

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00969/FPA
FULL APPLICATION DESCRIPTION:	67 dwellings with associated infrastructure and landscaping
NAME OF APPLICANT:	Chapter Homes
ADDRESS:	Land To The South And West Of Oakerside Drive, Peterlee
ELECTORAL DIVISION:	Passfield
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the south and west of Oakerside Drive which is in the southern part of Peterlee. The site is roughly rectangular in shape and comprises 3.4ha of grassland. With regards to topography, the site slopes away from the south west to the north east and there is around 10m between the site's highest and lowest points. The site, once former playing fields have not been used following the redevelopment of Shotton Hall Comprehensive School into The Academy at Shotton Hall following a grant of planning approval in 2009. The site has three distinct levels/tiers which results from its former use. The remainder of the land to the north and east forms comprises of amenity open space which benefits from tree planting in the form of a grouping of trees adjacent to Oakerside Drive and a woodland grouping slightly to the west of this.
2. The school site and its boundary occupy the western boundary of the application site with housing located to all other sides. Whilst Peterlee Town Centre is located just over a 1km away (straight line distance) to the north east a local centre lies to the south east within 120m of the site boundary. More widely, the site lies 3,500m from the Heritage Coastline, a European Protected Site, and therefore within the 6km buffer for the Durham Coast Special Area of Conservation (SAC). Castle Eden Dene Site of Special Scientific Interest (SSSI) and National Nature Reserve also lies within 300m of the site to the south and east, with areas covered by tree preservation orders and ancient woodland. There are also two Grade II Parks and Gardens of Special Historic Interest near to the site, Pasmore Pavilion 65m to the north and The Castle (Castle Eden) 385m to the south. No recorded public rights of way are contained within the application site itself. The application site contains no watercourses, with the site lying entirely within Flood Zone 1. The closest heritage asset is Apollo Pavillion a grade II* listed building which lies approximately 70 metres to the north.

The Proposal

3. The application seeks full planning permission for the erection of 67 dwellings. The proposal includes 2, 3 and 4 bedroomed properties which are all two storey and come in a mix of detached, semi-detached and terraced options. The materials palette proposed includes red and brown multi bricks and a tiled roofs. This includes 10% affordable housing provision which comprising of 7no. 2 bedroomed properties which would be dispersed across the site. All properties feature off-street parking and enclosed rear gardens.
4. Access to the site is proposed via new vehicle and pedestrian access point at the site's east boundary via Oakerside Drive which would require the relocation of an existing north bound bus stop. A further pedestrian only access is provided in the south west corner of the site onto an existing footpath than runs alongside, but outside, the site's southern boundary.
5. The layout seeks to largely retain and enhance an existing area of amenity open space which would also accommodate a sustainable drainage system (SuDs). A landscape planting scheme as also been submitted.
6. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

PLANNING HISTORY

7. In 2009, planning permission was granted for a new three and part four storey secondary school, sports facility and associated external works with the demolition of existing school at Shotton Hall Comprehensive School (5/PL/2009/0017). The replacement school is known as The Academy at Shotton Hall. Whilst the majority of works took place on land to the south of Passfield Way the red line outline included the land that forms the upper two tiers of this current application. The plans submitted as part of 5/PL/2009/0017 show no works were proposed to this land.
8. At the same time planning permission was also granted for a new single storey primary school with associated external works and demolition of existing building at Shotton Hall Primary School (5/PL/2009/0018).

PLANNING POLICY

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 dependent. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

11. *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.
12. *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.
13. *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.
14. *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.
15. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *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.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

Easington District Local Plan (2001) (EDLP)

19. *Policy 1 – General Principles of Development.* 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.
20. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
21. *Policy 14 – Protection of Special Areas of Conservation.* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
22. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* Development that is likely to affect Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNRs) will only be permissible if no alternative solution can be found and is in the national interest. Minimisation of the impacts and appropriate compensation is required where works affect SSSIs or NNRs.
23. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.
24. *Policy 18 – Species and Habitat Protection.* 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.
25. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
26. *Policy 35 – Design and Layout of Development.* 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.
27. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

28. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
29. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
30. *Policy 39 – Design for Art.* Encourages the provision of artistic elements within new development.
31. *Policy 66 – Provision of Outdoor Play Space.* This policy requires developers to provide adequate provision for children’s play space and outdoor recreation space in new major housing developments.
32. *Policy 67 – Windfall Housing Sites.* 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.
33. *Policy 90 – Protection and Provision of Outdoor Sports Facilities.* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.
34. *Policy 92 – Protection of Amenity Open Space.* Amenity open space will be protected from development except where development of a small part leads to the overall enhancement or alternative provision of equal or enhanced community benefit is provided.

RELEVANT EMERGING POLICY

The County Durham Plan

35. 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. An ‘Issues & Options’ consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the ‘Preferred Options’ was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Peterlee Town Council* – No comments received
37. *Northumbrian Water*– No objection subject to a condition being imposed to secure the implementation of the drainage strategy
38. *Highways Authority* - No objection to the scheme following the latest revisions subject to the imposition of conditions and informatives

39. *Drainage and Coastal Protection* – Raise no objection subject to the imposition of a planning condition

INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy* – This site is located within the defined ‘development limits’ for Peterlee, however, development gleans no support from Policy 67 as the site is not previously-developed land. Notwithstanding this, it is recognised that the NPPF is less restrictive than Policy 67 as it does not preclude the development of greenfield within urban areas. Paragraph 14 is engaged when the development plan is either absent, silent, or relevant policies are out of date. Whilst the EDLP had an end date of 2006, the age of the development plan does not necessary mean that its ‘saved’ policies are ‘out of date’. Whether a policy is up-to-date in the context of NPPF is not an issue about the date when the Plan was adopted but conformity and consistency with NPPF. In this instance, the two limbed test set out in Paragraph 14 of the NPPF is engaged due to the fact that the local plan is out-of-date when it comes to policies relating to housing supply. The Council is currently able to demonstrate in excess of 5-years housing land supply and this should be factored in to the planning balance.
41. *Archaeology* – No objection as the site has been disturbed through terracing and made ground therefore it is unlikely that archaeological remains will survive.
42. *Design and Conservation* – No overall objections and no harm to heritage assets. Some amendments to the layout are suggested.
43. *Ecology* – Raise no objections subject to a S106 agreement to secure financial contributions and the imposition of conditions. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with Section 6 of the report being conditioned as part of any planning approval. It is noted that the proposal is within the 6km Habitats Regulations Coastal Buffer and a Habitat Regulations Assessment (HRA) Screening Opinion has been submitted with the application. The Screening Opinion acknowledges that whilst direct impacts are unlikely indirect impacts arising from recreational disturbance are likely to have a significant effect. It is proposed to address this through a financial contribution of £658.98 per dwelling, a total of £44,151.66. Biodiversity offsetting is required to ensure there is no net loss to biodiversity therefore a contribution of £7,750 is required to deliver offsite semi-improved grassland creation.
44. *Environmental Health (Contaminated Land)* – Raise no objections subject to a imposition of a condition
45. *Environmental Health (noise, dust and odour)* – No objection subject to the imposition of conditions
46. *Environmental Health (air quality)* – Raise no objections at this stage however outline a series of recommendations.
47. *Arboricultural Officer* – Raises concerns regarding the number of trees which are to be lost. Some of the trees shown to be retained could come under pressure in the future due to their location within the rear gardens of properties. Should the development be approved the tree protection details should be secured by condition.
48. *Landscape Section* – Reiterate the concerns of the arboricultural officer and some amendments to the landscaping are suggested.

49. *Public Rights of Way* – There are no recorded Public Right of Way within or adjoining the site. An informal path crosses the site and this route is broadly retained.
50. *Housing Delivery* - Confirm affordable housing requirement of 10% in this planning delivery area equating to 7 units with a tenure mix of 5 affordable rent and 2 discounted market sale
51. *School Organisational Manager* – Raise no objections noting that there are sufficient primary and secondary school places to accommodate pupils from this development.

EXTERNAL CONSULTEE RESPONSES:

52. *Police Architectural Liaison Officer* – No concerns regarding the overall layout from a designing out crime perspective. It is important that the area of open space is well designed so that people feel safe and are encouraged to use it.

PUBLIC RESPONSES:

53. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 7 letters of representation have been received comprising of 6 objections and 1 in overall support
54. The main concerns raised by objectors are summarised as:

Principle

- Loss of an area of public open space where children play and people walk their dogs. Residents could try to get the land registered as a village green
- Development of green belt land
- Existing residents were advised that the fields would not be built upon
- The development will infill the gap between Oakerside Park and Oakerside Drive. Question whether it will be desirable to have large executive homes fronting onto Oakerside Drive.
- Areas such as Horden would benefit much from redevelopment

Highways and Access

- Highway safety concerns given the location near the junction and bus stop
- Request consideration is given to a secondary access off Bywell Drive
- Query pedestrian access arrangements onto the path to the south of the development
- Could lighting on public footpaths be kept to a minimum.

Amenity

- Concerned that the new dwellings will overlook existing properties in Oakerside Drive due to site level changes resulting in a reduction in privacy. This would have financial implication due to having to purchase blinds
- The new dwellings and tree planting would result in a loss of light and overshadowing to existing property and gardens
- Due to the site level changes the new properties would have an overbearing impact on the existing
- Would impact on people's way of life by developing the area of open space
- Increased noise and disturbance as a result of the new road and additional housing
- Light pollution
- Loss of a view
- Inconvenience during the construction period arising from noise and dust

Design, Layout, Scale and Landscaping

- Properties should be constructed from red multi bricks rather than buff bricks
- To facilitate the development a number of existing trees will be removed
- How will open space and landscaping be managed

Drainage and flooding

- Concerns that the SUDs basin will end up being a nuisance (smelly and place where rubbish collects)
- Properties in Oakerside Drive have flooded in the past. If the site was development the risk of flooding would increase.

Ecology

- The trees provide habitat for birds, owls and bats

Other Issues

- Impact the development will have on the health and wellbeing of existing occupants
- Property devaluation
- Concerns surrounding the way Chapter Homes undertook their public consultation exercise
- Local school capacity

55. One letter has also been received outlining that in the main this applications represent an appropriate proposal however requests consideration is given to a number of matters which have been outlined above. The proposal would provide additional housing and would minimise disruption and intrusion to existing residents. The additional planting is welcomed and will assist with privacy.

APPLICANT'S STATEMENT:

56. Chapter Homes are committed to being an exemplar Housing Developer who are committed to the development of land within County Durham. Providing well designed places where people want to live is a key aim of Chapter Homes and one which is strives to achieve on each and every development.

57. The proposed development on Oakerside Drive will provide a range of high quality homes in an area that has been identified for housing development. Throughout the design stage Chapter Homes has ensured that green space is retained and provides an appealing beauty to the proposal.

58. Chapter Homes will deliver 7 affordable homes showing its commitment to providing an opportunity for everyone to access a new home on this exciting development.

59. We have been committed to working alongside Durham County Council to ensure that the proposal meets planning requirements which has been a positive process.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, open space, landscape impact, design and layout, access and highway safety, affordable housing and housing mix, residential amenity, ecology, flood risk and drainage, heritage assets and archaeology and other considerations.

Principle of development

The Development Plan

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that the weight to be afforded to existing Local Plan policy should depend upon consistency with policies of the NPPF.
62. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

63. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- approving development proposals that accord with the development plan without delay; and,
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
64. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

65. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context.

Five Year Housing Land Supply

66. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
67. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
68. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
69. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
70. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
71. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

Assessment having regards to Development Plan Policies

72. The site is located within the existing defined settlement limits for Peterlee as defined by Policy 3 of the EDLP where there is general presumption in favour of development. Policy 1 outlines the general principles of development which encourages sustainable forms of development. Policy 67 advocates support for housing proposals provided they lie within the settlement limits and relate the previously developed land. The scheme would draw partial support from the policy being located within the settlement limits however it would relate to the development of a greenfield site. While the NPPF does promote the use of previously developed land there has been a shift to an assessment of the overall sustainability of a site, and the development of greenfield sites is not precluded.

73. Given the age of the EDLP and housing supply figures that informed it, the housing supply policies therein, and referred to above, do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing or other out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
74. Consequently, and as there are no restrictive policies which would indicate that the development should be restricted, it is considered in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF, and specifically, whether any adverse effects would significantly and demonstrably outweigh the benefits. This planning balance is undertaken at the end of this report in light of considering all material considerations.

Local Sustainability of the Site

75. With regards to the sustainability of the site, the County Durham Settlement Study (2018) is an evidence based document which identifies the range of services available within settlements across the County. Within that, Peterlee scores highly, suggestive that it is a settlement which in principle can support housing development having regards to the servicing and infrastructure needs of the prospective occupiers.
76. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. EDLP Policy 36 encourages alternative means of travel to the private car, and is consistent with the NPPF in this respect and can be given full weight in the decision making process.
77. The site lies on the southern edge of the settlement. Whilst the Peterlee Town Centre is located just over a 1km away (straight line distance) a local centre lies to the south east within 120m of the site boundary which benefits from a public house, community centre and a parade of shops. Local primary and secondary schools are also in close proximity. Bus stops are situated at the site entrance with Oakerside Drive which provide regular bus services to Peterlee, Hartlepool, Durham and Sunderland.
78. Paragraph 72 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The Local Education Authority has highlighted that there are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development and therefore no contributions are required in this respect.
79. As a result, it is considered that in the vicinity the site has access to a suitable level of services and facilities, adequate to serve the scale of development proposed, and that these are within relatively easy reach of the site, via non-car modes of transport. The proposal is consequently considered to be in accordance with core principles of Paragraph 17 and also Paragraph 61 of the NPPF which encourages the integration of new development through appropriate connection as well as EDLP Policy 36. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts, or whether there are any specific policies that indicate the development should be restricted, can only be considered following an examination of all of the issues within the planning balance.

Open Space

80. EDLP Policy 90 relates to the protection and provision of outdoor sports facilities and Policy 92 concerns the protection of amenity open space. Paragraph 74 of the NPPF states that existing open space and sports land should not be developed unless an up to date assessment has taken place which shows them to be surplus, the loss would be replaced by equal or better provision or the alternative sports and recreation provision is proposed and the need for which clearly outweighs the loss. Both policies are broadly consistent with the NPPF therefore can be afforded weight in the determination process.
81. The application site partially includes land once utilised as a playing field by Shotton Hall Comprehensive School, prior to the significant renovation and reconstruction works that took place following the grant of approval in 2009. The site has not been used as a playing field for more than 5 years and it does not form part of a site allocation in the local plan. With regards to playing pitch provision the East Durham Playing Pitch Action Plan (PPAP) of October 2015 outlines the Council's strategy to address any shortfalls over a plan period to 2019, and has been agreed by Sport England. The PPAP contains measures to secure that necessary pitches provision be made available should demand be forthcoming.
82. The Council's 2018 OSNA is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The land which once formed part of a playing field at the former school is no longer allocated as a playing pitch therefore policy EDLP Policy 90 is not engaged as the proposal would not result in the loss of outdoor sports facilities.
83. The OSNA identifies an area of amenity open space which runs along the northern and eastern site boundaries. To facilitate the development part of this area would be developed to include the new access road into the site, limited housing development to the south of this in addition to the sustainable drainage infrastructure. A scheme of mitigation through enhancement to the significant portion of land that would remain is proposed to be delivered through a comprehensive new landscaping scheme and new footpath links within the amenity land. As a result the proposal would be compliant with Part 8 of the NPPF and Policy 92 of the EDLP.
84. EDLP Policies 66 and 90 seek to ensure adequate provision of open space is provided in new residential developments. These policies are considered partially consistent with the NPPF and so can be afforded limited weight as whilst the objectives of the Policy remain in conformity, the standards have since been updated through the Open Space Needs Assessment (OSNA). The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of amenity/natural greenspace within the development as a result of the enhancements to the northern area of the site. The development is of a scale whereby non equipped children's play space could be provided on site however as there is an existing children's play area within 600m of the site it is considered more appropriate to secure a payment to enhance existing provision. The development would generate a required contribution of £105,178.50 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.

Landscape Impact, Design and Layout

85. EDLP Policy 35 requires that the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space and appropriate landscape features and screening where required. Policy 39 encourages the provision of artistic elements within new development. Parts 7 and 11 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. EDLP Policies 35 and 39 are consistent with this approach and builds upon the NPPF and NPPG requirements. Therefore, the key policy consideration in this matter is whether the site is read together well with the surrounding built environment and landscape features, and represents good design.
86. Both the arboriculture and landscape officer have raised concerns that a number of trees are required to be removed to facilitate the development proposal. A detailed landscaping scheme has been submitted in support of this application which seeks to address this loss and provide enhancement to the areas of amenity open space that are to be retained. Furthermore, a tree protection plan has been prepared to ensure that the trees and hedges that do remain are protected throughout the construction period. Whilst the loss of trees is regrettable it is to a large degree unavoidable in respects to any housing proposal as the access into the site can only be taken from Oakerside Drive. Furthermore, the trees are not protected by any designation. The landscaping scheme proposed will provide additional tree planting in excess of the ones to be removed. As outlined in the previous section of this report adequate levels of open space are considered to be provided within the site. Conditions will however be imposed to secure the scheme of landscaping, its future management and maintenance and tree protection measures. Overall it is not considered that there would be a significant adverse landscape impact nor would there be overall conflict with the intentions of policies 1 and 35 of the EDLP or Parts 7 or 11 of the NPPF.
87. The surrounding area is predominantly residential in character. The submitted plans and site sections demonstrate that the proposed dwellings would be commensurate in scale and design with surrounding development most notably the properties to the south and east. The proposed materials include facing brickwork and tiled roofs. Whilst the general approach to materials is acceptable a condition would be appropriate to agree the exact details. The applicant has agreed to the provision of art on the site, which can be secured by condition.
88. With regards to layout and design the development complies with the relevant EDLP Policies and Parts 7 and 11 of the NPPF.

Access and Highway Safety

89. A Transport Assessment has been submitted in support of these proposals which concludes that the development will not have any significant or severe impacts to the operational performance of the surrounding road network. This conclusion has been confirmed by the Highway Authority. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe which is not considered to be the case.

90. An appropriate means of access and layout arrangements have been secured in consultation with the Highway Authority. Car parking provision would comply with the minimum requirements outlined in DCC Residential Car Parking Standards. A minor query has been raised in relation to surfacing materials and a revised plan has been submitted to address this. It is expected that this matter will be resolved in time for the Committee meeting where a verbal update will be provided.
91. There are no recorded Public Right of Way within or adjoining the site. An informal path crosses the site and this route is broadly retained within the proposed development. Access and Public Rights of Way Officers raise no objection to the scheme. Two local residents have expressed concerns regarding footpath connections to and increased usage off the path that runs alongside, albeit outside, the southern boundary. A single footpath connection is shown in the south west corner in the site which is considered appropriate to encourage travel by sustainable modes of transport.
92. Overall, it is considered that the development would not adversely impact on highway safety. There is no conflict with EDLP Policies 35, 36 and 37 or Part 4 of the NPPF. These policies are consistent (35 and 36) with the content of the NPPF and can be attributed weight in the decision making process. Though an applicable Policy, 37 is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy 37 are out of date. As a result the Policy is attributed very limited weight in the decision making process. The Highways Authority raise no objection to the scheme subject to the imposition of a condition to secure the relocation of the existing northbound bus stop on Oakerside Drive. Other minor highways matters relating to internal speed limits and highway adoption procedures would be brought to the developer's attention by means of informatives. Furthermore, due to the site's sustainable location with good access to local bus stops and footpath connections future residents of the site would have access to a range of sustainable transport options.

Affordable Housing and Housing Mix

93. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a need for affordable housing and 10% provision in the East of the County is considered to be appropriate taking account of viability. This amounts to 7 dwellings in this case which would be delivered as a tenure mix of affordable rent (5no.) and discounted market sale (2no.). The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure this requirement.
94. In terms of housing mix, the development would provide a range of 2, 3, and 4 bedroomed properties which would provide a mix of housing in compliance with Paragraph 50 of the NPPF.

Residential Amenity

95. One of the twelve core planning principles of the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. EDLP Policies 1 and 35 requires that the design and layout of development to reflect the character and scale of the adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. Policy 38 relates to designing out crime in development. These policies are broadly consistent with the NPPF therefore can be afforded weight in the determination process.

96. Adequate privacy distances between dwellings are provided both internally and externally. Existing residents within Oakerside Drive have raised concerns regarding the proposed development and the potential impact this will have on their amenity especially as the land rises away from them. New principle elevations would be located in excess of 40m from existing residents and new gable elevations would be in excess of 25m from their front elevations. This is far in excess of the recommended standard which is considered more than adequate to account for level changes across the site. As such the development of this site for housing is unlikely to substantially diminish levels of residential amenity in terms of loss of outlook, light or privacy for existing residents. It is acknowledged that some properties may experience changes to the private views across the land that they currently experience however, this is not a material planning consideration.
97. With regards to the internal arrangements it is acknowledged that there are relatively significantly site level changes across the site. Full engineering details have been provided in support of the proposal which include the requirement for retaining walls. Furthermore the new dwellings would all benefit from private amenity space. These details are considered to be acceptable.
98. Neighbouring properties have highlighted the potential for disturbance during the construction period. It is acknowledged that some level of disturbance will be experienced by local residents during the construction however this can be controlled through the implementation of a Construction Management Plan (CMP) which will seek to minimise any such impacts. Environment, Health and Consumer Protection has assessed the submitted CMP which is considered to be acceptable. Adherence to this will be secured by condition. On this basis it is not considered that the impact upon residential amenity would be reduced to an acceptable level. Having regard to these measures, the application is considered to be in accordance with EDLP 1 and 35 and Part 11 of the NPPF in this regard.

Ecology

99. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. EDLP Policies 14, 16 and 18 are required to protect designated sites for importance and areas of ancient woodland. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report notes the presence of scrub, mixed plantation woodland and neutral grassland and areas of these would be lost to the development. In order to minimise the ecological impacts of the proposal, including the risk of protected species being adversely affected, a series of recommendations are outlined. These include the incorporation of bat roost and bird nesting features within properties in addition to works to trees and hedges taking place outside the bird breeding season. The recommendations outlined in the ecology report would be secured by condition.
100. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 The purpose of the Appropriate Assessment would be to determine whether the proposed mitigation would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated.(i.e. Durham Coast SAC). This would be undertaken by the carrying out of a screening exercise using information submitted by the applicant.

101. The Habitats Regulations Assessment document submitted by E3 Ecology concludes that no direct impacts are likely on the European Sites in the vicinity of the development however there is the potential for Likely Significant Effect on the sites caused by indirect impacts from recreational disturbance (without mitigation). In order to take pressure from additional visitors away from the Durham Coast SAC, sufficient and appropriate green space needs to be provided in association with the proposed development or alternatively a financial contribution is required to be used towards one of the identified projects within the Heritage Coast Management Plan, the aim of which would be to take increased usage pressure away from the Heritage Coast which would otherwise arise from the development. The Heritage Coast Management Plan provides a strategic programme which identifies six achievable objectives to improve the heritage coast environment. There is not an appropriate level of green space provided within the site to mitigate against this aspect therefore the applicant has agreed to make a contribution of £658.98 per residential unit. A total payment of £44,151.66 would therefore be secured through a section 106 legal agreement to be used towards the Heritage Coast Management Plan and this would provide the necessary mitigation so as to ensure a significant effect upon the European Protected Site would not occur.
102. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £7,750 for off-site semi-improved neutral grassland creation which would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). On-site improvement works and the future maintenance of these areas would be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 109 of the NPPF.

Flood Risk and Drainage

103. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
104. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The proposed drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin and swale to capture surface water in 1 and 100 year flood events to discharge to public sewers at greenfield run-off rates. The scheme also proposes the implementation of permeable paving, which would help restrict runoff to greenfield rates before being discharged to a water course. The Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water similarly raises no objections.
105. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
106. No objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Heritage Assets and Archaeology

107. As the site has been disturbed through terracing and made ground it is unlikely that archaeological remains will survive. The Council's Archaeologist has confirmed that no further work is required and that no objection is raised. The proposal is therefore considered to comply with Paragraph 128 of the NPPF.
108. The application site is not within, nor contains any heritage assets. The nearest listed buildings are the Apollo Pavilion, Grade II*, approximately 70 metres to the north, and Shotton Hall, Grade II, approximately 650 metres to the north west. There are also two Grade II Parks and Gardens of Special Historic Interest near to the site, Pasmore Pavilion 65m to the north and The Castle (Castle Eden) 385m to the south. The Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision maker.
109. There is limited intervisibility between the site and the aforementioned heritage assets due to the intervening dense housing and in the case of Shotton Hall dense woodland. As such there would be no direct visual relationship between the sites and the proposal would not adversely impact upon their setting or from the significance of these assets. Design and Conservation officers raise no objections to the proposal. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm.
110. It is therefore considered that the proposal would have no adverse impact on designated heritage assets within the vicinity of the site. The proposals would therefore accord with Part 12 of the NPPF and the requirements of EDLP Policy 24. This policy is considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.

Other Considerations

111. A Geoenvironmental Appraisal has been provided by the applicant in response to the sensitive end use of the site however as ground gas monitoring has not been provided and further soil sampling is required they consider further Phase 2 site investigation works are required to be undertaken which would be secured through a planning condition. To avoid the need for a pre-commencement condition the applicant has submitted a further report containing the results of the gas monitoring. Environmental Health Officers have reviewed this and consider there is a requirement to impose a condition to secure a Phase 4 Verification Report. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.
112. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.

113. The proposal has generated some public interest, with six letters of objection having been received. It is not considered that the proposal would have an adverse impact on the amenity of existing residents, highways safety or ecology interests. The overall design and layout is considered to be acceptable and would be in keeping with the surrounding area. Overall, the proposal is considered to be policy compliant and no objections have been received from statutory or internal consultees. Property devaluation and Chapter Homes pre-application public engagement exercise are not a material planning considerations. All other objections and concerns raised by local residents have been taken account and addressed within the report. On balance, the concerns raised were not felt to be of sufficient weight to justify refusal of the application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations.
114. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contributions towards offsite open space and recreational provision, Durham Heritage Coast Management Plan and biodiversity improvement are all considered to be in accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development, as is securing 10% on-site affordable housing.

Planning Balance

115. As a result of relevant policies for the supply of housing being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, which states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in this Framework indicate development should be restricted. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

Benefits

116. The recent Government consultation document entitled "Planning for the Right Homes in the Right Places" introduced a standard methodology for calculating housing need (OAN). The 'Preferred Options' of the County Durham Plan (CDP) has now been published which aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure. Ultimately, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. . Accordingly, the weight to be afforded to the boost to housing supply is clearly less than in instances where such a healthy land supply position could not be demonstrated.
117. The development would include a provision of 10% affordable housing on site, which would equate to up to 7 affordable dwellings and would assist in improving the range and choice within the local housing market.
118. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

119. Similarly, the site would be accessible to, and help support, a range of local shops and services within Peterlee and the surrounding area which would contribute to the vitality of the area, and is again a benefit of the development that can be afforded some weight in favour of the proposals.

Adverse Impacts

120. To facilitate the development an area of amenity open space would be developed to include the new access road into the site, limited housing development to the south of this in addition to the sustainable drainage infrastructure. Existing trees would also require removal. A scheme of enhance to the significant portion of land that would remain is proposed to be delivered through a comprehensive new landscaping scheme and new footpath links within the amenity land. Therefore whilst an area of amenity open space would be lost and trees therein, compensatory landscaping measures are proposed to mitigate this and enhance the open space which would remain.

CONCLUSION

121. Policies relevant to the supply of housing within the EDLP are out of date and the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies indicate development should be restricted.
122. The direct benefits of the proposal would be the contribution to housing supply which would assist in improving the range and choice within the local housing market. In light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
123. Whilst the proposal would result in the loss of some land designated as amenity open space the remaining provision would be enhanced therefore there is not considered to be any conflict with EDLP Policy 92. Whilst existing trees would be removed these are not protected and a landscaping scheme has been proposed which seeks to mitigate against this.
124. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
125. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in all other respects.
126. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- Provision of 10% affordable housing equating to 7 dwellings which would be delivered as a tenure mix of affordable rent (5no.) and discounted market sale (2no.);
- £105,178.50 for improving offsite open space and recreational provision in Passfield Electoral Division;
- £44,151.66 towards the Durham Heritage Coast Management Plan
- £7,750 for off-site semi-improved neutral grassland creation

And subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan	Drawing No.	Date Received
External works layout Sheet 1 of 2	003-01	29/03/18
Arboricultural method statement tree protection plan	AMS TPP	29/03/18
Site location plan	PL01	29/03/18
House type plans and elevations Cuthbert	PL010	29/03/18
House type plans and elevations Hild	PL11	29/03/18
House type plans and elevations Desmene	PL12	29/03/18
House type plans and elevations Hild - (Previously Spruce)	PL12	29/03/18
House type plans and elevations Desmene - (Previously Willow)	PL13	29/03/18
Single garage plan and elevations	PL13	29/03/18
Double garage (Single) plan and elevations	PL14	29/03/18
Single garage plan and elevations	PL14	29/03/18
Double garage plan and elevations	PL16	29/03/18
Housetype plans and elevations Chad	PL06	29/03/18
Housetype plans and elevations Aiden	PL07	29/03/18
Housetype plans and elevations Bede	PL08	29/03/18
Housetype plans and elevations Mason	PL09	29/03/18
Proposed Site Layout	PL02 Rev F	28/06/18
Sketch - External Works (Sht 2)		28/06/18
Material Selection	PL16	08/06/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 3, 14, 16, 18, 35, 36, 37, 38, 66 and 90 of the Easington District Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework.

3. The Construction Management Plan outlined within the Construction Management Plan Rev. A dated 23/05/2018 shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence

4. Upon completion of the development, 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, have been protected in accordance with the details contained within the Arboricultural Method Statement (AMS TPP) dated 27/03/2018 by All About Trees Ltd and BS 5837:2012. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area having regards to Policy 35 of the Easington District Local Plan and Parts 7 and 11 of the NPPF.

6. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be completed in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy 39 of the Easington District Durham Local Plan and Part 7 of the National Planning Policy Framework.

7. Prior to any development commencing details of the relocation of the northbound public transport infrastructure adjacent to the site entrance must be submitted to and approved in writing by the Local Planning Authority. No construction works shall be undertaken until such time as the new northbound public transport infrastructure has been completed.

Reason: In the interests of minimising traffic generation and encouraging sustainable travel, in accordance with the objectives of saved Policy 36 of the Easington District Local Plan and part 4 of the NPPF.

8. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure high quality design to comply with Policy 35 of the City of Easington District Local Plan and Part 7 of the NPPF.

9. Notwithstanding the submitted information, prior to the occupation of the first dwelling a detailed landscaping scheme including biodiversity mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planting season following the substantial completion of the development. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of appearance of the area in accordance with Policies 1 and 35 of the Easington District Local Plan and Parts 7, 8 and 11 of the NPPF.

10. Prior to the occupation of the first dwelling a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies 1 and 35 of the Easington District Local Plan and Parts 7, 8 and 11 of the NPPF.

11. The development shall take place in strict accordance with the Recommendations detailed in Section 6 of the Preliminary Ecological Appraisal by All About Trees dated 19th April 2017.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy 18 of the Easington District Durham Local Plan

12. The development shall be carried out in line with the drainage scheme detailed in the Flood Risk Assessment and Drainage Strategy Rev A dated 11.06.18.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

13. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

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. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Easington District Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

Ref: DM/18/00969/FPA

67 dwellings with associated infrastructure and landscaping

Chapter Homes

Land To The South And West Of Oakerside Drive, Peterlee

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Date
10th July 2018

Scale
Not to scale