

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03450/OUT
FULL APPLICATION DESCRIPTION:	Erection of up to 97 dwellings, construction of new vehicular access, open space (including dog walking area) and associated infrastructure
NAME OF APPLICANT:	Hesland Green Ltd
ADDRESS:	Land to the West of Blackhall Colliery and South of Hesleden Road, Blackhall Colliery
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of agricultural land, approximately 4 hectares size, and located to south of Hesleden Road (B1281) at Blackhall. The site is situated on the edge of settlement and lies to the south of existing housing development in Stuart Close and Orchid Court. The site is roughly rectangular in shape and is part of a larger field extending towards Mickle Hill Road to the south. The site is bounded by agricultural land to the west and south, and allotments to the east. There is an existing cemetery to the south east of the site.

The Proposal

2. This application seeks outline planning permission for residential development for up to 97 properties. All matters are reserved for future consideration except for access which will be assessed as part of this application. An illustrative layout plan has been submitted and details within the application indicate that the scheme would look to provide a mix of 2, 3 and 4 bedroom properties including bungalows, semi-detached, terraced and detached properties.
3. This application is being referred to the planning committee as it constitutes a major planning application.

PLANNING HISTORY

4. There is no planning history on this site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

14. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

District of Easington Local Plan

15. 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.
16. *Policy 3* – Development limits are defined for the settlements of the District and are shown on the proposals map and the settlement insert maps. Development outside the ‘settlement limits’ will be regarded as development within the countryside.
17. *Policy 14* - Development which adversely affects a designated or candidate Special Area of Conservation and is not connected with managing the scientific interest will only be approved where there is no alternative solution and there is an overriding national interest where it is necessary for reasons of human health or safety; or there are beneficial consequences of nature conservation importance.
18. *Policy 15* - Development which adversely affects a designated Site of Special Scientific Interest will only be approved where there is no alternative solution and it is in the national interest.
19. *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.
20. *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.
21. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
22. *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.
23. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

25. *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.
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.
27. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
28. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.
29. *Policy 90* – The Council will seek to secure outdoor sports facilities in the settlements of Peterlee and Seaham and at a district wide level.

RELEVANT EMERGING POLICY

The County Durham Plan

30. Paragraph 216 of the NPPF says that 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *County Highways Authority* has not raised any objections to the proposed access and highway improvements along the B1281 Hesleden Road.
32. *Northumbrian Water* has not raised any objections however further details are required in relation to the disposal of foul and surface water
33. *The Coal Authority* has confirmed that the site does not fall within a defined Development High Risk Area.
34. *The Environment Agency* has not raised any objections.
35. *County Drainage Team* has not raised any objections in principle.
36. *Police Architectural Liaison Officer* has not raised any objections however advice is offered with respect to the design and layout of the proposed residential scheme.

INTERNAL CONSULTEE RESPONSES:

37. *Ecologist* has not raise any objections in relation to impact of the development on protect species. The site is within the Heritage Coastal buffer and therefore suitable green space is required to reduce the frequency of dog walking activity to the coast.
38. *Landscape Team* supports the retention of roadside trees and remnant hedging and reinforcement along visibility splays and structural planting to the west and south boundaries would need to be generous given the rural context of the site.
39. *Tree Officer* has not raised any objections to the scheme.
40. *Environmental Management (Noise)* has indicated that there is no objections to the proposed development. There is the potential for the construction phase to impact on existing residents. Planning conditions are recommended to ensure adequate mitigation is put in place during development.
41. *Environmental Management (Contamination)* has not raised any objections however a condition is required for further site investigation works to be undertaken prior to works commencing.
42. *Public Rights of Way* has not raised any objections to the proposed scheme.
43. *Archaeology Officer* has not raised any objections but has indicated that further survey work would be required.
44. *Design and Conservation* has not raised any objections to the scheme.
45. *Education Team* has confirmed that there are sufficient primary and secondary school places in the area to accommodate pupils from the proposed development.
46. *Housing Team* has indicated that there is a 10% affordable housing requirement in the east of the County. The Planning Statement proposes 15 affordable housing units which should be a split of 75% affordable rent and 25% affordable home ownership units.

PUBLIC RESPONSES:

47. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. Eleven letters of representation have been received including responses from the Local Councillors, the Parish Council, the Campaign to Protect Rural England, Durham Bird Club and local residents.
48. Two letters of objection have been received raising concerns over the access, pedestrian access and the impacts on traffic. There are concerns that the scheme is overdevelopment and would be too dense. Comments indicate that surrounding footpaths need to be improved and additional planting and landscaping is required. It is considered that the assertion that 150 jobs will be created is false, and there is no need for affordable housing, and there is no capacity in local schools. There are also concerns that the proposal would impact on ecology and drainage and flooding in and around the site.

49. The Campaign to Protect Rural England considers that the proposed development site is unsuitable in that it is an island housing site, separated from main housing in Blackhall, and would be an intrusion into the countryside.
50. Monk Hesleden Parish Council have not raised any objections in principle but comments have been raised in relation to drainage and flooding; unmade footpaths on the west boundary; and impacts on the Hesleden Road.
51. Six letters of support has been received which indicate that the proposed development would support local businesses and bring investment into the area. It has also been noted that the proposed housing is essential for the area.
52. Councillor Crute and Pounder have indicated their considerable support for the scheme but has indicated that the following should be taken into consideration; impact of flooding and drainage; impacts on highways; lack of public rights of way; and commitment to bungalows on the scheme.

APPLICANTS STATEMENT:

53. This application will deliver a wide range and choice of high quality well designed homes including bungalows and up to 15 affordable houses. Building new homes on sites like this helps the Council deliver its five year supply of housing while also bringing significant investment and important economic benefits to the area. Providing new homes will keep local people in this community and develop new job opportunities. Through the efforts made to address localised drainage issues and highway safety improvements for the wider highway network we hope the Committee will support the application.

PLANNING CONSIDERATIONS AND ASSESSMENT

54. 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; highway and access issues; affordable housing and S106 contributions; ecology; and layout, design and visual amenity.

Principle of development

55. Blackhall is considered to be a sustainable settlement which provides a good range of shops, services and public facilities, including good public transport links. The proposed site is on the edge of the settlement and within close proximity to the shops and services which Blackhall offers. Currently direct linkages to shops and services are not ideal as the site is separated from the Blackhall settlement by the B1281 Hersedden Road. This application is proposing a couple of pedestrian crossing points which will provide pedestrians direct and safe linkages across the B1281 from the residential site towards the shops and services within Blackhall. Whilst it is accepted that the proposed site would be located beyond the settlement limits as defined on the proposals maps and under policy 3 of the local plan, the proposed site is considered to be well related to the built environment of the Blackhall settlement and would not constitute encroachment into the open countryside.
56. With the improvements of pedestrians links across the B1281, it is considered that the proposed scheme would be a sustainable development with good links to shops, services and public facilities within the settlement of Blackhall. The proposal would therefore considered to be in accordance with the sustainable principles of the NPPF.

5 year land supply

57. Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need (OAN) for housing is yet to be fully tested. The council is to consult on preferred options for the County Durham Plan shortly and this may give rise to a change in this stance.
58. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

Scenario	Dwellings per annum	Years supply against
Population Growth Short Term	1,533	4.65
Population Growth Combination	1,629	4.31
Population Growth Long Term	1,717	4.04

59. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. As such, the weight to be applied to the residential framework is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.
60. The main purpose of the Framework is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment. In providing housing a key theme of the NPPF is to seek to boost significantly the supply of housing and expects LPAs to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (including meeting the needs of people who wish to build their own homes) (Paragraphs 47 – 55 of NPPF).
61. It has already been established that the Council does not have a five year supply of housing land. In the context of paragraph 14, any adverse impacts of the proposal must therefore significantly and demonstrably outweigh the benefits if it is to be refused on the basis of the sustainability of its location.

Highway and access issues

62. The County Highways Officer had originally raised objections to the proposed scheme due to concerns over excessive speeds along the B1281 from vehicles and inadequate pedestrian crossing points from the site to main pedestrian links north of the B1281.

63. Negotiations have taken place between the applicant and Officers in relation to how to progress the scheme and ensure highway safety would not be compromised. The Council's Highways Team provided a solution which involves introducing a roundabout to the western part of the site on the B1281. This roundabout would ensure that vehicles speeds would be reduced and also provide a safe pedestrian link across the B1281. A pedestrian crossing towards the east of the site across the B1281 would also be required. The applicant has agreed to these highway improvements along the B1281. A condition is therefore recommended to ensure that these highway improvement works are provided as part of the residential scheme.
64. Providing a roundabout along with other pedestrian crossings are provided along the B1281 then it is considered that the proposed development would not compromise highway safety.

Affordable housing and S106 contributions

65. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site". A development of this scheme usually expects 10% of the housing on the site to be affordable homes with a mix of affordable rent and an affordable home ownership. The Housing Team has indicated that the affordable housing split should be 75% affordable rent and 25% affordable home ownership and the applicant has agreed to this. The provision of the affordable housing will be secured through a section 106 legal agreement.
66. Policy 90 of the local plan as well evidence within the Council's Open Space Needs Assessment (OSNA) requires new housing development to contribute to the provision and enhancement of outdoor sports facilities. In this instance a developer contribution can be made towards the enhancement and upgrade of recreational facilities in the locality. The amount of these contributions would be determined pro-rata on the final number of dwellings approved, but would equate to £500 per unit. This contribution would help to support and improve facilities within the surrounding locality for the benefits of the additional properties and also existing residents of the local community.

Ecology

67. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
68. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

69. The applicant has submitted an ecology survey with the application. The survey concludes that no protected species have been recorded within the surveys area so there is a negligible risk that there will be any direct or indirect impact on any protected species. The Council's Ecology Officer has been consulted on the ecology survey and no objections have been raised as the survey indicates a low impact risk on protected species. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. It is therefore considered that the proposals would be in accordance with saved policy 18 of the local plan and part 11 of the NPPF.
70. In order to take pressure from additional visitors away from the coastal designations of significant importance, sufficient and appropriate green space needs to be provided in association with the proposed development. There is no appropriate green space provided within the site however a scheme has been submitted which indicates that the existing unmade walkway along the west boundary would be improved and upgraded and linked with existing public rights of way further west of the site. The unmade walkway would be fully surfaced to provide adequate walking facilities and the linkages to the existing public rights of way would provide a circular walk route which would encourage walkers including dog walkers to use this route and would reduce the impact on the coastal designations. The Council's Ecologist has assessed these details and is supportive of the scheme. Conditions are recommended to ensure that this scheme is provided with the final development.
71. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Layout, design and visual amenity

72. The application has been made in outline with all matters reserved for future consideration (except access). However an illustrative layout plan has been submitted showing certain site development parameters.
73. The proposed layout plan indicates that 97 new dwellings can be located on the site which provides adequate separation distance ensuring residential amenity of existing and future occupiers will not be compromised. The proposed layout shows areas of open space and landscaped areas, along with pedestrian linkages to existing footpaths which would provide a positive appearance and good linkages. It is noted that structural landscaping and planting along the west and south boundary is crucial and this would be sought through a reserved matters scheme. There has been no major objections from the Landscape Officer, Tree Officer, Public Rights of Way Officer or the Design and Conservation Officer.
74. The proposed site parameters shown on the illustrative layout plan indicate that a high quality residential scheme could be provided on the site and successfully integrated within the local area. The proposals are considered to be in accordance with policy 1, 35, 36 and 37 of the local plan.

Other issues

75. The County's Environmental Management Team has been consulted on the application and they have raised no objections in terms of noise, air quality or contaminated land. Conditions are requested in relation to construction phase and for further site investigation to be undertaken in respect of contamination prior to development commencing. Conditions are recommended accordingly.

76. The Council's Drainage Officer, the Environment Agency and Northumbrian Water have been consulted on the proposed application. No objections have been raised however a condition has been requested for details of foul and surface water drainage to be submitted prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.
77. The Coal Authority and the Council's Archaeology Team have not raised any objections to the proposed scheme. A condition is recommended for further archaeology works to be undertaken. The Council's Education Team have also confirmed that there are no requirements for any contributions to local schools as there is sufficient capacity within the area.

CONCLUSION

78. Blackhall is considered to be a sustainable settlement which provides a good range of shops, services and public facilities, including good public transport links. With the improvements of pedestrians links across the B1281, it is considered that the proposed scheme would be a sustainable development with good links to shops, services and public facilities within the settlement of Blackhall. The proposal would therefore be considered to be in accordance with the sustainable principles of the NPPF.
79. The proposed scheme would introduce a roundabout along the B1281 Hesleden Road and another pedestrian crossing point. These improvements would ensure that vehicle speeds are reduced along this section of road and provide adequate crossing points for pedestrians. Highways Authority have not raised any objections subject to these highway improvements being introduced. It is not considered that the proposed development would compromise highway safety.
80. The proposed development would deliver the full amount of affordable housing (10%) on the site. Developer contributions would also be made towards the enhancement and upgrade of recreational facilities in the locality, which would benefit the local community. These would be secured through a proposed Section 106 Agreement.
81. An ecology report has been submitted indicating that the proposed development would not compromise protected species. The County Ecologist has not raised any objections. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. A scheme to improve walking facilities in the immediate area has been provided therefore it is not considered that the development would have an adverse impact on the coastal designations. It is therefore considered that the proposals would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF.
82. Although this is an outline application with all matters reserved, it is considered that the parameters set out on the submitted layout plan does provide sufficient confidence that a high quality layout, design and landscaping framework can be provided and appropriately accommodated in amenity terms.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 10% affordable housing; financial contributions towards play and recreational facilities at a pro-rata rate of £500 per residential unit; and subject to the following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before 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.

2. Application for approval of reserved matters for the development 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 first approval of the reserved matters.

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 in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
Y81:996:01	Site Location Plan	28/10/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. No development shall take place until a detailed highway scheme including a roundabout and pedestrian crossing along the B1281 Hesleden Road has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of highway safety and to comply with policy 77 of the Easington District Local Plan.

5. No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

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

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

8. Prior to the submission of reserved matters the applicant must secure the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
 - i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);
 - ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);
iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
v), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

9. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

10. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of residential amenity having regards to policy 1 of the District of Easington Local Plan.

11. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy 1 of the District of Easington Local Plan.

12. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Appraisal & Bat Survey Report prepared by Quants Environmental Ltd dated August 2016.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

13. No development shall take place until a detailed scheme showing improvements to the adjacent footways and linkages to the nearby public rights of way has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development.

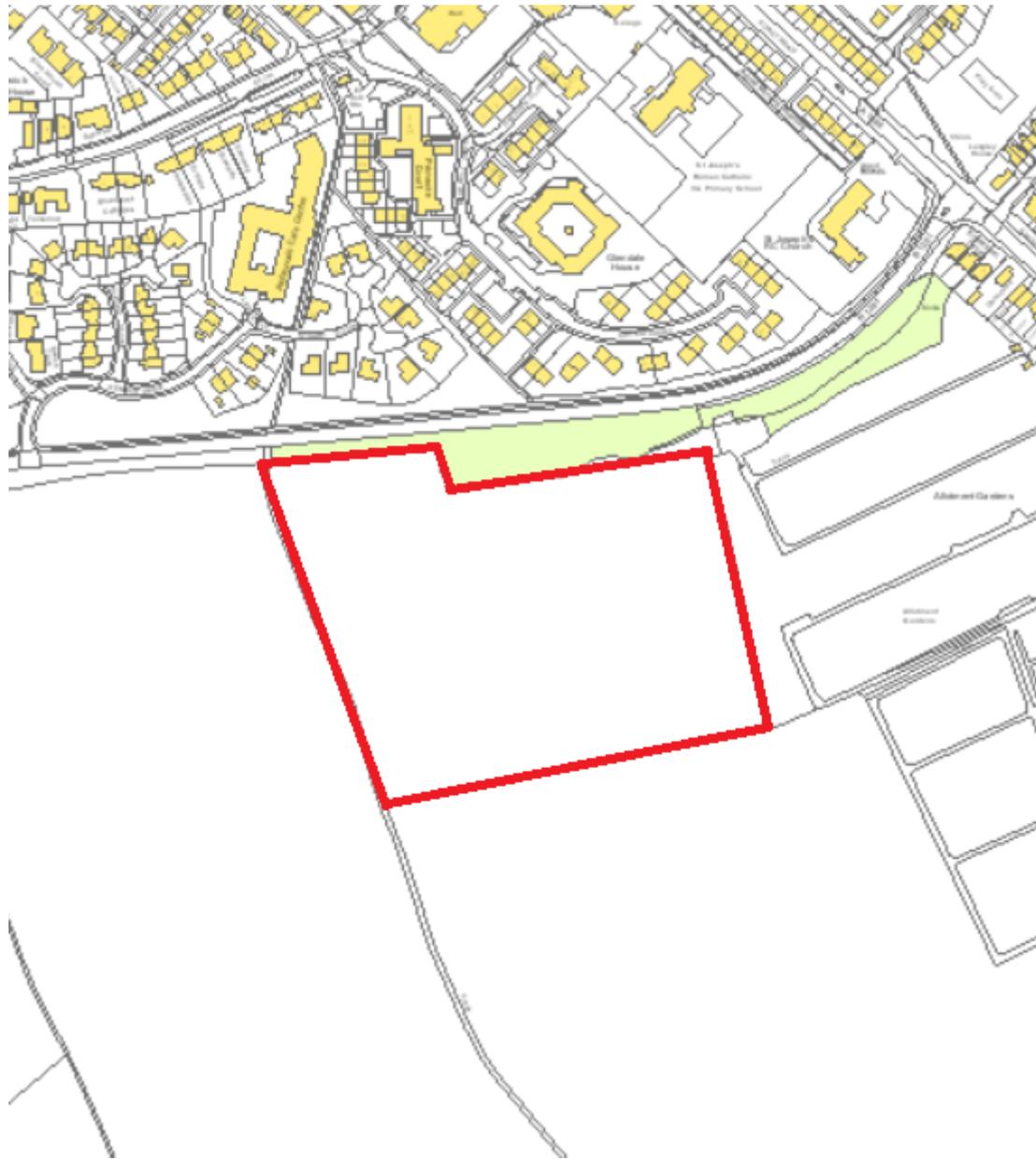
Reason: To conserve protected species and their habitat and protect the heritage coastal designations in accordance with the objectives of part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District Of Easington Local Plan
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Outline application for erection of up to 97 dwellings, construction of new vehicular access, open space (including dog walking area) and associated infrastructure at land to the West of Blackhall Colliery and South of Hesleden Road, Blackhall Colliery Ref: DM/16/03450/OUT

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Date
11th April 2017