

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	CE/13/00862/OUT
FULL APPLICATION DESCRIPTION	OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS AND LAYOUT FOR RESIDENTIAL DEVELOPMENT OF 6 EXECUTIVE DWELLINGS
NAME OF APPLICANT	MR L LINCOLN
SITE ADDRESS	LAND AT BRACKENHILL HOUSE, BRACKENHILL AVENUE, SHOTTON COLLIERY, DURHAM
ELECTORAL DIVISION	SHOTTON AND SOUTH HETTON
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### Site:

1. This application site is a rectangular shaped parcel of land and lies within the Electoral Division of Shotton and South Hetton. The site is approximately 2.5 hectares in size and is approximately 500 metres outside the settlement boundary of Shotton, therefore it is technically classed as being in the countryside. The site is known as Brackenhill House which is a large detached house with separate elements of garaging, the remnants of a former tennis court together with a walled garden. The house is set in large grounds and covered with mature trees which are protected by a Tree Preservation Order.
2. 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 two vehicular accesses would be taken. The lane operates as a no through road for motorised traffic and vehicular access terminates to the south east at the pedestrian entrance to the business parks.
3. To the north, east and south of the application site are the Whitehouse and Brackenhill Business Parks whilst there is open grazing land the west with the built up area of Shotton Colliery beyond. The Edderacres Local Nature Reserve is also close the site to the south west. There is a lodge house on the main access to the

application site and a further three detached properties around the perimeter of the site.

### **Proposal:**

4. This application proposes the erection of 6 detached executive dwellings within the grounds of Brackenhill House, Shotton. It is an outline application with all matters reserved apart from access and layout.
5. Access to the site would be from the existing access off Shotton Lane along with a new additional access being created to the east of the site serving three of the new dwellings.
6. The applicant has been in discussions with officers for some time, with particular regard to the loss of trees and how impact could be minimised. The application originally proposed nine dwellings but this has been reduced to six in order to limit the impact on protected trees and is now acceptable to officers given the limited impact on the most important tree specimens.
7. This application is being reported to committee as it is classed as a major development due to the site area. **It was previously reported to the committee on 9 December 2014 and deferred to enable members to undertake a site visit prior to making a decision.**

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## **PLANNING HISTORY**

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8. In 2012 an outline application for residential development including detailed means of access and layout was submitted but later withdrawn (5/PL/2012/0202).

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

9. 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.
10. 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:

11. *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.

12. *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.
13. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *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.
15. *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.
16. *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.
17. *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

18. *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.

19. *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.
20. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
21. *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.
22. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
23. *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.
24. *Policy 36* - The design and layout of development should 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 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:**

27. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
28. *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.

29. *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.
30. *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.
31. *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.
32. *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.
33. *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.
34. *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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. The Environment Agency has no objections to the proposals and has offered informal advice.
36. Northumbrian Water has no objections to the proposals subject to a scheme for surface and foul water being submitted before commencement of development.

### **INTERNAL CONSULTEE RESPONSES:**

37. Environmental Health officers have no objections to the proposals subject to a contaminated land study being submitted and any necessary mitigation being carried out.

38. Highways officers have no objections to the proposals on the basis that a condition is imposed requiring a refuse collection hardstanding area on the site. The proposed access arrangements and internal layout are considered acceptable.
39. The Principal Landscape Officer has not objected to the proposals. It is stated that the small number of trees that would be lost would be unremarkable specimens and their loss would not in itself have a significant effect on the integrity of the TPO woodland. Conditions would be required in order to secure tree protection and to ensure that the trees beyond private gardens in woodland areas are properly managed.
40. Ecology Officers require the mitigation contained within the submitted ecology report to be conditioned along with a requirement for bat roost mitigation.
41. The Design and Conservation Officer offers no objections to the proposals.
42. Planning Policy officers consider that the proposal is contrary to the adopted Local Plan but in relation to the NPPF and the emerging Local Plan it can be considered to be acceptable. As the CDP is in examination the weight to be given to it remains limited, but it is considered the acceptability of the scheme in relation to the NPPF and the emerging Plan are material and justify a departure from adopted policy.

#### **PUBLIC RESPONSES:**

43. The application has been advertised by way of a site notice, press notice and letters to individual residents. Letters have been received from three residences who object to the proposals. The main areas of concern are that the lane is very narrow and in a bad state of repair and there are no pedestrian footpaths. Notwithstanding this it is noted that the lane is very heavily used by pedestrians. It is also stated that the proposals would create 'urban sprawl' which would be harmful to wildlife and would result in the loss of mature trees. There are also concerns regarding dirt, noise and the use of heavy goods vehicles and that the proposals would lead to a loss of privacy for existing residents.

#### **APPLICANTS STATEMENT:**

44. The Planning Application was submitted in August 2013 following detailed pre-application discussions with officers. The desire has always been to provide a high quality, low density, landscape led residential scheme which provides an executive housing development set within a mature landscaped setting.
45. Following submission of the planning application the Council's arborist have raised some concerns in terms of the impact of the proposed development on certain trees on the application site. In light of these comments the scheme was revised through the reduction of the number of proposed dwellings from 9 to 6 which enabled development to be achieved without the loss of the more significant trees on the site.
46. A subsequent meeting with the case officer and the arborist confirmed that the revised scheme was acceptable in landscape terms. As such, the planning application provides an opportunity to meet the need, in part, for high quality, executive housing in Durham to help achieve the economic step change identified by Durham Council as part of their Local Plan.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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47. 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.
48. In this instance, given that the application seeks outline approval with appearance, scale and landscaping reserved, the main relevant considerations are the principle of the development, the access and layout, trees and ecology and the letters of objection from nearby residents. 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**

49. This proposal is for 6 executive dwellings on land within the private curtilage of Brackenhill House, Shotton Colliery. There is a Tree Preservation Order covering the site which is located outside of the existing settlement boundary.
50. 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 (acknowledging that the relevant policies are of limited weight at present); 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)*

51. 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*

52. 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. 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.
53. Shotton Colliery is recognised as a 2<sup>nd</sup> 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 in addition to employment land in surrounding industrial estates and business parks. 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, public transport links and employment opportunities.
54. The CDP is at Submission Draft stage and has recently been through the first stage of an Examination in Public on the strategic content of the Plan. The CDP does not include settlement boundaries but to be acceptable housing development would need to be considered part of the built up area. This site is divorced from Shotton but abuts the employment uses to the east. Although it comprises a house in heavily treed grounds, the site is well related to the adjacent uses and has development to the east, north and south so could be considered to be part of the built up area as it is well contained and therefore acceptable in the context of CDP Policy 15 (Development on unallocated Sites in the Built Up Area). Notably, however, the policy requires (at c) that development is compatible with adjacent uses. As the site abuts employment development officers have visited the site and are satisfied that the introduction of residential use would be compatible in terms of noise impact, however a noise assessment and appropriate mitigation measures should be conditioned if the application were to be approved.
55. The CDP also includes Policy 13 (Other Executive Housing Proposals) which permits executive housing (i.e. detached housing of high quality design and materials in large grounds) if it conforms to Policy 15. This proposal broadly meets this requirement and the introduction of such housing to the area can bring with it economic benefits for the community.
56. 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 by way of a sustainable executive housing development which would increase the mix and choice of housing in the area. It is considered the acceptability of the scheme in relation to the NPPF and the emerging Plan are material and justify a departure from adopted policy and on this basis, officers consider that on balance, the principle of the development is acceptable.



## **Access and layout**

57. It should be noted that although an outline application, layout an access is for detailed consideration now and are not reserved for future determination. The proposed access points to the development are both off Shotton Lane which terminates to the east of the site near the pedestrian entrance to the business parks. One access is existing and would serve the existing Brackenhill House and three further dwellings to the south and west of the site, whilst the new access would serve the three new dwellings to the north east corner of the site. Highways Officers have agreed these access points are acceptable in terms of location and visibility requirements and consider that the internal access arrangements are acceptable. On this basis the access arrangements are considered to be in accordance with part 4 of the NPPF and saved policies 1 and 36 of the District of Easington Local Plan. and have no objections to the proposals.
58. The layout of the proposed dwellings and disposition of the various elements has been largely determined by the spatial disposition of the access points, the site boundaries, the walled garden, the extent of the tree cover and the relationship with the surrounding built development. The applicant has worked with officers over a significant period of time in order to ensure that a high quality executive housing development can be delivered whilst retaining the integrity of the walled garden, and by ensuring that only a minimal amount of lower value trees would need to be removed. Officers have also negotiated with the applicant to ensure that in the longer term the wider woodland area is properly managed and that ecology benefits are gained, this would be achieved through appropriate planning conditions.
59. In addition to the above, the layout of the dwellings is such that there would be no adverse impacts in terms of loss of privacy, overlooking or loss of light to both existing and future residents.
60. On the basis of the above it is considered that given the constraints of the site the layout is acceptable in terms of residential amenity and impact on trees in accordance with part 11 of the NPPF and saved policies 1 and 35 of the District of Easington Local Plan.

## **Trees and Ecology**

61. Discussions have taken place during the application process and as a result the number of trees that would be directly lost to accommodate the proposed six dwellings and associated buildings, hardstandings and access roads would be much reduced compared to previous iterations where larger numbers of dwellings were served by an access road built to adoptable standards.
62. The Principal Landscape Officer considers that the small number of trees that would be lost would, for the most part, be unremarkable specimens and their loss would not in itself have a significant effect on the integrity of the TPO woodland.
63. It is considered likely that the proposed development could be constructed and serviced without significant adverse secondary impacts on trees, provided that their protection was taken into account in the detailed design and construction method. This could be secured by requiring a revised Arboricultural Implications Assessment

and Tree Protection Plan to be submitted as part of a detailed proposal, and by requiring the necessary suite of tree protection measures by condition.

64. Officers are satisfied on the basis of a site visits that building residential properties in the locations now proposed would not inevitably lead to pressures to remove or prune protected trees, although this can't be entirely discounted given the proximity of some dwellings to mature trees. Officers would be more concerned that the proposal to divide much of the woodland up into large private gardens could have similar consequences. While the TPO status of the trees would afford some protection, the integrity of the woodland would be weakened by multiple ownerships, and the value of the woodland as a high quality setting to the houses could be eroded by ad hoc garden development. On this basis residential garden areas should be strictly controlled by condition, leaving the greater part of the woodland managed as a single entity with common access on informal paths and trails. A woodland management plan would need to be conditioned and approved by the Council which would how shared space would be managed to secure wildlife and amenity benefits and prevent the future removal of trees.
65. On the basis of the above and subject to appropriate conditions securing a long term management plan for the woodland along with ecology benefits it is considered that the proposals are acceptable in terms of the impact on the natural environment in accordance with part 11 of the NPPF and saved policies 1 and 18 of the District of Easington Local Plan.

## **Objections**

66. As noted above, letters have been received from three residences who object to the proposals. The main areas of concern are that the lane is very narrow and in a bad state of repair and there are no pedestrian footpaths. Notwithstanding this it is noted that the lane is very heavily used by pedestrians. It is also stated that the proposals would create 'urban sprawl' which would be harmful to wildlife and would result in the loss of mature trees. There are also concerns regarding dirt, noise and the use of heavy goods vehicles and that the proposals would lead to a loss of privacy for existing residents.
67. With regard to the access lane being narrow and in a poor state of repair, highways officers have raised no objections in this regard and consider that appropriate access and parking provision can be achieved and that there would be no highway safety concerns as a result of the proposals. Therefore no objections are made on highway safety grounds.
68. The loss of some trees is regrettable although given their value and condition it is not considered to be a significant concern that should warrant refusal of planning permission given the benefits of the scheme in delivering executive housing. Moreover, conditions are suggested that would benefit the woodland area in the long term through the requirement for a woodland management plan along with conditions which would see ecological mitigation including the provision of bat roosts.
69. With regard to residential amenity the distancing standards with regard to proposed and existing dwellings are met and exceeded in all instances to ensure privacy is not compromised. Conditions would also be required to control hours of construction in order to further protect residential amenity.

70. Finally, an adjoining resident has raised queries relating to an existing septic tank and a boundary wall. These are not matters which are being considered as part of this outline planning application, details of boundary enclosures and drainage would be considered as part of a reserved matters application should the current application be approved.

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## CONCLUSION

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71. 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 would contribute to a need for executive housing. Conditions would be required in order to protect and enhance the woodland and habitats and on this basis the application is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions:

### 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 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:

Proposed site layout (Trees Removed Omitted for Clarity) OPTION B, 904 105.3B  
Revision D09.

*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. 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 containing any mitigating measures which may be found necessary has been submitted to and been approved in writing by the Local Planning Authority. Any mitigation required 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.*

7. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within Section D4 of the Extended Phase 1 and Protected Species Survey Of Bracken Hill, Shotton by E3 Ecology Ltd received 22 August 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.*

8. 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.*

9. Notwithstanding the details submitted, this permission relates to a maximum of 6 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.*

10. No development shall be commenced until an Arboricultural Impact Assessment and details of trees, shrubs and hedges which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details.

*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.*

11. No development shall be commenced until a scheme showing a refuse collection hardstanding area is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained in perpetuity.

*Reason: To ensure satisfactory highways arrangements in accordance with part 4 of the National Planning Policy Framework and saved Policies 1 and 36 of the District of Easington Plan.*

12. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

*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.*

13. No development shall be commenced until a scheme showing bat roost mitigation is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained in perpetuity.

*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.*

14. Notwithstanding details submitted with the application, residential garden areas shall be limited to the land hatched red on the attached residential curtilage constraints plan.

*Reason: To ensure tree and habitat protection in accordance with the objectives of part 11 of the National Planning Policy Framework.*

15. Development shall not commence until a Woodland Management Scheme is submitted to and approved in writing by the Local Planning Authority. The woodland shall be managed in accordance with the approved scheme in perpetuity.

*Reason: To ensure tree and habitat protection in accordance with the objectives of part 11 of the National Planning Policy Framework.*

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Part(s) A, E and F; of Schedule 2 of the said Order shall be carried out.

*Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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 in compliance

with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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



**Planning Services**

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**Proposed 6 NO. EXECUTIVE DWELLINGS,  
 BRACKENHILL HOUSE, SHOTTON  
 COLLIERY, DURHAM**

**Comments**

**Date JANUARY 2015**