

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/04124/FPA
FULL APPLICATION DESCRIPTION:	14 dwellings at Tamar Close and 27 dwellings at Teign Close, Peterlee (41 dwellings)
NAME OF APPLICANT:	County Durham Housing Group
ADDRESS:	Land at Tamar Close and Teign Close, Peterlee
ELECTORAL DIVISION:	Peterlee East
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. These application sites are located within the settlement boundary of Peterlee within the Peterlee East Electoral Division. They are surrounded on all sides by residential development which is mostly two storey. The sites are directly adjacent one another and were previously residential sites with garaging until they were cleared around 25 years ago, both are now informal open green space (not designated) with informal footpaths running through them.
2. Both sites are approximately half a mile away from Peterlee town centre and are close to community facilities including health and educational facilities, public transport links and retail units.

Proposal:

3. This application proposes a residential development of 41 affordable residential units along with associated infrastructure, 14 of the dwellings would be at Tamar Close and 27 would be at Teign Close, all would be constructed from a traditional facing brick and tiled roofs.
4. All units at Tamar Close are 2 storeys in height with double pitched tiled roofs to each property and semi-detached. Teign Close is a combination of 2 storey units, semi-detached and in short terraces, semi-detached bungalows, and a short terrace of dormer bungalows.
5. Front gardens will be enclosed by painted metal railings, with dwarf masonry retaining walls between adjacent plots. Rear gardens will be enclosed by close boarded timber fences. All plots are provided with rear garden access down the side of each house, or at the rear of gardens to central terrace plots. All dwellings would have 2 parking spaces with an additional 28 visitor parking spaces being provided across both sites.

6. 29 of the units would be three bedroom five person 'Rent to Buy' properties, 10 of the units would be 2 bedroom 3 person bungalows and the remaining 2 units will be 3 bedroom five person dormer bungalows all to be let as traditional affordable rented properties based on priority need. All bungalows proposed on the development would be wheelchair user adaptable and suitable for both elderly and disabled residents; the three bedroom dormer bungalows would meet the specific needs of occupiers who cannot currently access suitable properties, such as a families with disabled members. Although the housing would be 100% affordable, it should be noted that officers could only insist on 10% affordable housing in this location on the basis of evidence in the Strategic Housing Market Availability Assessment, the remaining 90% is offered on a voluntary basis by County Durham Housing Group.
7. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

8. None relevant

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 dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

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

12. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

14. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
15. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and *associated* infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
18. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

District of Easington Local Plan

19. *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.
20. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
21. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
22. *Policy 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 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

RELEVANT EMERGING POLICY:

The County Durham Plan

27. 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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. None received.

INTERNAL CONSULTEE RESPONSES:

29. Highways officers have received several amended plans with relation to visitor parking and footpath arrangements and now have no objections to the proposals.
30. Tree officers note that amendments have been made to the scheme which now retains a larger amount of trees that was initially proposed. No objections are raised subject to tree protection being in place during construction.
31. Education officers confirm that there are sufficient primary and secondary school places in the area to accommodate the development.
32. Pollution Control do not object subject to a contaminated land condition.

33. Landscape officers had initial concerns regarding the loss of trees and lack of open space, revisions have been made to the plans which have reduced the number of dwellings whilst providing more open space and tree retention, there are subsequently no objections subject to a detailed landscaping scheme.
34. Ecology officers do not object subject to compliance with the submitted ecology report and appropriate mitigation given that the proposal is in close proximity to EU protected sites on the coast.

PUBLIC RESPONSES:

35. Northumbrian Water have no objections subject to a condition requiring details of foul and surface water drainage.
36. Four letters of concern have been received by nearby residents. The main concern is that the development would result in a loss of on street parking for existing residents, the loss of green space and trees and potential disruption caused by construction traffic.

APPLICANTS STATEMENT:

37. The application provides 41 new dwellings of affordable tenure on previously developed sites at Tamar Close and Teign Close in Peterlee. The sites are well located and in close proximity to local shops and amenities including Peterlee Town Centre which is just less than 1 mile from the site.
38. 29 of the units will be three bedroom five person 'Rent to Buy' properties; which provide residents with the opportunity to rent a new home at a reduced rate to help them save for a deposit that would enable them to purchase the property. 10 of the units will be 2 bedroom 3 person bungalows and the remaining 2 units will be 3 bedroom five person dormer bungalows all to be let as traditional affordable rented properties based on priority need. All bungalows proposed on the development are to be wheelchair user adaptable suitable to both elderly and disabled residents; the three bedroom dormer bungalows are unique and will meet the specific needs of clients who cannot currently access suitable properties, such as a families with disabled members.
39. The site layouts have been carefully designed and each new 3 bed house has 2 allocated parking spaces with each bungalow having 1 allocated parking space; in addition to this 28 visitor parking spaces have been provided across both sites. Whilst removal of some trees is required to accommodate the development, some existing trees and open space has been retained and the planting of new trees will result in an increase of around 50% on the current provision; this will help to maintain the visual amenity of the area in the long term.
40. Demand for affordable housing in Peterlee is very strong, including existing bungalows and three bed-properties owned by County Durham Housing Group in the area. The town is one of the most popular areas for housing and bungalows across the group's whole operating area and the proposed 41 new dwellings at Tamar and Teign Close are anticipated to be highly sought after.

41. The Strategic Housing Market Assessment (SHMA) 2016 indicates a net shortfall of 148 older persons' homes per year, driven by the aging population where there is expected to be a 46% increase in the number of people over 65 (compared to 2015), reaching 152,000 by 2037. The 12 new bungalows being proposed would be built to wheelchair user adaptable standards which would not only help to meet this demonstrated need but would provide sustainable accommodation in the long term. The SHMA (2016) also indicates that 25% of people interested in affordable housing in County Durham are interested in intermediate tenures like Rent to Buy. As 29 of these new homes are aimed at those residents who ultimately aspire to purchase their own home, it is also important to consider private sector demand where 31.8% of those households moving in the county would like to move to a 3 bedroom house and 40.8% expect to move to a 3 bedroom house, further strengthening the case for additional 3 bed properties. The proposed new homes under this scheme will help meet this demonstrated demand and will provide high quality new dwellings in the area.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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, the impact upon surrounding occupiers and character and appearance of the area, highways issues, section 106 contributions and objections received.

Principle of the development

43. This application proposes a residential development of 41 houses on the sites of former residential developments which have been vacant for some time and are currently informal open space. The sites lie within the built up area of Peterlee and are approximately half a mile from the main town centre which has numerous community facilities and public transport links. 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 District of Easington Local Plan (DLP) 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 Local Plan policy will depend upon the degree to which the policy is consistent with the NPPF.

44. The DLP was adopted in December 2001 and was intended to cover a five year period. 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. This application proposes a scheme of 41 dwellings within the settlement boundary of Peterlee as defined in the District of Easington Local Plan and is on a former housing site which is now informal open space. In planning terms the development of the site for housing would not be in conflict with Saved Policy 3 of the Local Plan. However, policy 3 is considered to be out of date and therefore the application must be considered in the context of paragraph 14 of the NPPF. Whilst weight can still be afforded to this policy, the weight must be accordingly reduced. This will be discussed in more detail later in this report.

45. Saved Policy 35 requires 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, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
46. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
47. Saved policy 66 requires developers to provide adequate provision for children's play space and outdoor recreation open space in relation to new housing developments of 10 or more dwellings
48. Saved policy 67 Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
49. Subject to matters of access and layout discussed below, the site has scope to accord with the detailed requirements of saved policy 35 related to design, saved policy 36 relating to access and means of travel, the objectives of saved policy 66 relating to the adequate provision of recreational open space and saved policy 67 relating the re-use of previously developed.

The NPPF

50. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise): 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.
51. 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.
52. 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.

53. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

Five Year Housing Land Supply

54. 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.

55. 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).

56. 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'.

57. 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.

58. 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.

59. 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.

60. Paragraph 14 of the NPPF is engaged because saved Policy 3 is a settlement boundary policy and the evidence which underpins it is out of date. As there are no restrictive policies of relevance, the application must therefore be approved unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. It is appropriate to carry out this balancing exercise after consideration of all other planning matters set out in this report.

Impact upon surrounding occupiers and character and appearance of the area

61. Saved Policy 35 requires 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, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
62. In terms of the street scene it is considered that the scheme is of a good quality. Dwellings would be a mix of two storeys in height and bungalows and all would have their own front and rear garden areas along with an appropriate level of parking spaces, additional visitor spaces would also be provide. The dwellings would be constructed from a mix of brick, render and concrete roof tiles which is considered appropriate in this location.
63. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing.
64. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is a previously developed site in a location close to the town centre. There would be little or no impact on nearby residents given the distances involved. Having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.
65. In addition to the above, it is acknowledged that the proposals would result in the loss of green space and some trees on the site. Although the site was previously developed, it has greened overtime and has contributed to the street scene.
66. The proposals include the retention of around 2500 sqm and an increase in tree numbers of around 50%. Given this, and the other benefits of the scheme it is considered that the loss of some informal green space is acceptable in this instance.

Highways Issues

67. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
68. Highways officers have requested and received a number of amended plans as there were initially concerns regarding footpath arrangements and the location of visitor parking bays. Officers have commented that the revised plans are acceptable. The 3 bed house has 2 allocated parking spaces with each bungalow having 1 allocated parking space, in addition to this 28 visitor parking spaces would be provided across both sites which complies with the requirements outlined in the DCC Residential Car Parking Standards.

69. On the basis of the above, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Section 106 contributions

70. Saved policy 66 of the District of Easington Local Plan states that 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. On this basis the applicant has agreed to make a financial contribution of £27,825 towards the provision or improvement of offsite recreation in the electoral division in line with the requirements of the Councils Open Space Needs Assessment.

71. Secondly, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.

72. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.

73. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to take pressure from additional visitors away from the coastal designations of significant importance. Given that the applicant is not in control and any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution of £27,018.18 in line with the Councils "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper to be used toward capital item 3 of the Durham Coastal Management Plan which seeks to protect high tide roosts in order to directly off-set the impacts of the development on the coast, this contribution would also be secured through a S106 Agreement.

74. 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".

75. The County Durham Strategic Housing Market Assessment (SHMA) report was updated in 2016 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.

76. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.

77. Although the application proposes 100% affordable housing, the Council can only insist on 10% in this location on the basis of the evidence base noted above, therefore the remaining 90% is offered voluntarily. Overall, the proposals are considered to accord with the requirements of the SHMA and the NPPF.

Objections received

78. As noted above, there have been 4 letters of concern received from nearby residents. The main concerns are loss of on street parking, loss of green space and disturbance caused by construction.
79. In terms of loss of on street parking provision, the development provides for 28 visitor parking bays which is a significant overprovision and would be accessible to existing residents. The loss of green space is acknowledged but a significant amount (approx. 2500 sqm) is to be retained along with the increase in tree numbers of around 50%. Finally, a construction management plan condition would be attached to ensure appropriate working practices.

Paragraph 14 balance

Benefits

80. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, although the weight to be afforded to that boost is limited given the council's most recent position on 5 year housing land supply, the provision of affordable housing including bungalows; some of which are designed for elderly and disabled residents, the sustainable location of the development, the good quality of the scheme, and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers.

Adverse impacts

81. No adverse impacts arising from the proposed scheme have been identified.

Applying the titled balance test in paragraph 14, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

CONCLUSION

82. The proposals involve the redevelopment of former housing sites which are in close proximity to the town centre, the proposals are adjacent to established residential areas and there is a good range of facilities and services in the town to serve the development. The scheme is considered to be good quality and in a sustainable location with a suitable access and layout. The scheme would provide 100% affordable housing (although the council can only insist on 10% in this location) along with bungalows designed for the elderly and disabled. It is compliant with all relevant saved local plan policy and in the context of paragraph 14, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

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

- i. £27,018.18 contribution toward capital item 3 of the Durham Coastal Management Plan.
- ii. £27,825 contribution toward enhancement or provision of play facilities in the Peterlee East Electoral Division

iii .10% affordable housing on site.

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 only in accordance with the approved plans and specifications contained within:

Site Layout plan 2953.13.002K

Boundary Treatment plan 2953.13.025E

Boundary Treatment plan 2953.06.026A

2953.13.020A GA PLANS AND ELEVATIONS

2953.13.021A GA PLANS AND ELEVATIONS

2953.06.020A GA PLANS AND ELEVATIONS(1)

2953.18.022B GA PLANS AND ELEVATION FOR PLOTS 16/17

2953.13.023A GA PLANS AND ELEVATIONS

2953.18.050B STREET SCENE

C-GA-003 REV P2 DRAINAGE ARRANGEMENT

C-GA-003 REV P1 PROPOSED DRAINAGE ARRANGEMENT

Tamar Close Surface Water Drainage Strategy dated September 2017

Teign Close Surface Water Drainage Strategy September 2017

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

3. No development shall commence until a detailed scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and in accordance with BS 5837 2012.

Reason: In the interests of the appearance of the area and to comply with part 7 of the National Planning Policy Framework.

4. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.

5. 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:

A Dust Action Plan including measures to control the emission of dust and dirt during construction

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

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 and to accord with policy 1 and 35 of the District of Easington Local Plan.

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works 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 a of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works, 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.

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.

7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

8. 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: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

9. The development hereby approved shall be carried out in accordance with the mitigation measures contained within section H of the submitted Preliminary Ecological Appraisal "Tamar Close" report by E3 Ecology dated August 2017 and within section H of the submitted Preliminary Ecological Appraisal "Teign Close" report by E3 Ecology dated March 2018.

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

10. Development shall be implemented in line with the drainage schemes contained within the submitted documents entitled "*Drainage Arrangement – Thames Road, Peterlee*" and "*Proposed Drainage Arrangement – Tamar Close, Peterlee*" dated "September 2017". The drainage scheme shall ensure the following;

Teign Close – The foul flows discharge to the foul sewer at manhole 5019 and ensure that surface water discharges to the *surface water* sewer in the vicinity of manhole 5903. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Tamar Close – The foul flows discharge to the foul sewer at manhole 4221 and ensure that surface water discharges to the *surface water* sewer at manhole 4223 at a restricted rate of 5 l/sec and 4321 at a restricted rate of 5 l/sec in order to not exceed the available capacity that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with 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 form, plans supporting documents and subsequent information provided by the applicant.

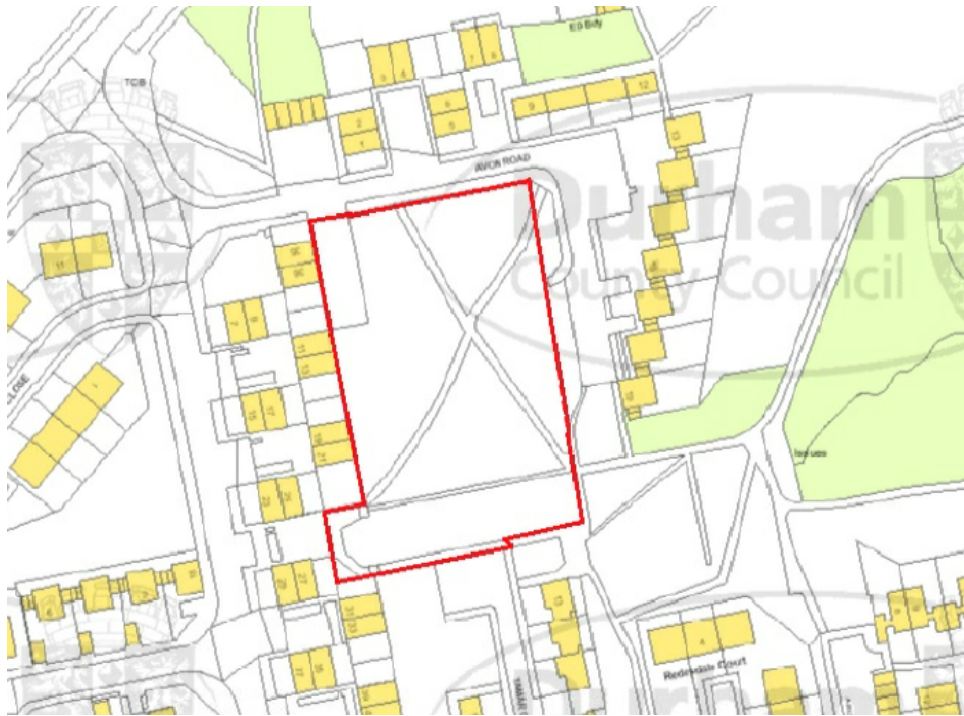
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

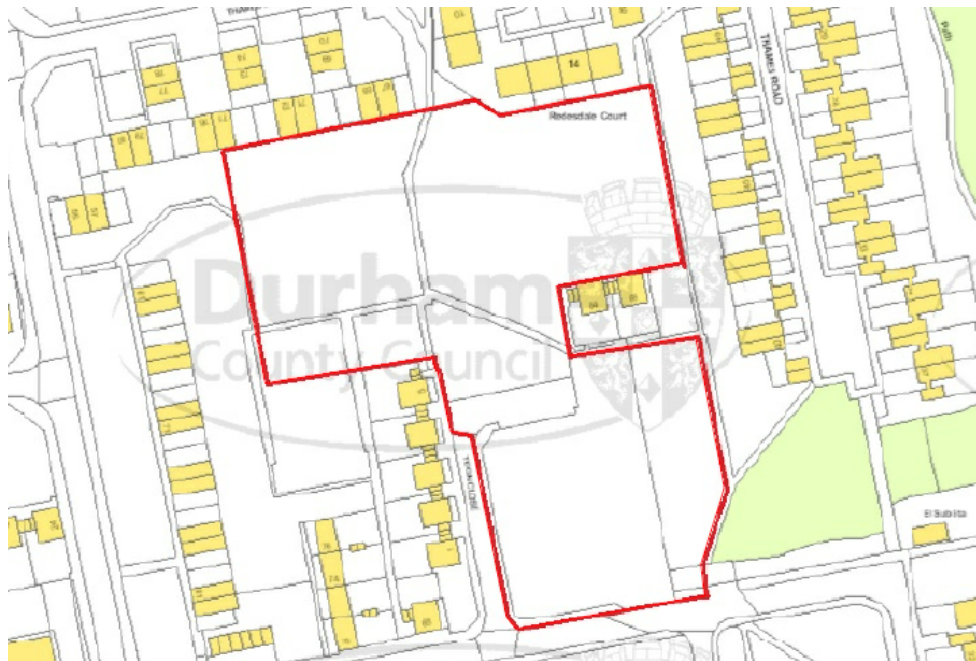
Statutory, internal and public consultation responses

District of Easington Local Plan

Tamar Close



Teign Close



Planning Services

41 dwellings at Tamar Close and Teign Close, Peterlee

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Comments

Date July 2018