

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/03999/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of Former Easington Greyhound Stadium and erection of 47no. dwellinghouses with associated access, landscaping and infrastructure.
<b>NAME OF APPLICANT:</b>	Charles Church (Durham)
<b>ADDRESS:</b>	Former Greyhound Race Track, Sunderland Road, Easington
<b>ELECTORAL DIVISION:</b>	Easington
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a> 03000 261958

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site:

1. This application site is located to the north of the settlement boundary of Easington Village but within the Electoral Division of Easington. The site is around 750 metres from the centre of Easington Village and around 550 metres north of the recently approved Fennel Grove residential development. It is bounded to the north, west and south by agricultural land whilst to the east is the B1432 with a small residential cul-de-sac called Lea Lane beyond. Bus stops are located outside of the site which run services to Peterlee, Seaham and beyond.
2. It is a brownfield site which was a greyhound race track with associated buildings until around October 2018. The buildings are now unused and are becoming slightly rundown.

#### Proposal:

3. This application proposes a residential development of 47 dwellings with associated access off the B1432 along with a drainage basin to the north west of the site and areas of open space. The dwellings would be constructed by Charles Church and would be marketed as executive type dwellings. The dwellings would be constructed of traditional red brick and along with traditional grey tiled roofs. The layout shows a scheme of mainly detached, four and five bedroomed houses with off street parking and garaging along with five affordable dwellings.
4. This application is being reported to committee as it is classed as a major application.

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## PLANNING HISTORY

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5. None relevant

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## PLANNING POLICY

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### NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *Part 2* - 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.
9. *Part 5* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *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.
11. *Part 9* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *Part 12* - 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.
13. *Part 14* - 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.

14. *Part 15* - 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

15. *Policy 1* - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
16. *Policy 3* - Development limits are defined 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.
17. *Policy 14* - seeks to protect Special Areas of Conservation from development which would give rise to an adverse impact, either directly or indirectly
18. *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.
19. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
20. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
21. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
22. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
23. *Policy 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

24. *Policy 92* - seeks to protect amenity open space from development except where the development of a small part enables enhancement of the remainder or equivalent alternative provision is made.

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

25. Paragraph 48 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.
26. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

27. The Parish Council object to the application stating that the proposals are contrary to policy and that Easington Village is unable to cope with the additional infrastructure required.

### **INTERNAL CONSULTEE RESPONSES:**

28. Highways officers have confirmed that no highway objections are raised subject to the amended plans received following speed surveys. Conditions are requested which require sufficient driveway lengths and the agreed visibility splay being maintained.
29. Spatial Policy offers no objection to the proposal.
30. Drainage and Coastal Protection offer no objection to this proposal subject to a condition requiring compliance with the flood risk assessment.

31. Education officers confirm that school places are sufficient therefore, no contributions are required.
32. Pollution Control do not object subject to a contaminated land condition.
33. Landscape officers have commented that there would be a harmful impact if the hedgerow on Sunderland Road was to be removed. Amended plans have been received showing that the hedgerow will be retained and protected during construction.
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 and that given the hedge is to be retained there would be no loss of biodiversity.
35. Archaeology officers have no objection subject to a condition requiring an archaeological desk top assessment and any subsequent mitigation being required.

**PUBLIC RESPONSES:**

36. Northumbrian Water have no objections subject to a condition requiring compliance with the flood risk assessment.
37. One letter of objection has been received which raises concerns relating to construction traffic, noise and disturbance.

**APPLICANTS STATEMENT:**

38. The application site is a brownfield site hosting the former Easington Greyhound Stadium which ceased to be operational a number of years ago due to a significant fall in the popularity of the sport rendering the facility no longer economically viable. The very specific use of the site has meant that it does not lend itself to conversion or alternative uses, consequently the site has remained a derelict eyesore since its closure with no reasonable prospect for regeneration without significant investment in its reclamation and redevelopment.
39. This application therefore represents significant opportunity to revitalise the site through the delivery of a high quality residential development meeting the current and future housing needs of the county whilst making efficient use of land through brownfield redevelopment.
40. The application proposes the demolition of the greyhound track, stadium and associated outbuildings to be replaced by a 47 dwelling executive housing development provide a full range and mix of 2, 3, 4 and 5 bed dwellings. The dwelling mix has been specifically tailored to provide housing currently undersupplied within the county with the SHMA indicating that 3 and 4 bed properties are generally under provided against resident's aspirations whilst specifically in the executive housing market there is a large demand for 3, 4 and 5 bed detached executive homes. Further it is proposed to provide a policy compliant 10% onsite affordable housing which ensures that the scheme meets all of the general market demands and facilitates the creation of a sustainable mixed community.

41. The design process has been heavily influenced by the sites semi-rural location with Charles Church's village styling proposed which incorporates stone window heads and cills, village style composite doors, sash style windows and a variety of door canopies. In addition build materials have been agreed pre-determination of the application with brindle and contrasting red bricktype approved along side the use of a smooth grey tile on all properties. This design approach and material selection ensures that the scheme will be in-keeping with surrounding development and congruous with its setting.
42. Despite being located beyond settlement limits and physically separated from Easington the site is actually well connected to the wide range of services and facilities within the village accessible within an acceptable walking distance via the existing lit footpath on the eastern side of Sunderland Road. Additionally the site and facilities are highly accessible by public transport with north and southbound bus stops existing adjacent to the site entrance which are proposed to be improved as part of the development, giving current and future residents a genuine sustainable transport options when travelling.
43. Charles Church have worked closely with the Local Planning Authority undertaking a suite of technical appraisals including ecology, archaeology, flood risk, transport and ground investigations which have met all the requirements of internal and statutory consultees such that there are no objections from any of these parties to the application.
44. With the policies within the Easington District Local Plan most important for determining the application considered out of date, due to being time expired, the NPPF provides clear instruction how applications within such policy climates are to be determined. Paragraph 11 of the NPPF states that decisions should benefit from the presumption in favour of sustainable development with section d detailing that where polices which are most important for determining the application area out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
45. The benefits of the application are summarised below under the three dimensions of sustainable development. There are no adverse impacts associated with the application which significantly and demonstrably outweigh these benefits.
46. Economic Benefits  
The development will;
- Constitute £5.3m worth of Total Gross Investment into the area;
  - Support 26 direct construction jobs per year of construction;
  - Support 40 indirect and induced jobs per year of construction;
  - Enable £1m worth of Total Gross Household Expenditure per annum which can be spent in the locality;
  - Facilitate £220,000 of first occupation retail spend on furniture, fittings etc.;
  - Contribute £176,000 on optional extras such as enhanced kitchens, bathroom and flooring specifications.
47. Social Benefits  
The development will;
- Provide a range and mix of 2, 3, 4 and 5 bed dwellings meeting a wide range of current and future market demands of residents;
  - Provide a policy compliant 10% onsite affordable housing;
  - Create an attractive well designed and safe built environment;

- Provide public open spaces within the site to support health and social wellbeing of residents, overlooked by development to achieve natural surveillance aiding the reduction in crime and the fear of crime.

#### 48. Environmental Benefits

The development will;

- Bring back into use a derelict brownfield site making prudent use of land as a natural resource;
- Enhance the landscape through the replacement of the current highly visible, unattractive buildings and industrial floodlighting with an attractive residential development set within a landscape framework having a beneficial impact on the landscape and visual receptors;
- Provide housing in an area not at risk from flooding;
- Provide housing in close proximity to a range of existing services and facilities within Easington which are easily accessible by foot, cycle and public transport;
- Be constructed to Building Regulation Standard incorporating an enhanced building fabric to reduce energy consumption for the lifetime of the properties;
- Provide housing on a site of low ecological value enhancing the habitat offer through in plot and open space landscaping;
- Minimise waste and pollution during the demolition, construction and operational phases of development.

49. As such we would politely request that the committee support the officers recommendation and approve the application such that the development can commence and the regenerative benefit can be realised without delay.

*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>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. 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 and section 106 contributions.

### **Principle of the development**

51. This application proposes a residential development of 47 dwellings on the site of a former greyhound racing track which has been vacant for approximately one year. The site lies close to the built-up area of Easington Village which is considered a local centre supporting local resident's daily needs. 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 11 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to Local Plan policy will depend upon the degree to which the policy is consistent with the NPPF.

52. The DLP was adopted in December 2001 and was intended to cover a five-year period. However, NPPF Paragraph 213 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 47 dwellings to the north of the settlement boundary of Easington Village as defined in the District of Easington Local Plan and is on a former greyhound racing track with associated redundant buildings. In planning terms, the development of the site for housing would be in conflict with Saved Policy 3 of the Local Plan. However, policy 3 is considered to be out of date due to the antiquity of the evidence which underpins it and therefore the application must be considered in the context of paragraph 11 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.
53. 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.
54. 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.
55. 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
56. 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. This is an out of date policy and does not fully accord with the NPPF so has reduced weight.
57. 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 but would be contrary to saved policy 67 as whilst the proposal involves the re-use of previously developed land, it is outside of the settlement boundary.

## **The NPPF**

58. Paragraph 11 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.



59. Paragraph 73 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.
60. 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 11 of the NPPF is engaged, and an application is to be assessed in this context.
61. However, Paragraph 11 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*

62. Paragraph 73 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.
63. 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).
64. 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’.
65. 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.

On the 13<sup>th</sup> 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.

- a. Whilst an Inspector has recently expressed reservations over the Council’s calculation of supply in the context of appeal APP/X1355/W/17/3180108 – decision issued 10th May 2018, the Council remains of the view that a supply in excess of 5 years can be demonstrated on the evidence.
66. 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.

67. Paragraph 11 of the NPPF is engaged because saved Policies 3 and 67 are settlement boundary policies and the evidence which underpins them is out of date. As there are no policies which protect areas or assets of particular importance which would provide a clear reason for refusal, 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**

68. 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.
69. In terms of the street scene it is considered that the scheme is of a good quality. Dwellings would be two storeys in height 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 provided. The dwellings would be constructed from traditional red brick and grey roof tiles which is considered appropriate in this location being similar to others in the area.
70. Two objections have been raised from a resident and the Parish Council stating that there would be an increase in construction traffic and that the village cannot cope with the need for further infrastructure. It is not considered that the construction traffic would cause any significant adverse impact and that a condition to control construction methods would be required. In terms of infrastructure, education officers have confirmed that the schools have adequate places to accommodate the development and that the proposals would help support existing services in the village.
71. 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.
72. 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 which is considered to be sustainable. There would be little or no impact on nearby residents given the distances involved. Having regards to part 12 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.

### **Highways Issues**

73. 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. In addition to this, objections were received regarding increase in traffic and parking issues as well as the poor state of roads and footpaths.

74. Highways officers have requested and received a number of amended plans and a speed survey as there were initially concerns regarding the junction visibility splay onto Sunderland Road. Officers have commented that the revised plans are acceptable.
75. On the basis of the above, highways officers offer no objections to the proposals subject to conditions and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 9 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

### **Section 106 contributions**

76. 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 £74,412 towards the provision or improvement of offsite recreation in the electoral division in line with the requirements of the Councils Open Space Needs Assessment. This will need to be secured by a Section 106 Obligation.
77. Secondly, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
78. 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.
79. 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 of any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution of £35,560.67 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.
80. The developer has also agreed to provide five affordable dwellings on the site, three of which would be affordable rented and two would be discounted 25% of the open market value.

### **Paragraph 11 balance**

#### **Benefits**

81. 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 executive and affordable housing, ecology and recreation contributions and the sustainable location of the brownfield site, the good quality of the scheme which replaces a derelict site, 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

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

Applying the titled balance test in paragraph 11, 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.

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## CONCLUSION

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83. The proposals involve the redevelopment of a derelict greyhound track which is close to established residential areas and within an acceptable distance to a good range of facilities and services in the village 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 affordable housing and is compliant with all relevant saved local plan policy and in the context of paragraph 11, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

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## RECOMMENDATION

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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. £35,560.67 contribution towards capital item 3 of the Durham Coastal Management Plan.
- ii. £74,412 contribution towards enhancement or provision of play facilities in the Easington Electoral Division.

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 – ED-001 rev E  
Materials Layout – ED-002

Alnwick – AN-WD01 rev L  
Piccadilly – PY-WD10 rev L  
Whitehall – WH-WD10 ref F  
Downing – DG-WD10 rev H  
Strand – ST-WD10 rev K  
Harley – HY-WD10 rev M  
Marylebone – ME-WD10 rev G  
Mayfair – MY-WD10 rev H  
Mayfair (corner) – MY-WD01 rev J

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

3. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of 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. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan. *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. 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 interests of the amenity of the area 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. *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.*

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 15. *This is required as a pre commencement condition in order to mitigate potential contaminated land risk which needs to be considered before site works commence.*

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 12 of the NPPF. *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.*

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 5 of the NPPF.

9. The development hereby approved shall be carried out in accordance with the mitigation measures contained within section H of the Easington Dog Track Ecological Appraisal dated June 2018.

Reason: To conserve protected species and their habitat in accordance with saved Policy 18 of the District of Easington Local Plan and part 15 of the NPPF.

10. The development hereby approved shall be carried out in accordance with the mitigation measures contained within part 9 of the Easington Greyhound Stadium archaeological desk based assessment dated February 2018.

Reason: The site is within an area of high archaeological potential in accordance with part 16 of the NPPF

11. Development shall be implemented in accordance with the Flood Risk Assessment by Patrick Parsons N15395 – Revision 5 dated March 2019.

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk in accordance with part 14 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

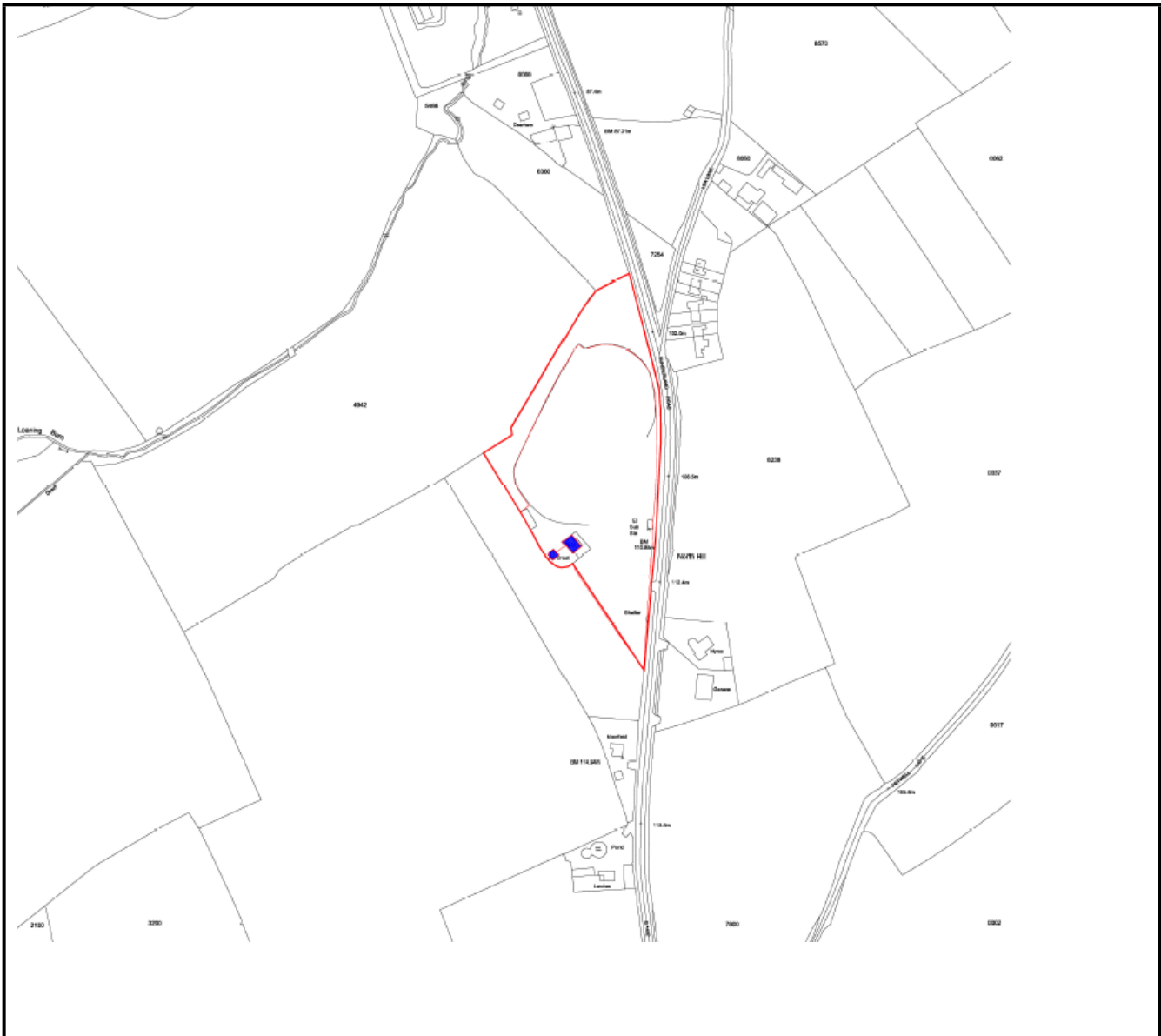
The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan





**Planning Services**

**47 dwellings at former dog track,  
Easington Village, DM/17/03999/FPA**

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**Comments**

**Date April 2019**