelm Stables allocated site, the existence of a restrictive covenant (limiting use of the land for agricultural purposes) has been brought to the Council's attention by the applicant. This has been verified, and it is therefore acknowledged that an agreement (most likely financial) between all parties would need to be reached to have the covenant discharged. It is acknowledged that this will influence timescales for delivery and the Council are satisfied that this site can be discounted as an option for delivering the affordable housing proposed by this application over the short-term. The applicant has sought to discount this allocated site north of Hartlepool Street on the grounds that developing a portion of the site for affordable housing would not represent the most appropriate means of developing the site, and would not achieve the land values sought by the Council. To draw this conclusion without firstly speaking with the Council's Assets Team is highly presumptuous. If a proposal was tabled to Assets, there does not seem to be a reason why its disposal could not be accelerated to facilitate this development taking place on part of the allocated site. The justification for dismissing this site is therefore not accepted.
56. Notwithstanding the availability of the Hartlepool Street site, given that the landscape impact of developing the application site has now been found to be acceptable, the material harm that would accrue to the emerging CDP by permitting this application is not considered to be significantly adverse, given the low number of housing units involved, and the benefits which will accrue in terms of meeting housing requirements in the short term. The applicant's planning statement advises that 28 of the 34 dwellings will be affordable housing and partially funded through public subsidy by the Homes and Communities Agency (HCA). The applicant asserts that the subsidy is time limited and needs to be spent by March 2015, and this has been independently verified with the HCA.
57. It is important to address how much weight can be attributed to the emerging CDP at this stage. Paragraph 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in its preparation, the greater the weight that may be given. Allied to this, the fewer and less significant the objections to the plan, the greater the weight that may be given. Although this proposal also contravenes policies 15 & 35 of the emerging plan, as both policies received objections during the recent consultation, little weight can be applied. Recent Secretary of State call-in decisions have attributed "limited"

and “little” weight to emerging Plans in recognition that they could be subject to further amendments in order to resolve issues likely to be discussed at the Examination in Public (EiP). The EiP for the CDP is scheduled to take place in summer 2014, so at the current stage whilst some weight can be attached to the emerging policies, it should not be a factor of decisive weight in appraising this application.

58. The application conflicts with the existing local plan however the strategy and approach of the local plan is no longer wholly consistent with the aims of the NPPF. The development does not accord with policies 15 and 35 of the emerging CDP, but given objections have been received on these policies through the most recent consultation it is considered that little weight can be afforded to these emerging policies. It is acknowledged that the scheme is delivering housing which will meet the housing needs of the settlement in the short term. It is not considered that the proposed development would compromise the long term deliverability of other allocated sites in Thornley and therefore the development would not undermine the deliverability of the CDP.
59. On balance, it is considered that the proposed development would be in line with the sustainable aims of the NPPF and would not compromise the deliverability of the emerging CDP; and therefore the principle of developing on this site can be supported in this instance.

Highway and access issues

60. The layout of the estate has been designed so the majority of the properties have 2no. car parking spaces each which is considered acceptable and in compliance with the Durham County Council’s Residential Car Parking Standards. The internal road layout and the driveways are also acceptable in highway terms. The proposed access into the site is from the east corner of the site onto the B1279 Dunelm Road. The Highway Authority has not raised any objections to the proposed access indicating that adequate visibility splays can be achieved.
61. The Highways Authority has raised a concern with regards to the existing junction sight visibility to the junction of the B1279 Dunelm Road with the A181. It is considered that this visibility issue and highway safety would be further compromised as a result of the increase in traffic from the proposed development. This issue is further highlighted as local residents have also raised concerns with regards to the existing visibility at this junction with the A181. In order to increase highway safety at this junction the developer is proposing to provide a financial contribution towards improvements to the junction which will provide verge hardening to the east of the junction which would significantly improve sight visibility. The Highways Authority have stated that providing these improvements are made to the A181 junction, there would be no adverse impact upon highway safety as a result of the proposed development. A condition is recommended ensuring these junction improvements are fully undertaken and completed.
62. 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 36 and 37 of the local plan.

Layout, design and visual amenity

63. It is noted that the original SHLAA assessment for this site considered that development on this parcel of land would significantly detract from the landscape and views from the road. The County Landscape Officer has acknowledged that since

this SHLAA assessment, the previous Crossways Hotel site on the opposite side of Dunelm Road has been developed as a housing estate. The development of the Crossways Hotel site introduces a consolidated built environment along the front of the A181 and it is considered that it would be appropriate to introduce housing on the application site as it would balance the entrance to Thornley village by having housing on either side of the road.

64. In terms of the impact the proposed development would have on views from the A181, it is accepted that some of the housing would be visible. However the majority of the hedging along the south and east boundaries of the site are to be retained with some replacement hedging where required. This hedging would screen the main views of the housing and it is likely that only the upper floors or roofs of the properties would be visible from the A181. The layout has been designed to position some bungalows along the south boundary of the site which would lessen the visual impact from the A181.
65. It is considered that given the presence of the existing hedgerow, which provides a level of screening, and that the development would be balancing the built environment with the adjacent housing estate at the entrance to the village, that the proposed development would not compromise the visual appearance of the surrounding landscape.
66. The layout of the proposed estate and the design of the properties are considered to be typical of a modern housing estate. There is a mix of two storey detached, semi-detached and linked properties as well as bungalows proposed which provides a good range of different house types on the estate. The proposed properties are to be constructed from a mix of traditional materials with brick walls and roof tiles. Driveways and walkways are to be black tarmac with close boarded timber fencing for boundary treatment. A landscape plan has been provided which shows the retention of the hedging to the south, west and east of the site as well as replacement hedging along certain sections of the boundary. The proposed development represents a standard housing estate which would not appear visually intrusive within the surrounding area.
67. Overall, it is considered that the proposed development would not appear intrusive within the surrounding landscape and the design and layout of the properties and the estate would not have an adverse impact on the visual amenity of the surrounding area. The proposal is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.

Residential amenity

68. Internally within the site, the relationship between the proposed properties is acceptable, as the specified 21 metre and 13.5 metre separation distances described in the local plan are achieved between the dwellings. This would ensure that sufficient levels of privacy would be achieved for future occupiers of the new houses. Each new property would also have sufficient amounts of private rear garden amenity space. There are neighbouring properties located to the north and east of the site however these are sited over 21 metres from any proposed property which would ensure neighbouring occupiers would not be detrimentally affected in terms of overbearing or overshadowing impacts or loss of privacy.
69. Residents have raised concerns regarding loss of outlook, privacy and overlooking from the proposed development. As described above, adequate separation distances are achieved which are in line with guidance detailed in the local plan, therefore it is not considered the local residents would be compromised in terms of

loss of outlook, privacy and overlooking. It is also noted that loss of view is not a material planning consideration when determining a planning application. Concerns have also been raised over the general disruption which will occur during the construction works of the development. It is accepted that there will be some minor disruption during construction periods however this would only be limited to a short period whilst the development is being built. The Council's Environmental Health Team has not raised any objections to the proposed development. A condition has been recommended however restricting the construction working hours. In order to protect the local residents from any disruption outside of normal working day hours, a condition is subsequently recommended.

70. A number of residents have also commented that existing utility services are poor in the area, in particular low water pressure, sewerage blockages and regular power cuts. Concerns are raised that the proposed development would make the current utility situation worse for existing residents. The developer has submitted a utilities statement with the planning application indicating that they have liaised with utility companies Northumbrian Water, British Telecom and the Northern Powergrid. No objections have been raised from the utility companies and it has been indicated that the existing services in the area can adequately accommodate the proposed housing development. The concerns from the existing residents are noted however the evidence presented within this application, and given there have been no objections from utility companies, indicates that the proposed housing can be developed without adversely impacting upon the utility services. Therefore on this basis it is not considered a justifiable refusal reason could be substantiated on this particular issue.
71. Finally it is noted that some residents have concerns that the proposed housing development could result in the devaluation of house prices for the existing properties in the area. The devaluation of house prices is not a material planning consideration and is not a justified reason to refuse planning permission.
72. Overall, it is considered that the proposed development has been sensitively designed and 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 1, 35, 36 and 37 of the local plan.

Affordable housing and section 106 contributions

73. 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”.
74. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area, while the NPPF makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via Section 106 legal agreement. In this instance the applicant is proposing 28 of the 34 dwellings will be affordable housing equating to 82% of the site. The affordable housing provision is to be partially funded through public subsidy by the Homes and Communities Agency (HCA) and following completion of the development it is proposed that the affordable units will be managed by Home Group which is a recognised social landlord. It is considered the provision of 82% affordable provision provided on this site would go some way to meeting the short term housing

need in the locality and is subsequently supported. The provision of the affordable housing on this site would be secured through a Section 106 legal agreement.

75. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £17,000, based on the sum of £500 per dwelling, is being offered towards the adequate provision for children's play space and outdoor recreation space in the locality. As discussed under the 'highways and access' section of this report a financial contribution is also to be made towards the improvements of the access junction of Dunelm Road with the A181. These contributions are to be secured through a Section 106 legal agreement.
76. 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 and would be in accordance with policy 66 of the local plan and requirements detailed in the NPPF.

Other issues

77. The Environment Agency, Northumbrian Water and the Police Architectural Liaison Officer have been consulted on the proposed application and no objections have been raised. The Council's Environmental Health Contamination Team and Sustainability Team have also not raised any objections to the proposed development.
78. 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.
79. 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.
80. 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 habitat survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion although further information is requested. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF.

CONCLUSION

81. The proposed development would not strictly accord with the existing local plan and the development does not accord with policies 15 and 35 of the emerging CDP. Given objections have been received on policies 15 and 35 of the CDP through the most recent consultation it is considered that little weight can be afforded to these emerging policies. It is acknowledged that the scheme is delivering housing which will meet the housing needs of the settlement in the short term. It is not considered that the proposed development would compromise the long term deliverability of other allocated sites in Thornley and therefore the development would not undermine the deliverability of the CDP. On balance, it is considered that the proposed development would be in line with the sustainable aims of the NPPF and would not compromise the deliverability of the emerging CDP; and therefore the principle of developing on this site can be supported in this instance.
82. The Highways Authority has confirmed that the internal road layout and parking provision for the development is acceptable. Adequate visibility can be achieved from the site access onto the Dunelm Road. Improvements would be sought to improve the visibility splays from the main junction where Dunelm Road meets the A181 which would ensure that the increase in traffic resulting from the proposed site would not compromise highway safety. Overall, the proposed development is considered acceptable in highway terms and would not adversely affect highway safety for pedestrians, vehicles or other highway users. The proposals would be in accordance with policies 36 and 37 of the local plan.
83. The proposed development would introduce a typical modern housing estate with the properties built from traditional materials that would not appear out of place within the local street scene. Hedging and landscaping are to be retained and introduced along the site boundaries which will help screen the development from the main roads. It is noted that with the development of the adjacent Crossways Hotel site, the construction of housing on this site would balance the built environment to the entrance of the village. It is not considered the proposal would appear intrusive within the surrounding area and from wider landscape perspectives. The proposals would be in accordance with policies 1, 35, 36 and 37 of the local plan.
84. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Utility companies have been consulted with regards to the proposed development and no objections have been made indicating that the development can be adequately serviced. 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 1, 35, 36 and 37 of the local plan.
85. The proposed development would deliver 82% affordable housing on the site which far exceeds the normal requirements for the East Durham area. The affordable housing provision is to be partially funded through public subsidy by the Homes and Communities Agency (HCA) and following completion of the development it is proposed that the affordable units will be managed by Home Group which is a recognised social landlord. A number of improvements would also be facilitated within the surrounding area arising from developer contributions that would improve the highway road network and enhance sport and recreational provisions in the

surrounding area. These would be secured through a proposed Section 106 Agreement.

86. A detailed ecology survey has been submitted with the application and this survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. As such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF.

87. 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 as a justifiable departure from existing policy. 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 affordable housing, and the payment of commuted sums towards highway improvements; and enhancements to sports provision and recreational areas in the locality; and subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

| Plan Ref No. | Description | Date Received |
|---------------------|--|----------------------|
| 120 001 L | Proposed Site Layout | 31/01/2014 |
| 120 002 B | Proposed External Material Schedule | 21/01/2014 |
| 120 F104-1 A | Proposed Floor Plans & Elevations – House Type F104 | 21/01/2014 |
| 120 F112-1 A | Proposed Floor Plans & Elevations – House Type F114 | 21/01/2014 |
| 120 F114-1 A | Proposed Floor Plans & Elevations – House Type F114 | 27/11/2013 |
| 120 PARK-13 | Proposed Floor Plans & Elevations – House Type Parkwood | 27/11/2013 |
| 120 DAL-12 | Proposed Floor Plans & Elevations – House Type Dalton | 27/11/2013 |

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify

those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period.

Reason: In the interests of the visual amenity of the area and to comply with policies 1 and 35 of the Easington District Local Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policies 1 and 35 of the Easington District Local Plan.

5. No development works (including demolition) shall be undertaken outside the hours of 08:00am to 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policy 1 of the Easington District Local Plan.

6. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Appraisal prepared by Brooks Ecological dated October 2013.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

7. Prior to any development commencing on site a scheme for proposed highway verge hardening adjacent to the A181 must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be completed prior to the occupation of the first dwelling.

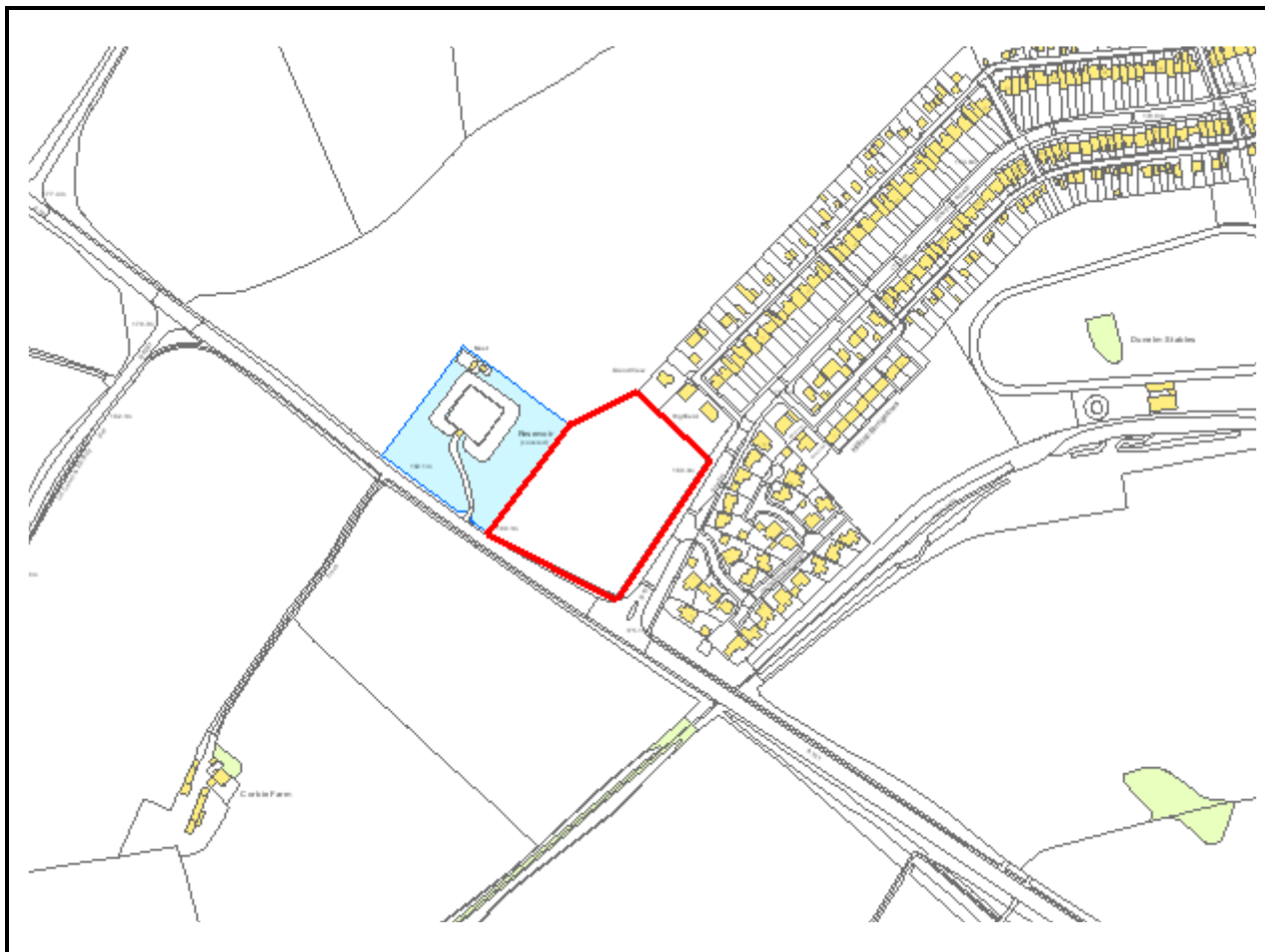
Reason: In the interest of highway safety and to comply with policies 36 and 37 of the Easington District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

8. 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 within target provided to the applicant on submission and 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
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

28no. Affordable Dwellings & 6no. Dwellings Including Landscaping and Access at Land North of Dunelm Road and A181, Thornley, Co. Durham Ref: CE/13/01554/FPA

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Comments

Date 11th February 2014