

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2013/0055
FULL APPLICATION DESCRIPTION:	86 no. dwellings, associated boundaries, garages & roads & diversion of public right of way
NAME OF APPLICANT:	Keepmoat
ADDRESS:	Land East of Windsor Place, Shotton
ELECTORAL DIVISION:	Shotton
CASE OFFICER:	Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. This application site is greenfield land of approximately 2.01 hectares located within the settlement limits for Shotton Colliery. The site is situated within surrounding area comprising a mix of residential and commercial /industrial uses. It is bounded to the south and west by existing residential development. To the north the site abuts the highway, Front Street and to the east of the site there is an existing scrap yard and builders yard.
2. Within the site there is an area of young woodland along the eastern boundary. The proposal involves the removal of the majority of this area of woodland, a financial contribution would be made through the Section 106 Agreement for off site compensatory ecological works. There is also an area of landscaping to the north west of the site, this landscaping is to be retained.

Proposal

3. Full planning permission is sought for the erection of 86 no. dwellings, associated boundaries, garages roads & diversion of a public right of way.
4. There would be eight house types on site, the dwellings would be of the following types:
 - 2 bed (2 storeys) 1.5 parking spaces – 18 units
 - 3 bed (2 storeys) 2 parking spaces – 21 units
 - 3 bed (2 storeys) 2 parking spaces – 19 units
 - 3 bed (2 storeys) attached garage + 1 space – 5 units
 - 3 bed (2 storeys) 2 parking spaces – 3 units
 - 3 bed (2.5 storeys) integral garage + 1 space – 5 units
 - 3 bed (2.5 storeys) Attached garage + 1 space – 11 units
 - 4 bed (2 storeys) Integral garage +1 space – 4 units

5. The proposed house types have been amended within the application to Keepmoats simpler house types. The proposed dwelling houses would comprise of a mix of contemporary detached, semi-detached and mid-terrace dwellings. The development would provide 9 no. affordable units, which equates to an affordable housing provision of 10%. It is proposed to transfer the affordable homes to a registered provider.
6. Access to the site would be taken from Front Street. The development includes the extinguishment of Shotton public footpath no. 7 through Section 257 of the Town and Country Planning Act.
7. A Section 106 Agreement accompanies the scheme to provide £43,000 for recreation space, £5,000 for off site ecological works and to ensure the provision of the 9 no. affordable residential units.
8. The application is reported to committee as it constitutes major residential development.

PLANNING HISTORY

9. PLAN/2008/0082 – 86 no. dwellings - Withdrawn
- 10.04/568 – Residential development comprising 94 no. dwellings – Approved 02/09/2004. This previous application related to a larger site but included the land subject to the current proposal. Miller Homes developed the southern half of the development allowed under the previous consent.

PLANNING POLICY

NATIONAL POLICY

11. 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.
12. 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'.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

14. *NPPF Part 1 – Building a Strong Competitive Economy* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

15. *NPPF Part 4 promoting Sustainable Transport* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
16. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
17. *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.
18. *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.
19. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
20. *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.

LOCAL PLAN POLICY:

21. *Policy 1- General Principles of Development* states that 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.
22. *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.
23. *Policy 35 – Design and Layout of Development* states that 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.

24. *Policy 36 – Design for Access and Means of Travel* seeks to ensure good access and encourage alternative means of travel to the private car.

25. *Policy 37 – The design and layout of development* should seek to minimise the level of parking provision (other than for cyclists and disabled people).

26. *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.

27. *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.

28. *Policy SH4* - 3.3 ha of land east of Windsor Place is allocated for housing. Development should incorporate existing tree belts along the site's eastern and north western boundaries and the retention or diversion of the existing public rights of way.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *The Highways Authority* has confirmed that the scheme has been amended to comply with the highways requirements and is therefore acceptable from a highways point of view.

30. *Environment Agency* initial comments have been received, additional details of surface water drainage were required and these are currently under consideration by the Environment Agency. Members shall be updated during committee of the further comments from the Environment Agency.

31. *Northumbrian Water* offers no objections

32. *Coal Authority* no objections

INTERNAL CONSULTEE RESPONSES:

33. *Landscape Officer* Objects to the loss of the woodland and is not satisfied that the off site financial contribution for ecological works can compensate for the loss of the woodland.

34. *Ecology Officer* is satisfied with the proposed mitigation measures for water voles. The loss of the majority of the woodland is of concern.

35. *Drainage Engineer* no comments offered

36. *Tree Officer* offers no objection subject to suitable protective measures for trees and appropriate future maintenance.

37. *Public Rights of Way Officer* is satisfied that the site plan shows pedestrian public access is suitably served into and out of the site via the pedestrian footway link to

Shotton Lane to the south of the site and via the main estate road footways to Front Street to the north of the site. The site plan also shows pedestrian access is suitably served within the site via footways adjoining the estate roads.

38. *Senior Low Carbon Officer* Disagrees with the method the applicant uses to calculate renewable energy data.
39. *Outdoor Sport and Leisure Officer* No objections
40. *Air Quality Officer* considers that the proposed development will not have any significant impact on air quality and in particular nitrogen dioxide concentration levels at existing receptors. Therefore no further screening of air quality is required. The previous traffic impact assessment and subsequent information are sufficient.
41. *Contaminated Land Officer* No objections
42. *Environmental Health Officer* has recommended suitable conditions
43. *Technical Support Officer – Open Spaces* no objection

PUBLIC RESPONSES:

44. The application has been advertised by way of a press notice, a site notice and letters to individual residents. Two e-mails of objection have been received from one property and two e-mails of objection have been received from another property making the following comments:
45. Concerns of proximity of plot 43 to 3 Eden View and the overshadowing the proposed dwelling house would create.
46. Concerns regarding access for fence maintenance from plot 43 to plot 38.
47. It would be better if the development faced onto Windsor Place instead of residents having to look at fencing.
48. Shrubs will block access to the rear of 25 Windsor Place

APPLICANTS STATEMENT:

49. The applicants statement has been taken from the design and access statement submitted in support of the application.
50. The site was subject to a previous application in 2008 which was subsequently withdrawn.
51. The proposals have been redrafted to update the house types to current standards and current planning policy has been reviewed.
52. Keepmoat have undertaken an analysis of housing needs in the area to provide an appropriate form of development and range of house types to meet local need and to ensure a positive intervention into the existing community.
53. The existing streetscapes to Front Street both East and West of the site are both fragmented and of poor quality. The development provides an opportunity to make a marked improvement to the visual amenity and provide a strong gateway feature into Shotton Colliery when approaching from the east.

54. A varied palette of materials throughout the proposal could facilitate a significant improvement to the existing environment.
55. A strong frontage is necessary to define the streetscape of Front Street, natural surveillance of the inner streets is facilitated through the orientation of the units and organisation into identifiable streets.
56. It is considered that the number of units is appropriate for this site.
57. The new development seeks to be of an appropriate scale, massing and design in relation to the character of the surrounding area. It is therefore considered that 2-2.5 storey development provides an appropriate response to the local context.
58. The road layout for the proposed development has been designed to be easily comprehensible for users.
59. There are no through roads in the proposal. Subtle curves on the road network encourage low speed vehicular movement and allow a pedestrian friendly approach.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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 development, layout and design, residential amenity, pollution control, landscape and trees, ecology, drainage, sustainability and highways.

Principle of the development

61. In terms of national planning policy, the National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Running throughout the NPPF is a 'golden thread' setting out a presumption in favour of sustainable development. The NPPF does not specifically define sustainable development, however Paragraph 6 states that the policies contained in paragraphs 18-219 of the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. The NPPF goes on to state that there are three dimensions to sustainable development: economic, social and environmental. These aspects should not be taken in isolation, as they are mutually dependant. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
62. It is considered that the site is located within a sustainable settlement. Sustainable housing development is achieved by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is reasonably well served by facilities and services. The application site is located approximately 3 miles from the larger settlement of Peterlee where a wider range of facilities and services are available. The area is also serviced by good public transport links.
63. The site is identified within the Strategic Housing Land Availability Assessment (SHLAA) as potentially suitable for housing development.

64. The District of Easington Local Plan proposals map identifies the application site as being within the settlement limits for Shotton Colliery. The site is identified as allocated housing land by virtue of local plan policy SH4 of the District of Easington Local Plan. The site is also allocated for housing in the emerging County Durham Plan. The application site constitutes land which has regained Greenfield status as it has been vacant of development for approximately 60 years. Historically the site was part of the mineral railway and reclaimed colliery housing land. The site was allocated for housing land to meet local housing need on the edge of the village. In allocating the site it was considered that the area is well related to the provision of local services and its allocation for housing would serve to round off the physical framework of the settlement.
65. The allocation of the land by policy SH4 of the District of Easington Local Plan for housing development sets out the following criteria which proposals for residential development of the site should meet:
- The existing public right of way going through the site should be retained or diverted.
 - Vehicular access to the site should be gained from Front Street.
 - The trees on the north-western boundary should be retained.
 - A comprehensive landscaping belt should be established along its eastern boundary utilising, enhancing and extending the existing belt of trees.
66. Shotton Public Footpath No. 7 crosses through the application site. This existing public right of way shall be extinguished through a Section 257 Agreement. The Council's Public Rights of Way Officer has recommended the extinguishment of the public right of way as its diversion would be unattractive to users and householders. The site plan as proposed is considered to demonstrate that pedestrian public access is suitably served into and out of the site.
67. Vehicular access would be gained from Front Street. The proposed access to the site is considered to be acceptable in terms of highway safety.
68. Trees on the north western boundary are to be retained. The land where these trees are located is not part of the land for sale and shall be retained as highway verge.
69. The proposed development would lead to the loss of the majority of the landscaping belt along the eastern boundary of the application site. The principle of this was established during the 2008 application for a similar residential development proposal, for the construction of 86 no. dwellings. During the 2008 application a financial contribution was agreed for a small commuted sum towards off site ecological works. This sum has been reviewed and has risen slightly to account for rising costs since the previous application in 2008. Additional compensation for the woodland would be in the form of on site landscaping. A balanced view must be taken as to whether or not the benefit of new residential development in the village outweighs the loss of the woodland.
70. The village of Shotton Colliery is an area identified for regeneration. It is considered that the proposed development would create economic, social and environmental benefits for the area.
71. The proposal would offer good economic benefits to the area. Economic benefits would be apparent during the construction phase of the development, with local facilities and services benefitting once the properties are brought into occupation.

The development would contribute to the growth of the area and would contribute towards a strong competitive local economy.

72. Shotton Colliery has been identified as an area requiring new homes. New housing development in the area would contribute to the growth of the community. Social benefit would also be achieved through the provision of 10% affordable housing within the scheme. The development would also provide a contribution towards recreation space and off-site ecological works.
73. The proposals would create an environmental loss, however this would be somewhat compensated through the commuted sum for off site ecological works and on site landscaping. The existing area of landscaping to the eastern boundary of the site is in a poor state; it has not been managed and is being used as an area to dispose of rubbish. However, the removal of the majority of the woodland has previously been agreed during an earlier planning application for the development of the site.
74. The development of the site will contribute to the environmental improvement of the village, as the development of this part of Shotton Colliery will strengthen the physical framework of the settlement. In addition the site is currently visually unattractive; the creation of a strong frontage along this part of Front Street will improve the appearance of the area.
75. It is considered that the proposed development will contribute to sustainable development in terms on economic, social and environmental benefits to the area.
76. On balance, while the removal of a large part of the woodland along the eastern boundary of the site is contrary to local plan policy SH4 of the District of Easington Local Plan it is considered that the regeneration benefits to the area outweigh the loss of this area of woodland. It is considered appropriate to condition the suitable protection of trees which will remain on site.
77. It is considered that the principle of the development would be acceptable in terms of the presumption in favour of sustainable development contained within the NPPF. The development does not completely conform to local plan policy SH4, however it does conform with the general theme of regeneration and sustainability which the policy is seeking to achieve.

Layout and Design

78. Part 7 of the NPPF relates to the design of all new development. Good design is a key aspect of sustainable development, and is considered to be indivisible from good planning.
79. The proposed dwellings are part of the Keepmoat standard of house types. The 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. The majority of the dwellings would be constructed using Hanson Kimbolton Red Multi; the rest of the dwellings would be constructed using Ibstock Throckley Hadrian Buff bricks. The roof covering would be Russell roof tiles. All sample materials were submitted to the local planning authority 28/5/2013. Details of boundary treatments form part of the application and thus a condition is not required to control these details.
80. At the detailed level, the houses will be simple in form and appropriate in scale, with detailing drawn from the local context and vernacular. The development would provide a strong elevation to Front Street, as dwellings along the northern boundary

of the site would front onto Front Street and would be formed of varying house types and would make use of attractive enclosures.

81. The development in terms of scale, design and layout is considered to be appropriate for this location in terms of the character and appearance of the area.
82. The proposed development would be in accordance with policies 1 and 35 of the District of Easington Local Plan.

Residential amenity

83. Proposed residential developments must ensure that residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved and achieved in accordance with policy 1 of the District of Easington Local Plan.
84. Appendix 6 of the District of Easington Local Plan sets out the minimum privacy distances between dwellings. A minimum of 21 metres should be provided between main elevations of one or two storey dwellings facing each other and a minimum distance of 13.5 metres between a main elevation containing windows to habitable rooms and the gable elevation of an adjacent building.
85. The application site generally meets the amenity distances as set out in Appendix 6 of the District of Easington Local Plan. Within the site there are two specific areas where the development falls short of these distances. Plot 50 to number 38 Windsor Place would have a distance of 20 metres between main elevations and plot 38 to plot 46 would have a distance of 12 metres between a main elevation and a gable elevation. It is considered that the reduction in amenity space distances in these two areas would not be significantly detrimental to the residential amenity of existing neighbouring properties or to proposed dwelling houses due to the minimal nature of the reduction in amenity distances.
86. Each dwelling would have its own private garden to the rear ranging in depth from 6 metres to over 10 metres, with larger dwelling houses generally having larger rear gardens.
87. In terms of residential amenity the proposed development is considered to be in accordance with policy 35 and Appendix 6 of the District of Easington Local Plan.

Pollution Control

88. Pollution control can be broken down into three separate areas of concern air quality, contaminated land and issues of noise, dust and light. Each of these areas shall be addressed in turn.
89. The impact on existing air quality in an area is a material planning consideration. The development site is not within an identified Air Quality Management Area, however it must be considered whether or not traffic arising from the proposal would be significantly detrimental to air quality.
90. Early assessment of the scheme suggested that an air quality assessment would be required. This has since been discounted as in this particular case the transport consultants have identified that the greatest estimated increase in traffic flow levels is 6% to the east of the site. Further the principal means of communication to the east is the link with the A19. This route passes through open countryside and then the industrial estate with no existing receptors on this section of route.

91. The transportation engineer also points out that the proposed site is not within or in close proximity of an Air Quality Management Area (AQMA), that is indeed the case. A review has been carried out by the Council's Air Quality Officer into the results of previous non continuous monitoring at a site that is closest to the proposed development together with the prevailing predicted modelled background levels of Nitrous Oxide from the National Atmospheric Emissions Inventory. All of the results are significantly below the National Air Quality Objective for this pollutant. The outcome of the review of the background air quality in this area has determined that it is not a 'sensitive' area or an identified area of 'poor air quality'.
92. For these reasons it is considered that the proposed development will not have any significant impact on air quality and in particular nitrogen dioxide concentration levels at existing receptors. Therefore no further screening of the air quality is required. The previous traffic impact assessment and subsequent information are sufficient.
93. There have been no former industrial uses on the site and for this reason it is considered that there is no significant risk to the end users or other identified receptors in terms of contaminated land issues. The Council's contaminated land officer has raised no objections to the proposed development.
94. The scheme has been assessed in terms of noise, dust and light impacts by the Council's Environmental Health Officer.
95. The issues of dust and light are related to construction issues and can be controlled through appropriate conditions.
96. In terms of potential noise impacts the site is adjacent to a busy road to the north and an industrial B2 site to the east. The impact of these adjoining uses must be considered in terms of their impacts on the proposed development site.
97. The applicant has provided a noise report which appears sufficient to appropriately judge the impact of noise, relating to road traffic, on the development. The report identifies a number of mitigating works which should be implemented to bring the noise level within the WHO parameters.
98. The development is also in close proximity to Shotton Airfield, which is located directly to the north. The airfield is used for a number of purposes including parachutists and emergency helicopters. The Council's pollution control department has received a number of complaints relating to the airfield, specifically the constant circling of planes; however as air traffic is exempt from control by the Environmental Protection Act 1990 an objection cannot be raised to the development on the basis of its proximity to the airfield.
99. The Council's Environmental Health Officer is not in agreement with the development specifically due to the proximity of an existing B2 (Industrial Use) adjacent to the site and risk of excessive noise, specifically impact noise, however it is recognised that the unit does not appear to currently operate as a scrap yard, there is also a fairly new development in reasonably close proximity to the south, where no complaints have been received relating to noise. In addition the fact that the industrial site has permission to operate materially changes the nature of the area and therefore there is a greater expectation and allowance of noise levels.
100. Additional information was required demonstrating noise mitigation measures due to the presence of the B2 site to the east of the proposed residential site. It appears that the site is not currently in operation as anything more than a vehicle storage

yard at this time. As the site is not currently used the applicant was unable to provide a valid current assessment of the potential noise from the site and therefore historical data was used of a previously monitored scrap yard.

101. The assessment demonstrated that the assumed noise level would be 64.2 db(A) in the gardens and 59.4db (A) at the facade of the nearest proposed dwelling. These figures are produced at the nearest sensitive dwelling, assuming the type of machinery which operates in a scrap yard will run 100% of the time and therefore the worst case scenario.
102. The acceptable level given within the WHO guidelines is 55db(A) within gardens and 35db(A) in the lounge. Solutions to reduce the noise levels to these standards have been proposed and include acoustic fencing.
103. Considering the above and the proposed mitigation measures it is considered that the development would be acceptable subject to suitably worded conditions.

Landscape and Trees

104. There is an established woodland to the eastern boundary of the application site and a landscape belt to the north west of the site. The landscaping to the north west of the site is to be retained however the existing woodland to the east of the site shall primarily be removed to accommodate the development. As stated previously the woodland has been badly managed, the existing trees are relatively young and have not matured into specimen trees. The woodland is currently visually unattractive and has been used as a dumping ground for household waste.
105. The woodland is plantation Sycamore and Ash. It is very neglected with fly tipping and rubbish. There is little understorey cover. It has obviously not been managed in recent years, with no thinning.
106. The Council's landscape section has concerns regarding the loss of the woodland to the eastern boundary of the application site.
107. It is recognised by the landscape officer that the site is allocated for residential development, as it is allocated for housing in the District of Easington Local Plan, it features in the SHLAA, it is an allocated site in the emerging County Durham Plan, and there has been a previous application for housing very similar to the present application which was submitted in 2008.
108. The landscape officer considers that the site is suitable for housing from a landscape perspective. The main issue concerns the loss of woodland, and the change in landscape character. This site is presently unattractive though well screened from the countryside, so development would not be detrimental to the landscape quality.
109. The loss of the woodland is however of concern, which will result in loss of amenity open space, green infrastructure, habitat, screening and a landscape feature. The Council's landscape officer feels that the woodland should be retained and incorporated into the development, even though its condition is poor, it would respond to good long term management including a clean-up of fly tipping.
110. It is considered by officers that it is unfortunate to lose this area of woodland however in the circumstance there are a number of factors which outweigh the benefit of retaining the woodland. The predominant factor being that the regeneration benefits to the area are considered to be of a significant level to warrant

the support of this application. In addition the principle of the development has been somewhat established through the 2008 planning application for a similar development. During this process officers agreed to the removal of most of the woodland to accommodate the housing development and the regeneration benefits it would bring to the area. In addition a small compensatory financial contribution for off-site ecological works was agreed.

111. As the woodland is relatively young and in a poor state it is considered that the regeneration benefit to the area outweighs its retention.
112. The proposed development provides for retention of limited tree cover within the site. A number of trees will be retained adjacent to plot number 29 as this area of land relates to a wayleave upon which development cannot take place. It is considered appropriate to condition tree protective measures and future management of retained trees set out in the applicant's tree report.
113. Although the retention of the existing woodland would have been the ideal option it is considered that other factors outweigh its retention. A landscaping plan has been submitted with the application, it is considered that the details proposed are satisfactory. The implementation of the submitted landscaping plan shall be a planning condition.
114. It is considered that residential development of the site is acceptable in principle, and is consistent with the CDLSS adopted strategy as a landscape Improvement Area, in addition the site is allocated for housing development in the District of Easington Local Plan and in the emerging County Durham Plan. It is unfortunate that an area of woodland will be lost as a result of the development; however on balance it is considered that the regeneration benefits of the proposed residential development outweigh the loss of the woodland.

Ecology

115. The presence of protected species such as water voles is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 2010. These regulations 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 a criminal offence to kill, injure or disturb the nesting places of protected species unless it is carried out with the benefit of a licence from Natural England.
116. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 2010 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
 - the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.

117. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 2010 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
118. The proposed development presented a risk to water voles as there is a watercourse to the south of the site which links to a watercourse which holds records of water voles. The Councils ecologist recommended that the development should actively improve the watercourse for the water voles and provide a substantial adequate inaccessible buffer zone alongside it.
119. A water vole method statement was submitted 20/5/2013 detailing site design and working methods for the protection of water voles. The proposed works include enhancement to the ditch adjacent to the south of the site through additional planting on both bank sides where it runs along the length of the development.
120. A minimum buffer zone of 1.6m will be retained between the fence lines forming the bottom of the gardens of those dwellings to the south of the development and the ditch. The fencing forming the garden boundaries along the southern development boundary will be close boarded and a minimum of 2m high, to deter dumping of rubbish and garden waste along the ditch. A contract clause will be incorporated in the sale contracts of those houses bounding the ditch preventing dumping of garden and other waste along the watercourse.
121. As an additional ecological enhancement, planting within the remainder of the site should include native trees and flower and berry bearing species to provide a good invertebrate resource for other species such as bats and birds.
122. Prior to works commencing, an ecologist will undertake a checking survey of the ditch to confirm that water voles remain absent and prior to commencement of construction work to the southern part of the site, vegetation should be strimmed short in areas within 5m of the ditch affected by the works to discourage voles from entering the area, should they investigate the ditch during the construction period.
123. All materials will be stored outside the 1.6m ditch buffer zone throughout the construction period. Heavy machinery will be kept out of the above buffer zone during the construction period.
124. To help maintain the value of the ditch the area will be litter picked at the start and end of works, ensuring that all construction related materials are removed periodically through the contract period and on completion. Any bank re-creation will use topsoil rather than clay or sub soils, which would prevent future burrowing.
125. The Councils Ecologist has assessed the water vole method statement and is satisfied with the proposed mitigation measures and has concluded that the development would not constitute a breach of the Conservation (Natural Habitats etc) Regulations 2010. It is considered appropriate to condition the mitigation measures set out in the submitted water vole statement.

Drainage

126. Foul water shall be disposed of into the public sewer. This has been agreed with Northumbrian Water previously by virtue of planning application PLAN/2008/0082. Northumbrian Water has confirmed that this arrangement can be carried forward with

this application. Surface Water shall be discharged to the water course to the east of plot 29 on the eastern boundary. Northumbrian Water is satisfied with this arrangement.

Sustainability

127. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

128. The development would be expected to achieve at least 10% of energy supply from renewable resources. No details have been supplied to show how this would be achieved. A condition is therefore considered to be appropriate in this case to require details to demonstrate how energy efficiency is being addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

Highways

129. The Transport Statement indicates that the AM peak hour vehicle generated trips from the development would be 21 arrivals. This equates to approximately 1 vehicle movement every 3 minutes or so during the peak periods, which is not deemed to be significant and as such the local road network is expected to accommodate the traffic generated by the development without the need for any mitigation works.

130. The proposed access would be taken from Front Street, from a highways perspective this is considered to be acceptable. In addition the proposed road layout within the site is considered to be acceptable.

131. On the basis of garage spaces being classed as 50% parking space it is considered that the overall parking provision would be 165%, which is deemed to be acceptable for the proposed development.

132. The proposal is considered to be in accordance with policies 36 and 37 of the District of Easington Local Plan.

Section 106 Agreement

133. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and regulation 122 of the Community Infrastructure Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests –

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

134. A Section 106 Agreement is proposed to provide a contribution of £500 per dwelling to be utilised for local recreation space, the provision of 9 no. affordable housing units and the provision of £5,000 for off-site ecological works.

135. In terms of the commuted sum payment for local recreation space this is required as recreation space cannot be provided on site and off site provision is therefore required to make the proposed development acceptable in planning terms as the new houses will increase the demand for outdoor recreation facilities in the area. Such a payment will be clearly related to the proposed development as the residents of the new houses will have the ability to use these facilities.

136. There is a requirement for 10% affordable housing in this area. The provision of 10% affordable housing is considered to be of benefit to the community. This is considered to be a fair and reasonable affordable housing requirement for the site.

137. In compensation for the loss of a section of woodland on the site a financial contribution of £5000 shall be secured through Section 106.

138. The Section 106 contributions meet the above tests and therefore complies with the relevant guidance.

CONCLUSION

It is considered that the positive contribution the proposed scheme would make to regeneration and the housing supply in the area is a significant factor in favour of the application. The site is allocated for housing in both the District of Easington Local Plan and the emerging County Durham Plan. 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 are all material benefits for the residents of Shotton.

RECOMMENDATION

That the application be **APPROVED** subject to the entering into of a Section 106 agreement to secure the following and subject to the conditions listed below:

- A financial contribution of £43,000 towards open space provision.
- The provision of 9 affordable residential units to be managed by a Registered Social Landlord
- A financial contribution of £5,000 towards off site ecological works

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 Ref No.	Description	Date Received
	Site Location Plan	12/2/2013
QD168-01-01T	Site Layout	20/5/2013
QD168-836-01	Unit Type 836 Brick 3b5p	20/5/2013

QD168-858FE-01	Unit Type 858FE Brick 3b5p	20/5/2013
QD168-951-01	Unit 951 3b 5p	20/5/2013
QD168-999-01	Unit Type 999 3b5p	20/5/2013
QD168-1011-01	Unit Type 1011 Brick 3b5p	20/5/2013
QD168-1176-01	Unit 1176 4b7p	20/5/2013
QD168-95-10C	Unit Type 763B brick 3b5p	20/5/2013
QD168-21-01	Street Lighting	20/5/2013
QD168-95-11	Fence Type Details	20/5/2013
QD168-GD-01	Garage Plans and Elevations	20/5/2013
QD168-PP-01C	Rendered Plan 1	20/5/2013
QD168-SS-01B	Site Sections	20/5/2013
QD168-95-10C	External Finishes	20/5/2013
QD168-01-30	Enclosures Layout	20/5/2013
QD168-665-01	Unit Type 665 2b4p	20/5/2013
QD168-99-01	Site Compund Layout	31/5/2013
2008SD/125D	Compund Detail	31/5/2013
	Urbis Street Lighting Column Details	20/5/2013
c-983-01 Revision B	Detailed plot landscape proposals sheet 1 of 2	20/5/2013
c-983-02 Revision B	Detailed plotlandscape proposals sheet 2 of 2	20/5/2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policies 1, 18, 35, 36, 37, 66 74 and SH4 of the District of Easington Local Plan.

3. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of;

Monday to Friday - 08:00 to 1800
Saturdays - 0800 to 1300

No construction works shall be carried out on bank holidays and Sundays.

Reason: In the interests of preserving the amenity of residents in accordance with policy 35 of the District of Easington Local Plan.

4. No development shall take place unless in accordance with the mitigation detailed within Water Vole Method Statement Shotton received 20th of May 2013 by E3 Ecology Ltd.

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

5. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme of acoustic mitigation measures have been submitted to and approved in writing by the Local Planning Authority, such that the actual and conceptual noise levels do not exceed:

55 dB(A) 16hr in outdoor living areas
35 dB(A) 16hr in all rooms during the day time (07.00-23.00)
30 dB (A) 8hr in all bedrooms during the night time (2300 - 0700)
45 dB L_{Amax} in bedrooms during the night-time

The approved scheme shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity having regards to Policy 35 of the District of Easington Local Plan.

6. Tree works shall be implemented in accordance with the details contained within the Tree Report Addendum prepared by Batsons received 31st of May 2013 including adherence to the mitigation measures detailed. Any trees to be retained must be protected from the development in accordance with the submitted details and in accordance with BS 5837:2012. Said protection must be in situ prior to the commencement of development and must be retained until the cessation of works on the development.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policy 1 of the District of Easington Local Plan.

7. The external walls of the development hereby approved shall be constructed of Hanson Kimbolton Red Multi bricks or Ibstock Throckley Hadrian Buff bricks and the roof covering for all dwellings shall be Russell roof tiles in accordance with brick and roof tile samples submitted to the local planning authority 28/5/2013.

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

8. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy 1 of the District of Easington Local Plan.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shown on plans c-983-01 Revision B and c-983-02 revision B received 20/5/2013 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.

10. 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.

INFORMATIVES

1. The best practicable means shall be used to prevent noise/ dust or disturbance to local residents resulting from building work which will be carried out on the site. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The contractor shall have regard to the relevant parts of BS 5228 2009 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

REASONS FOR THE RECOMMENDATION

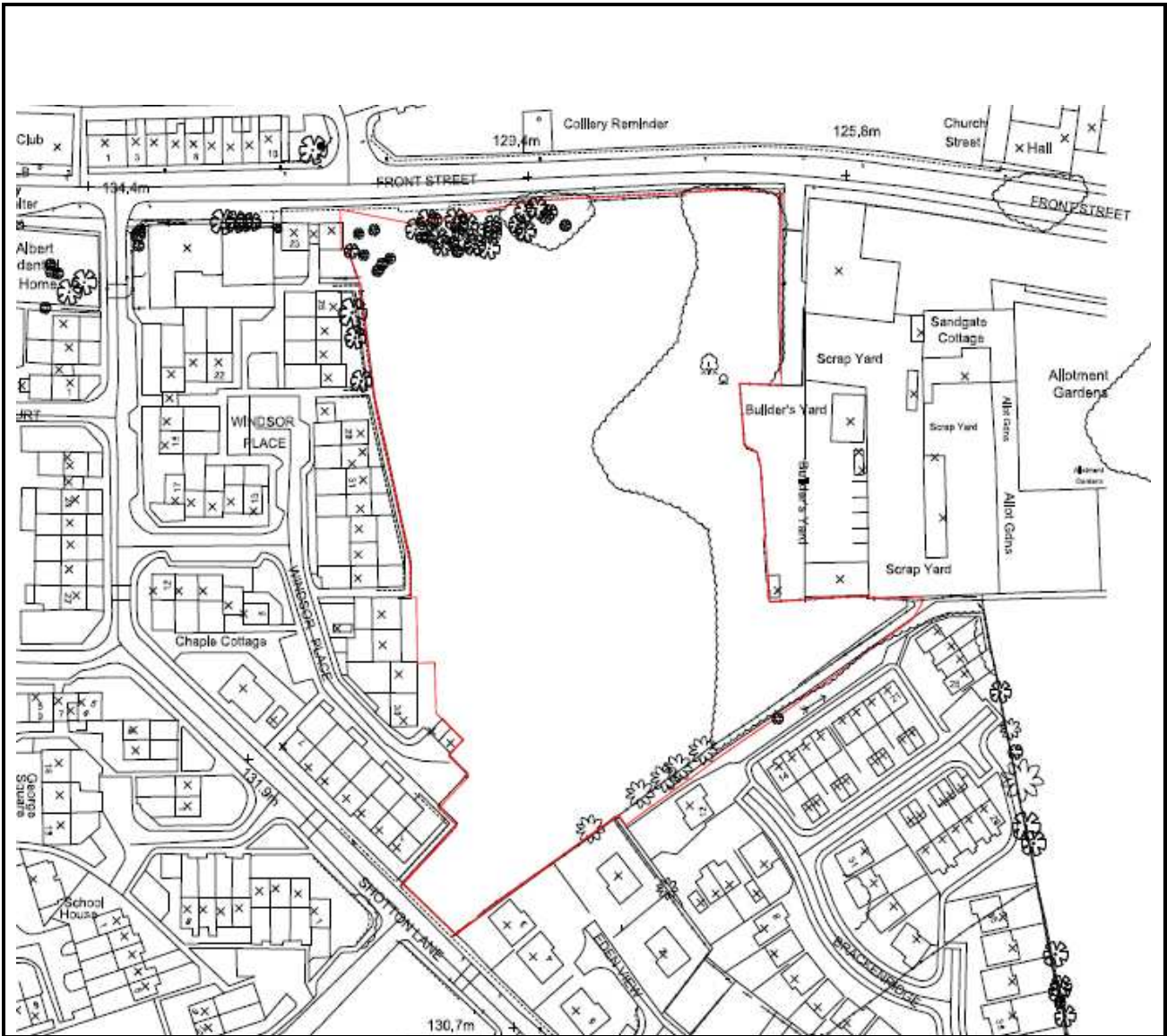
1. The proposed development is considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policies 1 and SH4 of the District of Easington Local Plan and the NPPF.
2. The development was considered to be acceptable in terms of its siting, design and layout and its resultant impacts on the amenity of neighbouring properties in accordance with policies 1 and 35 of the District of Easington Local Plan.
3. The proposed development would not cause any significant detrimental impacts to protected species in accordance with the NPPF.
4. The development is considered to be acceptable in terms of its impact on landscape and trees when considering the balance between landscape retention and regeneration benefits to the area in accordance with policies 1 and SH4 of the District of Easington Local Plan and the NPPF.
5. The proposal would be suitable in terms of highway safety in accordance with policies of the District of Easington Local Plan.
6. Objections to the proposals were not considered sufficient to warrant refusal of planning permission.


STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Form, Plans and Supporting Documents
National Planning Policy Framework



 <p>Durham County Council</p> <p>Planning Services</p>	<p>86 no. dwellings, associated boundaries, garages & roads & diversion of public right of way</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 11th June 2013</p>