

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00249/OUT
FULL APPLICATION DESCRIPTION	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT OF UP TO 44 DWELLINGS.
NAME OF APPLICANT	MR R DUNN
SITE ADDRESS	LAND TO THE SOUTH EAST OF BRACKENHILL AVENUE, SHOTTON COLLIERY, DURHAM
ELECTORAL DIVISION	SHOTTON AND SOUTH HETTON
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site is approximately 1.3 hectares in size and is located within the Electoral Division of Shotton and South Hetton. The site is agricultural grazing land and is therefore a greenfield site, it is also located outside of the Shotton settlement boundary as identified in the District of Easington Local Plan and is therefore classed as being in the countryside.
2. The site is located south east of a terrace of houses known as Brackenhill Avenue and there are large detached properties to the rear of the terrace. The site is orientated on a north west to south east axis along Shotton Lane that would form the frontage of the proposed development and from which vehicular access would be taken.
3. To the north of the application site is agricultural grazing land with the Whitehouse and Brackenhill Business Parks immediately to the east. To the south the application site boundary is bound by a hedgerow which separates the site from a livery business. To the west of the site is agricultural land and two sites where caravans are located for occupation by gypsy and traveller families.

Proposal:

4. This application proposes a residential development of up to 44 dwellings and is an outline application with all matters including access, appearance, landscaping, layout and scale reserved for future determination.

5. The applicant has provided an indicative site layout plan which shows access coming off Shotton Lane which bounds the site to the north east. The plan also shows cul-de-sac type development which includes a mixture of house types including terraces, semi-detached and detached properties. All properties would have garaging or off-street parking along with garden areas to the front and rear.
6. This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

7. Two previous applications (PL/5/2011/0138 and PL/5/2012/0078) for four dwellings within the current application site were submitted and subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY:

8. 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.
9. 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'

The following elements are considered relevant to this proposal:

10. *Part 1* - 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.
11. *Part 4* - 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.
12. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *Part 7* - 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.

14. *Part 8* - 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.
15. *Part 10* - 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.
16. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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>

LOCAL PLAN POLICY:

District of Easington Local Plan

17. *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.
18. *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.
19. *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.
20. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
21. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

22. *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.
23. *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.
23. *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.

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>

EMERGING POLICY:

24. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
25. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
26. *Policy 15 (Development on unallocated sites)* – States that development on unallocated sites will be permitted on the basis that they are appropriate in scale, design and location to the character and function of the settlement, they do not result in the settlements last community facility, would not prejudice the intended use of adjacent sites and land uses and that they are not in the countryside.
27. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
28. *Policy 30 (Housing Land Allocations)* – In order to meet the housing requirement a number of sites have been allocated for housing. Planning applications for housing submitted on these sites that are in accordance with site specific and phasing requirements will be approved. Applications submitted in advance of its phasing will be approved where they do not prejudice delivery of other allocated sites phased in

an earlier time period, where they are required to maintain a five year supply of deliverable sites and where infrastructure requirements can be satisfactorily addressed.

29. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
30. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
31. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
32. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. The Environment Agency have no objections to the proposals subject to conditions relating to contaminated land.
34. Northumbrian Water have no objections to the proposals subject to a scheme for surface and foul water being submitted before commencement of development.
35. Natural England have no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

36. The Housing Development and Delivery team state that 10% affordable housing should be provided on site.
37. The Councils School Organisation Manager states that The Academy at Shotton Hall is full and therefore a contribution of £96,188 should be made toward secondary school places.
38. Landscape Officers consider that the proposals would cause harm to the character of the landscape and do not support the application.
39. Highways Officers state that on site car parking provision, footpath provision and access as shown on the indicative layout are all acceptable. However, access and

layout are reserved matters which would be considered at a later date should this outline application be approved.

40. The Design and Conservation Officer offers no objections as the layout and appearance of the development does not form part of this application.

Pollution Control Officers do not object to the proposals subject to conditions relating to noise and contaminated land.

41. The Councils Employability Team Leader suggests that there is an opportunity to provide employment and skills opportunities to the local community which should be secured by a Section 106 legal agreement.
42. Planning Policy officers consider that while the principle of developing the site does not accord with the District of Easington Local Plan, the proposals comply with the National Planning Policy Framework objective of locating housing in sustainable locations with good access to jobs, key services and infrastructure. The development would help meet the needs of mixed communities including provision of affordable housing. A more detailed planning policy discussion is detailed later in this report.

PUBLIC RESPONSES:

43. Cllr Huntington has objected to the proposals and has commented as follows:
44. This application has given me cause for concern on a number of issues. Firstly, the most recent County plan for the area within the boundary of Shotton made no mention of a plan for this area to be developed. I understand the applicant asked in his original application to build only five houses which was refused. Then later at the suggestion of the planners he applied again to build forty four houses. Why when it wasn't suitable for five houses is it now suitable for forty four.
45. This site is along a narrow lane, for the most part without a path, and too narrow for two cars to pass. Nevertheless, this road has been identified as the safe route to school for the children attending Shotton Hall School. I therefore have real concerns about the implications for increased traffic in this area.
46. The traffic generated in this area also puts additional pressure on the streets west of this site, Dene Crescent, and Dene Street which are already having difficulty with increased traffic from a previous development of Forty two houses in Bracken Ridge. These are two terraced streets either side of the road with cars parked from end to end for long periods of the day and night. The original plan for the site at Bracken Ridge had been for the traffic to be directed on to Shotton front Street as the planners recognised the undue pressure it would cause in that area. Unfortunately however, the Developer did not complete this development owing to a dispute over the price of the land which meant the traffic had to be redirected onto Dene Crescent and Dene Street. This caused a raft of serious objections from the owners of Dene Crescent and Dene Street at that time. I am therefore very concerned that the residents of these streets have not been consulted.
47. In view of the above concerns I cannot support this application and register my objections.
48. Cllr Todd has objected to the proposals and has commented as follows:

- The highway access along Bracken Hill is in a poor condition and hardly meets, in my opinion, modern standards. It is very narrow in places and is fronted in part by terraced properties making the passing of vehicles unsatisfactory.
 - This area does not appear in any formal consideration in the Council's Adopted Plan.
 - Any further development would exacerbate the already high demand for primary school places at Shotton Colliery Primary School and the Our Lady of Lourdes Primary School.
 - The knock-on effect to local statutory services i.e. health services and local transport.
49. This application has been advertised by way of press notices, site notices and letters to individual residents. Two letters of objection have been received from nearby residents.
50. The main reasons of concern are that the proposals would result in a loss of view, increase in traffic, that the proposals would lead to a the loss of a green space and that the proposals would result in complaints from future residents as a result of the proximity to the nearby boarding kennels.

APPLICANTS STATEMENT:

51. This outline planning application for 44 residential dwellings on the edge of Shotton is on a site that was previously partially developed for former prefab housing subsequently demolished in the 1960's. More recently planning consents have been granted for a small number of detached dwellings on a part of this area of former housing development.
52. This outline application is consistent with the NPPF both in terms of sustainability and its contribution toward the requirement for the local authority to be able to demonstrate and provide a rolling programme of sites suitable and capable of delivery over the next 5 years.
53. There are no identified prohibiting technical reasons likely to prevent the delivery of the proposed development within the next five years nor are there any significant adverse constraints or threats to: local ecology or habitat; flooding; the local neighbourhood or surrounding environment that are likely to delay progress on the development going forward.
54. The application site although on the settlement edge affords easy access to: local shops; schools; health and community facilities; is well located in terms of primary public transport routes; and the employment and work opportunities available on the nearby industrial and business areas of Peterlee.
55. The proposed development will provide a choice of affordable and aspirational housing options with some 75% of the dwellings proposed comprising 2 -3 bed terraces and smaller 2 – 3 bed semi-detached properties to meet the predicted future demand for smaller family sized homes within the North and East Durham sub-area identified in the updated County Durham Strategic Housing Market Assessment.
56. The proposed development will deliver tangible social and economic benefits for the community good through the provision of 10% affordable housing and financial contributions to education and open play space.

PLANNING CONSIDERATION AND ASSESSMENT

57. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
58. In this instance, given that the application seeks outline approval with all matters reserved, the main relevant consideration is the principle of the development and the letters of objection. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Governments recently published National Planning Policy Framework (NPPF) and the emerging County Durham Plan.

Principle of the development

59. This proposal is for 44 dwellings on land to the south east of Brackenhill Avenue, Shotton Colliery. There are no specific landscape or site designations relevant to the site; however, it is located outside of the existing settlement boundary. The supporting information submitted by the applicant contends that the land comprises brownfield land on account it had previously been occupied by housing until the 1960s. The NPPF definition of 'previously developed land' (Annex 2, NPPF) advises that, "excluded from the definition is land that was previously-developed but where the remains of the permanent structure have blended into the landscape in the process of time". This site falls into this definition and has to be categorised as greenfield land.
60. 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 existing development plan for the area;
 - b) the extent to which the proposed development is consistent with the County Durham Plan (emerging development plan for the area); and,
 - c) the extent to which the proposed development is consistent with Government planning for housing policy objectives set out in the National Planning Policy Framework (NPPF), with particular regard towards delivering a wide choice of high quality homes, which widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.

Compliance with the existing development plan (Saved Policies from the District of Easington Local Plan)

61. This scheme proposes housing development on Greenfield land that is located outside of the existing settlement boundary for Shotton Colliery. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and

there is a general presumption against allowing development beyond a settlement boundary which is reflected in saved policy 3 of the District of Easington Local Plan (ELP), this is unless other policies indicate otherwise. Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with policy 3 of the ELP.

NPPF & Emerging Plan

62. As a consequence of the conflict with the Local Plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the NPPF is far less restrictive than the Local Plan which specifies in saved Policy 67 that only brownfield land can come forward for housing development on sites which are located within defined settlement boundaries. This policy is not considered to be entirely consistent with the NPPF and therefore the NPPF can be given more weight in this respect. The NPPF seeks to boost significantly the supply of housing and expects Local Planning Authorities (LPA's) to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para's 47 – 55). Therefore the key matter relates to directing development to suitable and sustainable locations.
63. Shotton Colliery is recognised as a 2nd tier settlement (Larger villages and smaller towns within the County Durham Settlement Study) in recognition that the village has good access to facilities and services available on Potto Street. For these reasons the settlement is a focus for growth in the County Durham Plan (CDP), with Policy 4 directing 270 new houses to the village. This allocation is largely accounted for by existing commitments (175 units to Persimmon Homes are under construction on land North of Station Rd (PL/5/2011/0438) and 86 units on land East of Windsor Place were granted planning permission in June 2013 (PL/5/2013/0055). It is considered that this application site is in a sustainable location with good access to local shops, schools, community facilities and public transport links.
64. This particular site has been assessed as part of the development of the CDP and has an unsuitable (amber) classification within the Strategic Housing Land Availability Assessment (SHLAA). Consequently it has been discounted for housing, and it is not identified in the list of proposed Housing Land Allocations under Policy 30 in the "Pre-Submission Draft" of the CDP. The principal reasons why the site is considered to be unsuitable for housing are as follows:
- Site is an edge of settlement site which if developed, would erode the gap between Shotton and the industrial estates to the east.
 - The development of this site would result in a significant adverse landscape and visual impact.
65. In applying these reasons to the proposal, it is clear that the site comprises grassland between the main built up part of the village and the sporadic buildings that are established on the same side of the road leading to the industrial estate. Whether the site is part of the built up area would depend on if these buildings are part of Shotton rather than the industrial estate. The buildings do relate more to Shotton so in this context the development could be considered to be infilling a gap within the settlement so could be broadly considered to be within the built up area. Also, development on this side of the road does not take development substantially closer physically to the industrial units as the open land on the other side of Brackenhill Avenue would remain. In this context, the proposal could be considered

to be acceptable. Whilst this position differs from the conclusion in the SHLA, the landscape impact in term of coalescence between Shotton and the industrial estate is more limited than was envisaged in the SHLAA assessment.

5 Year Housing Land Supply

66. In terms of the 5-year supply, Policy Officers are confident the Council is able demonstrate a 5-year supply of deliverable sites due to the number of schemes which are currently on-site and under construction, or which have received consent over the past 12-18 months. In this respect, there are no deficiencies in the supply of housing. The NPPF (para. 49) clarifies that housing applications should be considered in the context of the presumption in favour of sustainable development, but it also implies that when a five year supply exists, this can be a justification to resist development. As we consider that we have a 5-year supply, to justify this proposal there would need to be other material considerations.

Affordable Housing

67. The provision of affordable housing where a need has been identified is encouraged through the NPPF (Para's 47, 50, and 159) which also requires a range of dwelling types and sizes, including affordable housing to deliver the sustainable, inclusive and mixed communities. Emerging Policy 31 of the CDP is consistent with these objectives of the NPPF.
68. The County Durham Strategic Housing Market Assessment update (SHMA) report was completed in 2013 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.
69. The SHMA, NPPF and draft Policy 31 of the CDP therefore provide the justification for seeking affordable housing provision on this site.
70. The applicant's planning statement advises that the requisite 10% of affordable housing will be provided as part of the development, but contains little information beyond that. Policy 31 specifies a tenure mix of 75% affordable rented housing and 25% intermediate housing. Should planning permission be granted for this scheme, a S106 will need to be secured to ensure delivery, and this should reflect the Policy requirements for affordable rent (75%) and intermediate (25%).

Other policy considerations

71. The Council paper: Assessing Development Proposals in a changing National Planning system (May 2012), sets out an approach to development proposals in the interim period between and publication of the NPPF and adoption of the CDP. This sets out four matters to consider:
72. *Does it meet the objectives of the emerging CDP?* In this instance it is considered that the scale of development is appropriate for the size of Shotton and the site can be broadly considered part of the built up area. As such, the proposal accords with this requirement.
73. *Does it deliver current needs and contribute to facilities in the locality?* As noted above, there is a proven need for affordable housing, which the scheme delivers and

it would be required to contribute (via a S106) to recreation provision and education facilities in the vicinity. As such these are benefit in relation to this objective.

74. *Is there community support?* The application was advertised by way of 31 letters sent to surrounding residents along with site notices and a press notice. Only two letters of objection have been received in response to the consultation exercise.
75. *Is it sustainable?* Shotton is a 2nd tier settlement with reasonable facilities and the site is well related to them and nearby employment opportunities.
76. In relation to the Paper, therefore, the scheme broadly accords with the requirements. It should be noted however, that this paper has no policy status and is only used for officer guidance.
77. Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the plan period, but it is a sustainable location.
78. To be acceptable, the proposal needs to demonstrate material considerations to outweigh the adopted policy constraints in the Local Plan. In this context, it would deliver benefits to the local community by way of affordable housing (10%) and a contribution to recreational and education facilities, along with increasing the mix and choice of housing in the village. As such, the proposal accords with the Council paper: Assessing Development Proposals in a changing National Planning system and the NPPF, on this basis, officers consider that on balance, the proposal is acceptable.

Objections

79. As noted above, two letters of objection have been received which raise concern regarding loss of view, increase in traffic, that the proposals would lead to a the loss of a green space and that the proposals would result in complaints from future residents as a result of the proximity to the nearby boarding kennels. Local Members also raise concerns regarding increased traffic and highway safety issues and also state that the consultation was not carried out wide enough.
80. With regard to traffic generation, Highways Officers have raised no objections to the proposals and consider that an appropriate access and parking provision can be achieved; therefore no objections are made on highway safety grounds. The loss of the green space although regrettable is not considered significant enough to warrant refusal of planning permission given the benefits of the scheme and that the land is not designated for any special importance. With regard to the proximity of the boarding kennels, a condition should be attached to any approval which ensures a noise assessment is carried out in relation to the business and the nearby business park and any necessary mitigation put in place, it is not considered that the proximity of these businesses would cause significant harm which would warrant refusal of planning permission. In terms of the public consultation queried by the Local Member, it is confirmed that the proposals were advertised by way of a press notice, site notice and letters to individual residents which represented a larger consultation exercise than what is the normal statutory requirement. Finally, the issue of school places has been addressed by the Councils Education Officers who have assessed the capacity in the catchment area and have concluded that a contribution of

£96,188 toward secondary school places at The Academy at Shotton Hall is required as a result of the development.

CONCLUSION

81. In summary, officers consider that although finely balanced, the benefits of the scheme would outweigh the conflict with the District of Easington Local Plan and that the proposals are in accordance with the NPPF which has a presumption in favour of sustainable development such as the one being proposed. It is also considered that the development would not harm the implementation of the County Durham Plan going forward and therefore the application is recommended for approval.

RECOMMENDATION

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

- i. 10% affordable housing on site.
- ii. £96,188 contribution toward secondary school places at The Academy at Shotton Hall
- iii. £22,000 contribution toward enhancement or provision of play facilities in the Shotton and South Hetton Electoral Division.

Conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan received 18th February 2014.

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

4. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

5. Development shall not commence until a scheme for the disposal of surface and foul water from the development hereby approved has been submitted and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

6. Prior to the commencement of development a scheme to minimise energy consumption in relation to that phase shall be 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.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.

7. No development shall take place until a detailed acoustic report, carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines on community noise , on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority:

- i) 55dB LAeq 16hr in outdoor living areas
- ii) 40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)
- iii) 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- iv) 45 dB LAmax in bedrooms during the night-time (2300 - 0700)

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

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Preliminary Ecological Appraisal prepared by E3 Ecology Ltd (December 2013).

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

9. The approved development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Very Civil Engineers.Com report number VCE1402/rep/001 and the mitigation measures detailed within the FRA.

The relevant mitigation measures shall be fully implemented prior to occupation of the first dwelling of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

10. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

11. Notwithstanding the details submitted, this permission relates to a maximum of 44 dwellings on the site.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 of the National Planning Policy Framework and saved Policies 1 and 35 of the District of Easington Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- County Durham Plan Pre-Submission Draft
- Consultation Responses



Planning Services

Proposed **RESIDENTIAL DEVELOPMENT (OUTLINE)** OF UP TO 44 DWELLINGS AT LAND TO THE SOUTH EAST OF **BRACKENHILL AVENUE, SHOTTON COLLIERY**

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Comments

Date **JULY 2014**

