

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0438
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 175 DWELLINGS
NAME OF APPLICANT SITE ADDRESS	PERSIMMON HOMES LAND NORTH OF STATION ROAD & EAST OF SALTERS LANE, INCLUDING SITE OF FORMER FLEMING HOTEL & BRUNTONS GARAGE, SHOTTON
ELECTORAL DIVISION CASE OFFICER	SHOTTON Barry Gavillet 03000261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site extends to approximately 5.3 hectares and occupies land on the north side of Station Road, Shotton, County Durham. The site previously contained a petrol garage and associated buildings as well as a Public House, which have all since been demolished, this part of the site remains derelict and unsightly. The site also extends northwards into greenfield land; as a result, the site is a mix of both brownfield and greenfield land. The settlement boundary of Shotton runs through the site, and as such the site is part within and part outside of the settlement boundary. There are no specific landscape designations associated with the site.
- 2 Recent residential development exists beyond the south eastern site boundary and a disused railway line, which forms a recreational route, abuts the north eastern boundary. A linear development of traditional 'Aged Miners' Homes' abuts the western edge of the site along Salter's Lane; further residential development containing a mix of terraced and semi detached units exists to the south. Beyond the northern boundary is open countryside which is split between a tree plantation to the west and agricultural land to the east.

Proposal:

- 3 This application proposes 175 residential dwellings, 20% of which would be affordable housing in the form of social rented properties and discounted sale. Initially the application proposed 204 dwellings however this number has been reduced after negotiations with officers.
- 4 The development would comprise a mix of two, three and four bedroom dwellings and would include bungalows as part of the affordable housing offer. There would be a variety of house types, all with off street parking in the form of integral and detached garaging along with front and rear gardens. Towards the centre of the site a 'village green' space would be created and enclosed by traditional iron railings. The dwellings surrounding the village green would be 'village' housetypes with traditional features such as traditional paneled front and garage doors and canopies over the main entrances. To the front of the site, dwellings would be two and a half storeys in height in order to create a strong frontage and attractive entrance. Dwellings would be constructed of traditional brick and render with tiled roofs, boundary enclosures would be constructed of brick pillars and timber fencing.
- 5 Vehicular access into the site would be achieved directly from Station Road through the provision of a new roundabout which forms the southern site boundary.
- 6 This application is being reported to committee as it represents a major proposal.

PLANNING HISTORY

PLAN/2004/0880 – Bruntons Garage, Residential Development, Withdrawn - 2004
PLAN/2005/0106 - Bruntons Garage, Residential Development, Approved - 2005
PLAN/2008/0163 – Bruntons Garage and Fleming Hotel, 34 Dwellings, Withdrawn - 2008

PLANNING POLICY

NATIONAL POLICY:

- 7 Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 8 Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 9 Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 10 Planning Policy Guidance 13's (PPG13) objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

- 11 Planning Policy Guidance 17 (PPG17) sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.
- 12 The emerging National Planning Policy Framework (NPPF), currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLAN POLICY

- 13 *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.*
- 14 In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies by making Orders under Section 109 of the Localism Act 2011. Both the RSS and the stated intention to make the necessary Orders are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant.
- 15 Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
- 16 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.
- 17 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.
- 18 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.

- 19 Policy 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.
- 20 Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
- 21 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.
- 22 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.
- 23 Policy 33 - Seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species
- 24 Policy 38 - Sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

District of Easington Local Plan

- 25 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.
- 26 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.
- 27 Policy 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.
- 28 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.
- 29 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

- 30 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.
- 31 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.

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

STATUTORY RESPONSES:

- 32 Highways Agency – no objections
- 33 Natural England – no objections
- 34 Northumbrian Water – no objections
- 35 Durham Constabulary – no objections. Informal advice offered

INTERNAL CONSULTEE RESPONSES:

- 36 Highways Officer – no objections. Layout amended as a result of highways comments and conditions required regarding traffic calming measures.
- 37 Design Officer – no objections. Advice offered relating to layout and design of scheme.
- 38 Landscape Officer – no objections. Advice offered relating to landscaping scheme.
- 39 Tree Officer – no objections. Condition suggested in order to protect existing trees during construction.
- 40 Archaeology Officer – no objections subject to trial trenches and recording scheme being carried out.
- 41 Planning Policy – no objections. Benefits of the scheme outweigh any policy concerns
- 42 Environmental Health – no objections. Conditions suggested relating to construction hours. Initial concerns related to aircraft noise from the nearby airfield, however it has not been necessary to carry out further works in this regard as it is not an issue which only relates to this site. Moreover, noise levels would be acceptable with regard to Planning Policy Statement 24 – Planning and Noise.
- 43 Ecology Officer – no objections subject to appropriate mitigation and off site ecological works being carried out

PUBLIC RESPONSES:

- 44 The application has been advertised by way of press notice, site notice and letters to individual occupiers.
- 45 Twelve letters have been received from members of the public, 8 objections, 2 letters of support and 2 letters with general comments.
- 46 The main reasons for objection are an increase in vehicular traffic, the scale of the development, the lack of facilities in the village, an adverse impact on wildlife, potential problems with flooding and that the development would lead to a decrease in house prices.

APPLICANTS STATEMENT:

- 47 This development offers the opportunity to create a new sustainable residential development within Shotton Colliery. The proposals for 175 units across a mix of two, three and four bedroom properties including 20% affordable housing provides an excellent range and choice of dwellings to satisfy local need not only in the immediate locality but also the wider County Durham area.
- 48 We have engaged with the Council throughout the planning process and are satisfied that the scale and form of development, as well the proposed housing mix is appropriate within this locality. The proposals will redevelop a part brownfield and part greenfield site on the edge of the settlement, creating a new, attractive residential development for the town.
- 49 The site is highly sustainable in relation to local amenity with open space and recreational facilities, health care services and local schools within close proximity of the development. Furthermore, existing public transport routes directly adjacent to the site entrance provide frequent services to key retail and employment opportunities within Shotton town centre and the neighbouring settlements. The investment opportunity associated with new development will help sustain and retain existing services within Shotton Colliery.
- 50 Public consultation on the proposed plans was overwhelmingly positive, with a high majority of local support for the scheme who welcomed not only the provision of new housing within the locality, but also the potential for wider investment benefits for Shotton.
- 51 Finally, the impacts of development have been mitigated in a comprehensive planning gain package including improvements to local infrastructure, education facilities, off-site sports provision, funds for the refurbishment of Shotton Colliery Community Centre as well as procuring 20% on site affordable housing amounting to 35 new affordable homes for Shotton. Collectively, the planning gain package is in excess of £2 million which will help integrate the development into the community.

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=116238>

PLANNING CONSIDERATION AND ASSESSMENT

52 The main planning considerations relating to this application are the relevant planning policies, affordable housing, design and layout of development, highways issues, community benefits, other issues and consultation responses.

Planning Policy

53 From a planning policy perspective, it is considered that the key issues in relation to this application are:

- a) the extent to which the proposed development accords with the development plan for the area;
- b) the extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3: *Housing* (PPS3), with particular regard towards delivering:
 - (i) high quality housing that is well-designed and built to a high standard;
 - (ii) a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;
 - (iii) a sufficient quantity of housing taking into account need and demand and seeking to improve choice;
 - (iv) housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;
 - (v) a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate; and,
- c) Availability and suitability of any sequentially preferable sites in the same locality; and,
- d) Whether the site should be released for housing development, having regard to the housing land supply situation in the former Easington area.

54 For the purposes of clarity the application site can be considered in two parts, the smaller area which fronts onto Station Road and which is enclosed by the northern settlement boundary is previously-developed land and comprises an area of hard-standing following the demolition of the Fleming Hotel. The development of this portion of the application site for housing is relatively straightforward as it accords with saved Policy 67 (Windfalls) of the local plan on account that the site comprises a previously developed site within the settlement boundary of Shotton.

- 55 The larger area, shown without any designation in the local plan, is greenfield land and lies beyond the settlement boundary. This element of the application must be considered as development in the countryside, in terms of saved Policy 3. This states that “Other than specifically allowed for by other policies, development in the countryside will not be approved”.
- 56 Taking this into consideration, it is clear that there is a significant proportion of this proposal which is in conflict with the Easington Local Plan element of the development plan. Consequently, for this application to be considered favourably in its entirety there will need to be other material considerations which override the normal presumption against development outside of the settlement envelope.

Compliance with the Regional Spatial Strategy (RSS)

- 57 The RSS remains part of the development plan for the time being following the CALA Homes High Court decision. The Government had argued that the High Court decision changed little, and that its intention to revoke them was a material consideration which LPA’s needed to take account of. The court of appeal has added further clarity by declaring that the proposed abolition of the strategies is not a material consideration in plan-making. It said the intention must be viewed in the context of both the Localism Bill (now Act) and the need to undertake strategic environmental assessment of the effects of revoking the strategies. It held that significant weight could only be attached to the intention in exceptional cases and, even then, very clear and cogent reasons for doing so should be given. In view of this, it is clear that the RSS remains a key component of the development plan and should be afforded significant weight in the determination of this application.
- 58 The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
- 59 The locational strategy for the north east region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region’s housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
- 60 The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
- 61 As part of the on-going production of ‘The County Durham Plan’, a ‘Settlement Study’ has been carried out. This study looks at the amenities possessed by the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Shotton is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities, and developing housing within the settlement would be sustainable development.

- 62 Secondary settlements are going to be a focus for significant development over the plan period. The 'Policy Directions' version of the County Durham Plan (May 2011) sets out the Council's proposal for 350 net new dwellings to be developed in Shotton up to 2030. This application proposal for 175 dwellings represents a significant proportion of the proposed housing allocation for Shotton. In view of this, careful consideration needs to be given as to whether there are any sequentially preferable sites located within the settlement boundary which should be brought forward for development before this site.

Sequential Approach

- 63 In identifying land for development, LPA's should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6, 10 and 29 the focus should be on increasing housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of Greenfield sites. A phasing approach to development should be adopted (Policy 5), with sites released in accordance with the sequential approach.
- 64 Whilst these policies are primarily aimed at plan-making, these principles can equally be applied to planning proposals, particularly in instances when developers are submitting applications before there is an opportunity to consider different sites on a level playing field though the development of the plan in an open and transparent manner.

Alternative Sites

- 65 The SHLAA for County Durham identifies one other 'Suitable' site within Shotton. This site at Windsor Place has in part been developed out, the remainder of the site was subject to a formal planning application in 2008 (PLAN/5/2008/0082). The SHLAA indicates this site has a capacity of around 86 units. Whilst it could be argued that granting permission to the application site could undermine the prospect of this allocated site (within the settlement boundary) from coming forward for development, it is necessary to consider whether that site is actually deliverable in the short-term. It is a Council owned site which is programmed for disposal in 2012/13. Taking this into consideration it is unlikely to be in a position to deliver housing until 2013/14 at the earliest, so whilst this site may be better located than the application site, it is not in a position to make a tangible short-term impact on housing delivery.
- 66 Having established the above position regarding alternative sites, it is considered that the release of this site in advance of the production of the County Durham Plan will not compromise the ability to make real choices in the refinement of the plan. To elaborate, whilst 175 units accounts for 50% of the proposed housing allocation for Shotton (Policy Directions Paper, May 2011), given how there are issues regarding the short-term deliverability of alternative SHLAA sites within the settlement, it is not considered that the release of this site now will impede the Council as it develops its preferred options as to where new housing will go throughout the County. In addition, it is important to remember that the housing targets in the Plan will be floor targets, rather than ceilings.

Compliance with PPS3: Housing - 5 year housing land supply

- 67 PPS3 clarifies that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure (Para 36).
- 68 Housing Policy 28 of RSS for the North East seeks an annual average provision of 1,615 dwellings in County Durham up to 2021, with the adequacy of this level of provision being reviewed by future monitoring and revisions of the RSS. In due course, the County Durham Plan will set its own housing targets for the period up to 2030, however, until the figures contained within the "Policy Directions" document are firmed up and tested through examination, the RSS remains relevant to development proposals until the Government has completed a strategic environmental assessment of the effects of revoking the strategies.
- 69 The RSS requires the (former) Easington District to provide 4,015 net new dwellings from 2004–2021 at an average of 235 units per annum (370 for the period 2004-11, 215 for 2011-16 and 70 for 2016-21). This figure should be treated as a floor target, so represents the minimum number of dwellings which must be provided.
- 70 During the first 7 years of the RSS period (2004 - 2011) there were 2,102 (net) new dwellings completed in the Easington area. This represents a cumulative shortfall of 488 dwellings against the RSS target for that period (2,590 dwellings). It is important to point out that this performance is influenced by the prevailing market conditions since 2008 relating to people's restricted ability to secure mortgages, house builders' inability to access funding at reasonable interest rates, the overall viability of schemes and the reluctance of some landowners to sell land at depressed land values. All these factors have resulted in house building levels declining in many areas.
- 71 The undersupply over the first 7 years of the RSS has to be added to the target for the next 5-years. Therefore the revised 5 year land supply requirement for the Easington area is as follows:
- RSS requirement 2011 - 2016 is 1,075 dwellings
 - Shortfall from 2004 - 11 against RSS requirement of 2,590 dwellings is 488 dwellings
 - Revised 5-year housing requirement for 2011 – 2016 is 1,563 dwellings
- 72 The County Durham SHLAA indicates that 1,229 dwellings could potentially be built in the next 5 years (2011 – 2016) within the Easington area. This is 334 dwellings fewer than the revised 5-year target requires. Consequently the Easington area fails to meet its 5 year housing supply, as required by PPS3 (para 54). It is important to clarify that the figure of 1,229 dwellings includes 40 units from the application site. Whilst the SHLAA trajectory is not definitive and does not specify when a scheme will come forward for development, it is apparent that releasing this land now will enable this scheme to make a more telling contribution towards delivering housing units in the next 5 years.

73 Paragraph 71 of PPS3 states that “*where LPAs cannot demonstrate an up-to date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS, including the consideration in paragraph 69*”. Para 69 of PPS3 advises that in deciding planning applications, LPAs should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

74 Assessing this proposal against the above criteria, it is considered that permitting housing on this land would deliver housing which is both high quality, and of a good mix meeting the requirements of all sectors of the community. For example bungalows are provided for the elderly, and family housing with rear gardens will be delivered. The scheme comprises an efficient use of land, and it is considered acceptable to deliver this level of housing within a village identified as a secondary settlement within the Council’s settlement study. Whilst another site within the settlement has been identified, it is clear that it will not become available for a number of years, and unlikely to deliver units in the short-term.

Draft National Planning Policy Framework (NPPF)

75 The NPPF represents a fundamental reassessment of both the overall direction and the detail of the planning system in England, intended to support economic recovery and play a key role in delivering the government’s localism agenda. The draft NPPF is the outcome of a review of planning policy, designed to consolidate policy statements, circulars and guidance documents into a single concise Framework. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible.

76 At the heart of the new system is a new ‘presumption in favour of sustainable development’. The Framework requires proposals for ‘sustainable development’ to be approved “unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits”. Since the NPPF was issued for consultation, there have been numerous applications called-in by the Secretary of State (SoS) for determination. Tellingly all decision letters have advised that: “*The Government published a consultation draft National Planning Policy Framework on 25 July 2011. Whilst the SoS has had regard to this document in his determination of this case, as it is for consultation and is subject to change, he has given it little weight*”.

77 It is important to clarify that these comments have been prepared in the context of the draft NPPF, however, given the statement by the SoS, the weight to be attached to it needs to be qualified accordingly. The emerging County Durham Plan recognises the need to make available land that is genuinely attractive to the development industry, that will help to generate growth in our underperforming economy and that gives the opportunity to generate appropriate Community Infrastructure Levy (CIL). As such the plan proposes new development in the most buoyant towns in the County, with green belt releases and positive encouragement of appropriate housing types. This approach was adopted prior to the Government launching the Localism initiative and as such Officers fully embrace the emerging planning approach. Officers positive approach to delivering growth in the County must be balanced against the requirement to deliver sustainable mixed communities in the right locations, and schemes which deliver a full raft of community benefits. Schemes which are approved in advance of the Council introducing a CIL charging schedule must be expected to deliver the same level of community benefits as those which will contribute to a CIL. This scheme proposes a raft of community benefits which can be summarised as follows:

- On site affordable housing
- Contribution towards off site recreation space;
- Contribution towards a refurbishment of the community centre;
- Contribution towards shop front improvements; and,
- Contribution towards a school classroom extension.

78 It is considered that these represent significant benefits which can be afforded significant weight in the determination of this application, and that this scheme broadly accords with the draft NPPF.

Affordable Housing

79 The provision of affordable housing where a need has been identified is encouraged through PPS3, and Policy 30 of the RSS requires 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. It is important to remember that the provision of affordable housing is only a benefit if the site is otherwise considered suitable for residential development in general.

80 The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 20% affordable housing across the former Easington area (on sites of 15 or more dwellings), while PPS3 (Para 29) makes plain the importance of the SHMA in setting targets. The SHMA therefore provides the justification for seeking 20% affordable housing provision on this unallocated site..

81 The applicant has agreed to provide 20% affordable housing as part of its scheme, with a split of 50:50 between social rented and intermediate housing. Whilst this represents a deviation from the recommendations within the SHMA (which advocates 80% social rented and 20% intermediate housing), it is, after all only a starting point for negotiations and Housing Strategy Officers have confirmed that they are satisfied with this proposal in light of the wider benefits brought about through the delivery of affordable housing. In view of this, it is considered that the contribution this scheme will make toward meeting the housing needs of all sectors

of the community should be afforded significant weight in the determination of this application.

Design and layout of development

- 82 The proposed dwellings are all of traditional brick and tile construction, with vertical emphasis fenestration and feature window sills and heads, all with private rear garden areas and off-street parking. A condition to require a detailed schedule of bricks and tiles to be used on the development should be imposed to ensure these are suitable and take account of the materials in the locality. Details of acceptable boundary and plot-division fences form part of the application and thus a condition is not required to control these details, however, in order to ensure that the development retains its open plan appearance, permitted development rights should be removed to ensure no boundary enclosures are erected to the fronts of properties.
- 83 At the detailed level, the houses will be simple in form and appropriate in scale, with detailing drawn from the local context and vernacular. There is widespread use of brick within the immediate locality; accordingly the main walling materials should be brick and render, and colours and textures would be chosen to reflect these characteristics. However individual dwellings will incorporate additional features or contrasting materials to create focal points. For example, the dwellings surrounding the village green would be 'village' housetypes with traditional features such as traditional paneled front and garage doors, canopies over the main entrances and the use of traditional iron railings.
- 84 The development site is both brownfield and greenfield in nature, the southern portion of the site previously contained a petrol garage and associated buildings as well as a Public House which have since been demolished. As a result, there are no existing on site buildings or structures which would restrict the layout of the development, furthermore, the site is not restricted by topography. Consequently, this has allowed for the formulation of an attractive, coherent development.
- 85 The main vehicular arterial route through the development has been designed to maximise residential accessibility. Neighbourhood streets are fed from the distributor road into residential areas containing shared surfaces as well as private drives for dwelling access. Neighbourhood streets would primarily link together the residential areas feeding into shared surface areas and private drives to provide access to housing units.
- 86 The creation of a 'village green' concept within the centre of the site would create a significant new public space which would provide the focal point of the development. Residential 'village' housetypes would front onto the open space accessed via private drives to create an attractive streetscene. Furthermore, these dwellings would be positioned to ensure maximum natural surveillance of this area.
- 87 This form of development in terms of scale, design and layout is considered to be entirely appropriate for this particular location. Furthermore, permitted development rights for the site would also be removed in order to ensure that the development retains its open plan appearance and the appropriate level of off-street parking is retained.

Highways issues

- 88 Both the Highways Agency and the Council's Highways Officers have been consulted due to the scale of the development and the potential for the development to impact on both the A19 and the local highway network.
- 89 The Highways Agency have assessed the impact of the proposals on the A19 and have concluded that the increase in traffic at junctions from the A19 is lower than the threshold which would cause concerns, therefore the Highways Agency have no objections to the proposals.
- 90 The Highways Officers have assessed the proposals in terms of the local highway network and parking provision within the proposed development. Amendments to the layout plans have been made in accordance with requirements from the Highways Officer and therefore there are no objections raised. However, conditions are required which ensure that traffic calming measures are implemented within the site and speed limit signage along the B1280 and the C15 roads is erected to ensure highway safety. In addition, the parking provision within the proposed development has been deemed acceptable. In order to ensure that this level of off-street parking provision is retained, another condition should be used to ensure that the garages within the development are not subsequently converted into living accommodation.

Community benefits

- 91 The principles of a Section 106 legal agreement have been agreed with the applicant in order to offset the impacts of the proposals on the local community. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. The applicant has agreed to make a number of contributions towards local facilities and community infrastructure as follows:
- A financial contribution toward off site recreation space of £500 per dwelling.
 - A financial contribution toward the refurbishment and extension of the local community centre.
 - A financial contribution toward the extension or addition of local school classrooms.
 - A financial contribution toward shop front enhancement schemes within Shotton Centre. In lieu of on site retail which was not considered a viable or appropriate alternative by Officers or the applicant.
 - A contribution toward ecological enhancements to the adjacent Hart to Haswell Local Wildlife Site.
- 92 The formula for these financial contributions would be based upon the increase in the population of Shotton as a result of the development. For example, if the development results in a 14% increase in the population of Shotton, then 14% of the total cost of the community centre works would be provided.
- 93 In addition to the above it is considered that the 20% affordable housing offer on site, including bungalows, would be of significant benefit to the local community.

Other issues

- 94 During the application process Archaeology Officers recommended that the applicant submitted a report to show that the archaeological potential had been assessed prior

to the application being determined. The applicants undertook this report and the results showed a potential for prehistoric archaeology. As such, the Archaeology Officers have no objections to the proposals subject to conditions requiring trial trenching taking place during the development along with the recording of any finds for historic records.

- 95 Ecology Officers have confirmed that the submitted ecology survey adequately assesses the area in respect of protected species and habitats and that it is sufficient to inform the application. However, conditions have been requested which would mitigate the loss of any ecological habitats. This would include retention of hedgerows and landscape planting. In addition it has been requested that the developer funds some additional habitat improvement works along the adjacent Hart to Haswell Local Wildlife Site in part compensation for the loss of the meadow. The developer has agreed to these proposals.

Consultation responses

- 96 With regard to consultation responses from members of the public, it is not considered that the issues raised would warrant refusal of planning permission. Issues such as traffic generation, the scale of development, ecology and flooding have all been assessed by the relevant officers and external consultees who have concluded that these issues are all acceptable, subject to certain conditions being imposed. The issue relating to a decrease in house prices is not a material planning consideration which would have any weight in the determination of any planning application.

CONCLUSION

- 97 It is considered that the contribution the proposed scheme would make to addressing the housing supply in the (former) Easington area is a significant factor in favour of the application. Whilst another site in Shotton has been identified within the SHLAA, it is not considered that it is deliverable in the short-term. It is also considered that the current application site's release will not undermine the integrity of the emerging plan as it is developed. It is therefore considered that the proposal accords with the objectives in PPS3 and RSS policies 4, 6, 10 & 29 to locate housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The proposal will help ensure the creation of sustainable communities, and development which meets the housing needs of all sectors of the community. In addition the benefits to the community in terms of affordable housing, contributions towards recreation facilities, shop front enhancements, community centre improvements, education and ecology are all significant benefits for the residents of Shotton.

RECOMMENDATION

- 98 That the application be **APPROVED** subject to the applicant entering into a Section 106 legal agreement and 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 in strict accordance with the following approved plans. Plan References; Location Plan ref SS-000, Layout Plan ref SS-0001 rev D, Landscaping Plan ref C-786-01 Revision A, Typical Single and Double Garage Details ref SGD-01 rev B, Bungalow 2B3P-WD01,Chedworth CD-WD01, Cherryburn CY-WD01, Crathorne CR-WD01, Hanbury HB-WD01, Hatfield HT-WD01, The Moulton ML-WD01, Roseberry RS-WD01, Rufford RF-WD01, Souter SU-WD01, Winster WS-WD01, Souter (village) SU-WD05, Winster (village) WS-WD06, Chedworth (village) CD-WD06, Cherryburn (village) CY-WD06, Roseberry (village) RS-WD06, Hanbury (village) HB-WD06, The Moulton (village) ML-WD06, Crathorne (village) CR-WD06

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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected beyond the forwardmost wall of any dwelling that fronts onto a highway.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

4. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

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

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

6. 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 (or state if none required). 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 Planning Policy Statement 23 - Planning and Pollution Control.

7. 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 Planning Policy Statements 1 and 3.

8. Construction works or deliveries shall not take place outside the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 13.30 on Saturdays and not at all on Sundays or 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.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with a tree constraints plan in accordance with BS.5837:2005 to be submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
10. No dwellings shall be occupied until a travel plan has been submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to encourage sustainable means of travel in accordance with Planning Policy Guidance note 13 - Transport and saved policy 36 of the District of Easington Local Plan.
11. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
12. Notwithstanding the provisions of the Town and country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the proposed garaging facilities shall at all times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
13. Prior to the occupation of the first dwellinghouse a traffic calming scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented on completion of the surface course to the carriageways within the development.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
14. Prior to the occupation of the first dwellinghouse a scheme showing traffic calming features on the B1280 Salters Lane and the C15 complete with supporting speed limit signage on the B1280 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented no later than the occupation of the 50th dwelling within the development.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

15. 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 PPS5 as the site is deemed to be of archaeological interest.

16. Prior to the first dwellinghouse 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 policy PPS5 to make the information as widely accessible to the public as possible.

17. No development shall take place unless in accordance with the mitigation detailed within section D4 of the protected species report "An extended phase 1 and protected species survey of land off Salters Lane, Shotton Colliery" by E3 Ecology Ltd, received on 13th October 2011.

Reason: To conserve protected species and their habitat in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
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DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE
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PLANNING POLICY STATEMENT/GUIDANCE
REGIONAL SPATIAL STRATEGY
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ENV03 - Protection of the Countryside
ENV17 - Identification and Protection of Wildlife Corridors
GEN01 - General Principles of Development
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites
PPG13 - Transport
PPG17 - Planning for Open Space, Sport and Recreation
PPS3 - Housing
PPS7 - Sustainable Development in Rural Areas
Policy 1 - (North East Renaissance)
Policy 2 - (Sustainable Development)
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)
Policy 33 - (Biodiversity and Geodiversity)
Policy 38 - (Sustainable Construction)
Policy 4 - (Sequential Approach)
Policy 6 - (Locational Strategy)
Policy 7 - (Connectivity and Accessibility)
Policy 8 - (Protecting and Enhancing the Environment)

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, residential amenity, highway safety, ecology, archaeology, drainage and other environmental issues.
3. Objections to the proposals were not considered sufficient to warrant refusal of planning permission.

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
- Planning Policy Statements / Guidance
- Draft NPPF
- Consultation Responses



Planning Services

Proposed **RESIDENTIAL DEVELOPMENT**
COMPRISING 175 DWELLINGS at LAND
 NORTH OF STATION ROAD & EAST OF
 SALTERS LANE, INCLUDING SITE OF
 FORMER FLEMING HOTEL & BRUNTONS
 GARAGE, SHOTTON PL/5/2011/0438

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Comments

Date 2 August 2011

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