

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01768/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing agricultural buildings and erection of 38no. dwellings (Class C3) with associated access and landscape works.
NAME OF APPLICANT:	DPP
ADDRESS:	Land And Buildings West Of Hallfield Drive Hall Walk Easington Village
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is located directly adjacent to the settlement boundary of Easington to the western edge of the village.
2. The application site is primarily open grazing land, with the north frontage to the site containing a modern agricultural storage building, a shed and a polytunnel. The application site is bordered to the north and east by residential dwellings, to the south by Easington Village cemetery and to the west by the A19 dual carriageway.
3. The site which is primarily previously undeveloped is surrounded by hedgerow and slopes considerably upwards from north to south.
4. Easington Village centre is approximately 600 metres to the east of the site. Easington village and wider facilities within Easington Colliery includes a variety of local facilities including schools, shops, public houses and healthcare facilities. The site is adjacent to the Easington Conservation Area with a small proportion of the entrance off the main road to the north located within the Conservation Area.

Proposal:

5. Consent is sought for the erection of 38 dwellings which is proposed in a mix of 2, 3 and 4 bed roomed dwellings. The site is proposed to contain a mix of 6 2 bed roomed bungalows, 4 2 bed dwellings, 23 3 bed dwellings and 5 4 bed dwellings.

6. Two separate accesses are proposed to the site, one being located to the north of the site from Hall Walk which is the main approach into Easington Village from the A19. A total of 26 dwellings are proposed into this part of the site. The other 12 dwellings are proposed to be access from Durham Lane which is located to the south of the site. No vehicular access is proposed between the two areas.
7. The site has previously been considered acceptable for residential development through an outline consent in 2019 which was never implemented. This covered a smaller site area with a larger element to the north and a smaller area to the south. The middle of the site was to be retained as is. A condition of the approval restricted the site to no more than 9 dwellings.
8. A further application for outline consent for 24 dwellings was refused in 2020 due to the impact on the residential amenity of future residents due to the proximity of the proposal to the A19 as well as insufficient information being submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site. This application covered the northern area of the site only.

PLANNING HISTORY

9. DM/15/01261/PNC Prior approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse. Prior Approval is Required 11th June 2015
10. DM/15/03117/PNC Conversion of an agricultural building to residential. Prior Approval is Required 30th November 2015
11. DRC/17/00043 Discharge of conditions Nos 4, 5, 6 and 7 pursuant to planning permission DM/15/03117/PNC Approved 21st March 2017
12. DM/18/01745/OUT Residential development (outline, all matters reserved) Approved subject to S106 25th April 2019
13. DM/19/03904/OUT Outline planning permission for the demolition of the existing agricultural building and the erection of up to 24 no. dwellings including access with some matters reserved (appearance, landscaping, layout and scale). (amended plans received) Refused 18th December 2020

PLANNING POLICY

NATIONAL POLICY

14. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
15. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. 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. The application

of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

16. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
17. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
18. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
20. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
21. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
22. *NPPF Part 12 Achieving Well-Designed Places* - 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.
23. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
24. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and

enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

26. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
27. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
28. Policy 15 (Addressing housing need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
29. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
30. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

31. Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
33. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. Policy 35 (Water management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts

38. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
39. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
40. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

41. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
42. Residential Amenity Standards SPD– Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

Neighbourhood Plan

43. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

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.cartplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. Highways – No highway objection raised
45. Northumbrian Water – Condition required
46. Durham Constabulary – Object to access road and provide information on secured by design
47. NHS – Contribution required to healthcare provision
48. Highways England – No objection
49. Easington Parish Council have provided the following comments:
 - Restriction on amount of dwellings under previous consents
 - Previous refusals on the site
 - Concerns with regard to the access and egress onto the site from both Hall Walks B1283 and Durham Lane
 - Grieving people visiting the cemetery would be subjected to an increase in noise and nuisance.
 - Ella Kissi-Debrah case regarding air pollution should be considered.

INTERNAL CONSULTEE RESPONSES:

50. Environmental Health (Contamination) – No objection, no requirement for a land contamination condition.
51. Environmental Health (Noise) – No objection subject to conditions regarding noise implications which can be controlled via pre-commencement conditions.
52. Environmental Health (Air Quality) – No objection
53. Ecology – No objection, contributions required
54. Affordable Housing – Affordable housing required to be provided
55. Landscape – No objection
56. Drainage – No objection.
57. Policy – Advice given in respect of which policies to consider
58. Education – No payment required, appropriate provision is currently provided.

PUBLIC RESPONSES:

59. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 57 letters of objections/representations have been received with the following comments:

60. Principle of the Development

- Status of the Land
- Previous consents have been refused
- Other Brownfield Sites are available
- Lack of supporting local infrastructure in the village, even with section 106 contributions towards education and health services. These are unlikely to provide the necessary support for so many additional residents.
- Not a sustainable location for new dwellings.
- Concern regarding coalescence with South Hetton
- Easington Village has had substantial development recently and planned development going forward

61. Highway Safety Concerns

- Concern regarding collisions due to proposed access road to the north
- Position of pedestrian link
- Increase in traffic and pollution to whole site
- Increase in traffic along Durham Lane and concern regarding Durham Lane being too narrow
- Concern regarding lack of parking
- Road safety is a serious issue with both the speed and volume of traffic that currently use the lane a concern
- Concern about additional vehicles and pollution caused by construction vehicles, plant and machinery.

62. Visual Amenity/Landscaping Issues

- The rural character of the area is being destroyed
- The development would have a significant adverse impact on the landscape and character of the area
- A greenfield site, that should be left to support wildlife, instead of being overdeveloped.

63. Residential Amenity Issues

- Noise and pollution implications to future occupants of the development
- Noise issues to existing residents
- The acoustic and noise reports submitted with the application should be carefully scrutinised by the Council as these reports are paid for by the applicant and written with the sole purpose of justifying the development.
- No strategy for reducing carbon emissions
- Footpath will be a loss of privacy
- Concern regarding night shift workers and potential sleep disturbance
- Loss of Privacy, Overlooking, Loss of Light, Overshadowing, Lack of Privacy to existing residents

64. Ecology Issues

- Detrimental effect upon the wildlife in the area
- Bat and Bird Boxes provided are not enough
- The trees and hedgerow at the rear of 7 and 8 Rymers close must not be removed as this was not allowed approx. 20 years ago when residents wished to extend gardens.

65. Other Issues

- The proposal is not wanted or needed
- Legal action will be taken if the development is allowed to go ahead
- Council should put residents before profit
- Lack of Consultation
- Covenant on deeds regarding development of site
- The case of Ella Kissi-Debrah should be considered. That coroner in her tragic case stated that traffic pollution was a major factor in triggering an acute asthma attack which sadly led to her death aged just 9 years in 2013.

66. Grahame Morris MP has also commented and whilst he welcomes development and regeneration in Easington he raises the following concerns:

- The development will be built on greenfield space when there is considered ample brownfield sites and there is current housing that is desperate for regeneration in the Easington area.
- Concerns regarding coalescence between Easington, Horden and Peterlee and this development will risk further coalescence with South Hetton.
- Concern regarding there being no capacity in the sewerage system network locally which has been highlighted in recent months with flooding causing damage to existing buildings and roads.
- Increased pressure on transport networks which are currently considered poor and unreliable.

67. Two letters of support have also been received with the following comments:

- The close link to the A19 is ideal for commuting
- Looking to move into the area and the site is in good walking distance to Easington Academy.
- The proposal is a great opportunity for the younger generation to get on the property ladder as there is a good number of affordable housing with many of the younger generation priced out of buying in Durham.

APPLICANT'S STATEMENT:

68. The proposed development is for the demolition of the existing agricultural buildings and the erection of 38no. dwellings with associated access and landscape works at the site. The scheme, to be delivered by Imperator Developments in conjunction with Believe Housing, will provide 38 new, affordable dwellings which will assist the Council in its delivery of 1,308 new dwellings per year. This far surpasses the affordable requirements of a residential development and therefore, strongly contributes to local needs for an increase in affordable housing. Believe Housing are currently developing another affordable housing scheme in Easington Village and the demand for affordable housing has been substantial, with up to 90 bids per property received via Durham Key Options for the affordable rented units and over 500 enquiries received in total for the affordable home ownership (Rent to Buy) homes that are available. This demonstrates the high level of demand for new affordable housing in the village, which this proposed development will help to meet.

69. The reasons for refusal on the previous application (LPA ref: DM/19/03904/OUT) on the site, relating to landscape impact, noise impacts, and biodiversity, have been sufficiently addressed by this application, as confirmed by the Council's consultees. Moreover, this application has demonstrated that the proposed development accords

with Policy 6 of the County Durham Plan. There is also a previous outline planning approval on part of this site, as such it is considered that the principle of a housing development on the site has already previously been established as acceptable.

70. The Applicant team has engaged with the LPA and statutory consultees, prior to the submission of the planning application and throughout the determination period to address consultee feedback and to ensure that proposals are appropriate for the local area.
71. The proposals will result in a number of benefits to the local community, as summarised below:
- The provision of a 100% affordable residential development far surpasses the affordable requirement of 10% set out within the County Durham Plan;
 - The provision of bungalows will also meet local needs;
 - Open space is proposed in the north-west and centre of the site which will encourage social interaction between future residents;
 - The proposed development will improve housing choice within this sustainable and accessible location within Easington, in addition to strengthening the existing residential community;
 - Once occupied, the new homes will also contribute towards Council Tax and a New Homes Bonus. This will provide a boost to the local economy and contribute to the economic development of the area;
 - Furthermore, once occupied, residents of the proposed dwellings are likely to use the local services nearby, again contributing to the local economy;
 - The development of the site will also have direct benefits in the form of construction jobs during the construction period;
 - The on-site biodiversity net gains delivered on the site through the proposed landscaping scheme will be secured for 30 years as part of the Biodiversity Management and Monitoring Plan submitted as part of the application and
 - The proposed development will result in the creation of a high quality sustainable development in terms of energy efficiency and sustainable construction. The development will incorporate high standards of building materials and fabric and will seek to optimise the use of local renewable or low carbon energy.
72. Overall, it is considered that the proposed development will result in substantial public benefits. In addition, and as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

73. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

74. 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 in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
75. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
76. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

77. The site is considered to be adjoining the built up area of Easington Village however is not allocated for housing within the CDP. Policy 6 of the CDP supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with the following:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration
78. Concern has been raised regarding the status of the land in that it is greenfield land, previous consents have been refused, there are other brownfield sites or regeneration areas available and other developments have been approved within the area. In addition, concern has been raised regarding the proposal not being a sustainable location for dwellings and that there is concern regarding coalescence with South Hetton.
79. The site is greenfield land bound by the B1283 to the north and the A19 to the west. To the east there are existing residential properties with a cemetery to the south. In this regard it is considered that the proposal can draw in principle support from this policy given that it sits adjacent to a built up area, so is well related to the settlement

and that the site is located within close proximity to compatible residential uses and would not be prejudicial to any existing or permitted adjacent uses (criteria a).

80. Whilst the site is considered edge of settlement the proposal is not considered to lead to coalescence with neighbouring settlements (criteria b) this is due to the location of the A19 trunk road which is considered to act as a clear barrier to any potential coalescence between Easington and South Hetton.
81. At the north-western edge of the development site a SUDS area is proposed with tree planting to provide a new defined edge of settlement point, beyond which the land meets the retaining wall which forms the A19 and therefore prevents development beyond this point to the west.
82. Given its location and relationship to the existing built form along with the proposed layout of dwellings on site, the development would not be considered ribbon or backland development.
83. Concerns have been raised that the proposal would be built on greenfield land as opposed to making use of brownfield land which relates to criteria i. Whilst the development would not be located on previously developed land the policy does not provide a moratorium against development upon any greenfield site and as such any refusal based on the fact that the site does not relate to previously development land could not be sustained noting that the development is acceptable in all other respects.
84. Whilst concern has been raised regarding the reliability of transport links, the site is considered to have easy access to sustainable transport and local facilities (criteria f). Consideration of criteria c, d, e and h of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.
85. It is noted that there is a previous refusal on the site as well as an approval which wasn't implemented which restricted the number of dwellings however the principle of the development has been accepted in both previous applications. The reasons for refusal of the other application will be considered in more detail in other sections below.
86. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

Affordable Housing / Mix of Dwellings and Developer Contributions

85. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
86. On sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
87. As this site is within a low value area, this development would require 10% affordable housing, which would result in 4 Affordable home ownership properties being provided.

88. It is noted that the affordable housing statement states that the scheme proposes 100% affordable housing on site with a mixture of shared ownership, rent to buy and affordable rent. The Council can only secure the 10% as required by Planning Policy which should be secured through a Section 106 Agreement. Whilst the additionality is noted this is not a requirement of planning policy and therefore not a determinative factor in the consideration of this application.
89. Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
90. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
91. There are 28 units proposed to be M4(2) compliant which is above the 66% requirement, and 5 bungalows proposed which would satisfy the 10% requirement.
92. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. The scheme proposes a mix of 2, 3- and 4-bedroom houses including bungalows, which would achieve a good mix of dwelling types and sizes on the site. Therefore, policy 19 is considered to be met.

Open space / Green Infrastructure

93. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
94. In accordance with Policy 26 and having regards to the Councils Open Space Needs Assessment (OSNA) Based on the OSNA and an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census). A scheme of 38 dwellings would generate 83.6 people (38 x 2.2) based on 2011 census data of 2.2 persons per household.
95. This scheme would fall into the 2nd category of Table 19 where some typologies of open space should be provided on site, and a contribution sought for the others.
96. The contribution should be: $83.6 \times \text{£}715.50 (\text{£}790.50 - \text{£}75.00) = \text{£}59,815.80$ along with an onsite provision of 1,254 sqm which has been provided.

97. Given this and subject to a Section 106 Agreement being entered into to secure the financial payment the proposal is considered acceptable in respect of Policy 26 of the CDP.

Education Provision

98. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement.
99. The Council's Education Team have confirmed that based on the methodology Based on the projected rolls of schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

Health Contributions

100. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users.
101. In calculating developer contributions, the NHS uses the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation.
102. The site falls within the Durham Coast Primary Care Network which are at full capacity with regards to space requirements to deliver services to their patient list size and as such a contribution of £18,354 would be required which should be sought through a S106 Agreement.

Developer contribution conclusion

103. Therefore, whilst objections have been raised that there is already pressure on NHS and Education Services, it is considered that no payment is required with respect to education as it is considered that sufficient spaces are already in existence. The payment which is required in respect of NHS contributions is considered to overcome this. The proposal therefore, is considered to be in accordance with Policy 25 and 26 of the CDP subject to the completion of a s106 agreement to secure the above obligations to mitigate the impact on the development.

Impact on Residential Amenity

104. CDP Policy 6 and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.

105. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
106. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
107. Policy 29 also require that new major residential development are assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
108. Concern have been raised that the proposal will result in a loss of privacy, overlooking, loss of light and overshadowing to existing residents as well as potential for noise implications both during construction as well as for the future occupants due to the closeness of the site to the A19M. Concern has been received regarding the content of the reports that have been received as well as potential for implications for night shift workers.
109. The dwellings are proposed to be located within a primarily residential area with the A19 proposed to the east of the site. Residential properties are located to the north and east with a cemetery located to the south.
110. All dwellings are required to meet with the required separation distance as outlined within the Council's Residential Amenity Standards Document and it is considered these have been met with both existing dwellings and those proposed as part of the development. It is therefore, not considered that the proposals would result in a loss of amenity through overshadowing/loss of light or overlooking issues to existing nearby residents or future residents of the site.
111. The proposed dwellings are all considered to comply with the NDSS Space Standards and have appropriate garden depths with 9m being provided either by width or depth and as such an appropriate level of living accommodation is considered to be provided.
112. In respect of noise, during the construction phase the development could lead to a negative impact upon existing residential receptors, due to their close proximity, however it is considered that this can be easily overcome by the submission of a Construction Management Plan which has been provided and also a condition which controls the hours of construction. Whilst it is noted that the proposal could result in sleep issues for night shift workers, unfortunately development would be carried out

during day-time hours and this cannot be avoided for the temporary duration of the construction phase.

113. In respect of the concern raised regarding the impact on future occupants of the site due to the closeness of the proposed site to the A19M. The Environmental Health Officer (EHO) has confirmed that the development can be acceptable subject to appropriate mitigation and has requested further information in respect of ensuring the impact is acceptable which would be through a detailed acoustic design statement and details of the acoustic fencing being provided. The EHO is however happy for this to be dealt with via conditions and as such conditions will be added in this respect.
114. Concerns have been raised regarding air pollution and objectors consider that the comments of the coroner of the Ella Kissi-Debrah case should be considered. Further advice was sought from the Air Quality team who have raised no objection to the proposal and the following has been provided in respect of the Ella case.
115. The Ella Kissi-Debrah case was a noted watershed moment for air quality health risks. In Inner South London, Ella, aged 9, "...had severe hypersecretory asthma causing episodes of respiratory and cardiac arrest and requiring frequent emergency hospital admissions. On 15 February 2013 she had a further asthmatic episode at home and was taken to hospital where she suffered a cardiac arrest from which she could not be resuscitated." Ella lived within a short distance of the South Circular Road in Lewisham where levels of nitrogen dioxide constantly exceeded the annual mean limit value of 40 µg/m³.
116. Air quality was determined to be a "...significant contributory factor to both induction and exacerbations..." of Ella's asthma. The Action to Prevent Future Deaths document¹ states that during the course of her illness, Ella was exposed to levels of nitrogen dioxide (NO₂) and particulate matter in excess of World Health Organisation (WHO) Guidelines, that the principal source of the exposure to this was due to traffic emissions, and there was a recognised failure to reduce the level of NO₂ to within the limits set by the EU and domestic law which possibly contributed to her death. At that time, EU and UK limit values for NO₂ were 40 µg/m³ as an annual mean and 200 µg/m³ as an hourly average.
117. The coroner expressed concerns about national limits of particulate matter being at a level higher than the WHO guidelines, low public awareness of the sources of information about national and local pollution levels which would encourage the public to reduce their personal exposure, and adverse effects of air pollution on health not being sufficiently communicated to patients by medical professionals.
118. Referring to the air quality assessment report accompanying the planning application, no monitoring data was used to verify the screening tool outputs. Following a query to the Applicant on the assessment method used to ensure that the air quality is of sufficient level for dwellings and to avoid introducing new sensitive receptors to adverse air quality, DCC's most recent response on the predicted air quality concentrations at the dwellings adjacent to the A19 was as follows:
119. "The consultant has stated that there was no verification undertaken due to the absence of existing DCC monitoring and any project specific monitoring. In situations such as this, either project specific monitoring would be undertaken, or conservative method choices such as the use of a nominal adjustment factor to account for this would ordinarily be considered appropriate. The consultant states that "...based on the background concentrations and predicted concentrations of all pollutants

considered, an approach or exceedance of the relevant air quality objective levels is highly unlikely at the proposed receptors adjacent to the A19." This is considered reasonable."

120. The reported predicted annual mean concentrations at a location understood to be 30m from the A19 and has been amended as such in an updated report are 17.15 µg/m³ for annual mean NO₂, 13.49 µg/m³ for annual mean PM₁₀, and 9.44 µg/m³ for annual mean PM_{2.5}. Legal air quality limit values for these pollutants are 40 µg/m³, 40 µg/m³ and 20 µg/m³, respectively.
121. On the basis of the report, it is considered very unlikely that the residential dwelling closest to the A19 will have air quality concentrations above these levels and that the air quality concentrations at 30m distance from the A19 in County Durham will not likely be comparable to 30m from the South Circular Road in London. The report has been updated for clarity and no concern is raised from an air quality viewpoint.
122. The proposal, therefore, is considered acceptable in respect of policy 29 and 31 in respect of residential amenity of both existing and future residents subject to pre-commencement conditions being added.

Highway and Pedestrian Safety

123. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
124. Concern has been raised with regards to the increase in traffic and pollution to the whole site, the position of the pedestrian link, a lack of parking and concern during construction with regards to construction traffic, plant and machinery.
125. As detailed above concerns have been raised regarding various highway issues. In addition, concern was originally raised from our Highways Officer with regard to various issues with the highway layout and parking arrangements across the site and in particular with regards to an area which provided 7 dwellings off an unadopted roadway which is considered unacceptable in respect of highways policies.
126. The agent has therefore, worked with the Highways Officer to ensure an appropriate layout in respect of highways has been provided which is considered to be a safer and secure layout which includes suitable access to both parts of the site. In addition, the footpath link has been removed from the application as whilst access to other areas is supported, it is not considered that the footpath would be of a significant benefit to future occupiers of the site given the limited nature of its direction and access.
127. A Transport Assessment was submitted as part of the development and the impact of the development on the highway network has been assessed by the Highways Officer. The volume of traffic generated by the development in the peaks is circa 20 trips and 10 trips on the B1283 and Durham Lane respectively, and it is considered that this can be accommodated within the capacity of the existing roads.
128. In respect of concern regarding disruption during construction, it is acknowledged that a degree of disruption would occur during the development stage however, an appropriate management plan has been provided and will be conditioned.

129. Given the closeness to the A19, Highways England were also consulted who maintain and manage the A19 and they have raised no objection subject to a condition requiring the proposal to be carried out in accordance with the submitted Construction Management Plan. A condition will therefore, be added in this respect for the development to be carried out in strict accordance with the submitted construction management plan.
130. Given this, the proposal is considered acceptable in respect of policy 21 of the County Durham Plan and part 9 of the NPPF.

Scale/Design

131. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
132. The proposal sits between an existing residential estate and the A19 and therefore, it is considered that the addition of housing in this area would appear as a logical extension to the village.
133. The proposed layout results in an outward looking development which is considered to positively address Hall Walks to the north. The development is considered to provide strong built frontage to all streets and spaces, and true corner turning units have been utilised to ensure a positive relationship with the vehicular gateway into the northern section of the site.
134. In respect of design, the proposal is considered to take reference from the material pallet of the surrounding area which includes two brick samples being proposed and this results in a simple contemporary design which is considered acceptable however it is considered that a plan outlining which dwellings will be constructed from each brick is required and this will be added as a condition on the application.
135. Policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. Solar panels have been provided on the dwellings which is considered acceptable in this respect.
136. In addition, broadband should also be provided in accordance with policy 27 of the CDP. A condition will be added in this respect.
137. Subject to the above, the proposal is considered acceptable in respect of policies 29 of the County Durham Plan and part 12 of the NPPF.

Impact on the conservation area

138. Local Authorities have a duty to preserve or enhance the Conservation Area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the same Act requires a similar duty to have special regard to preserving Listed Buildings or their setting or any features of special architectural or

historic interest which it possesses. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas and Listed Buildings to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

139. Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
140. This display a broad level of accord with the aims of Part 16 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
141. The entrance to the site only falls within the conservation area when accessed from Hall Walks and as such the majority of the proposal lies outside but in close proximity to the Conservation Area. As identified within the conservation area appraisal, Hall Walks, is considered to be a key character area, which is considered as a residential area with varied styles and orientation of the built form, containing buildings largely of two storeys.
142. The applicant's heritage statement states that the residential dwellings proposed as part of this planning application are to be a mix of bungalows, semi-detached and detached houses. These are of one, two storey and three storeys although there are only two three storey dwellings proposed in the centre of the Site in order to accommodate the level changes. It is also proposed that the dwellings will comprise red brick which is in-keeping with the character of the surrounding area and the Conservation Area.
143. The heritage statement concludes by stating that considering the Proposed Development will see the erection of a residential development on a currently largely vacant field within the setting of the Easington Conservation Area, it will undoubtedly have an impact on the setting of the Conservation Area from certain viewpoints. However, in light of the above in relation to the layout, massing and appearance of the Proposed Development, it is considered that such an impact would result in less than substantial harm to the setting of the Conservation Area. This approach is agreed by the Councils Design and Conservation Officers.
144. Part 16 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
145. The benefits of the scheme for the purposes of policy 44 of the NPPF and Section 16 of the NPPF are considered to amount to the delivery of a mix of 38 high quality affordable homes within highly sustainable location within close walking distance to shops, services and other public facilities. It should be noted however that as the Council can demonstrate a 5 year housing supply, less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a shortfall in supply existed.

146. In addition, economic and employment benefits would also arise from the construction and occupation of the dwellings and from resultant inward investment to the area. Again, this would be considered limited.
147. The dwellings have also been set back from the road with a landscape buffer proposed and as such this minimises the overall impact of the proposal on the conservation area with no built development within the conservation area itself and an attractive area of open space retained at the entrance to the site adjacent to the access road.
148. Whilst the benefits of the scheme are recognised as limited, the harm to the heritage asset is identified as being less than substantial, and as such the benefits are considered sufficient to outweigh that harm.
149. In this regard the proposal would accord with Part 16 of the NPPF, policies 44 and of the CDP and section 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

Landscape/Impact on Trees

150. Policy 6 of the CDP sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement.
151. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.
152. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
153. Objections have been received that the rural character of the area is being destroyed and that the development would have a significant adverse impact on the landscape and character of the area.
154. Concerns were previously raised as part of the previous outline application and formed part of the refusal reasons with regards to the impact the proposal would have on the landscape of the area however, discussions have taken place prior to the submission of the proposal.
155. A Landscape Value Impact Assessment (LVIA) has been provided as part of this proposal and it is considered that the information provided shows that the proposal would have an acceptable impact on the visual amenity of the area.
156. In this instance the whole of the site is proposed to be developed as opposed to the previous consent which prevents piecemeal development from taking place. In addition, the proposed built development has been set further back from the main

road to the north of the site providing a green/landscaped area which is considered acceptable.

157. Therefore, whilst it is acknowledged that the proposal is for more houses than was previously refused, it is considered that due to the layout of the proposed dwellings and the open space proposed to the front of the site that the proposal would have an acceptable impact in accordance with policy 39 of the CDP. It is also noted that the landscape officer has raised no objection to the proposal.
158. In relation to the trees on site, the submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement are considered acceptable and therefore, there are no objections from an Arboricultural perspective.
159. The proposal therefore, is considered acceptable in respect of policy 39 and 40 of the County Durham Plan and part 15 of the NPPF.

Contamination

160. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
 - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
161. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and submitted Phase 1 and 2 with respect to land. They confirm that there is no requirement for any further conditions however an informative for unforeseen contamination should be added.
162. The proposal subject to conditions is therefore, considered acceptable in respect of contaminated land issues in respect of policy 32 of the CDP.

Drainage

163. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
164. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only

be permitted where it is demonstrated as being the most sustainable response to the flood threat.

165. Concern has been raised that the proposal will put increased pressure on the current drainage capacity causing flooding implications.
166. The Council's Drainage Team and Northumbrian Water have both commented on the proposal and Northumbrian Water suggested a condition to be added which should be agreed in line with the Lead Local Flood Authority (LLFA). The Council is the LLFA and as such additional information was requested and received and subject to the development being carried out in accordance with the submitted details which will form part of the approved documents, then the proposal is considered acceptable. The scheme is therefore, considered acceptable in relation to Policy 35 and 36 of the County Durham Plan.

Ecology

167. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
168. The Ecological impact assessment report is sufficient to inform the application regarding habitats and species present on the site and no further surveys are required. The report confirms a loss of biodiversity in both habitats and hedgerows as a result of the proposal. In order to compensate for this, bat and bird boxes have been identified however, a plan is required to show which properties these will be added to, therefore, a condition is to be added with regards to this.
169. Originally, a payment towards Biodiversity Net Gain (BNG) was also proposed however, an updated BNG was provided which delivers BNG on site therefore no additional payment is required. The BNG calculation confirms a net gain of 49.07% for habitats and a slight gain of 0.03% for hedgerows which is considered acceptable.
170. A Biodiversity Management and Monitoring Plan (30 year) has also been provided to ensure the proposed habitat creation is to be maintained to achieve long term Biodiversity Net Gain. Given this is covered over a 30 year period, as such there is the requirement to enter into a S.39 Agreement to ensure delivery which can be secured as part of the Section 106 agreement.
171. The proposal therefore, is considered acceptable from an ecology viewpoint in accordance with policy 41 and 43 of the County Durham Plan and part 15 of the NPPF.
172. Policy 42 (Internationally Designated Sites) states development proposals that would potentially have an effect on internationally designated site(s), (including all development within 0.4 km of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

173. Development will be refused where after an Appropriate Assessment, it cannot be ascertained that there would be no adverse effects on the integrity of the site, unless "no alternatives" and "imperative reasons for overriding public interest" as set out in Regulation 64 of Conservation of Habitats and Species Regulations 2017. In such circumstances where tests are met, appropriate compensation will be required in accordance with Regulation 68.
174. Where development proposals are likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats regulations screening assessment, and possible full Appropriate assessment will be required to demonstrate that the proposal will not adversely affect the integrity of the site. In making such determination of whether a plan/project will have adverse impact on the integrity, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.
175. The Council's Ecologist notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Access and Monitoring Measures Programme is required to mitigate impacts as a result of new housing development in lieu of onsite mitigation.
176. Durham County Council has carried out screening in compliance with the Habitats Regulations, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and/or a financial contribution to the Coastal Access and Monitoring Measures Programme designed to limit the identified impacts.
177. Subject to a payment of £756.61 per dwelling towards Coastal Access and Monitoring Measures Programme Tier 2 being paid which should be secured through a S106 Legal Agreement, it is considered that the proposed development would accord with saved policy 42 of the CDP and part 15 of the NPPF, both of which seek to protect and enhance the natural environment.

Other Issues

178. Comments have been received that the proposal is not wanted or needed, legal action will be taken if the development is allowed to go ahead and there are covenants in deeds regarding development of site. These are not material planning considerations which can affect the determination of the application.
179. Concern has been raised regarding a lack of consultation. The Council carried out consultation with surrounding neighbours as well displaying site notices around the site both at the southern part of the site and the northern part of the site and advertisement in the Press. It is therefore, felt that satisfactory consultation in accordance with the statutory requirements and local procedures has been undertaken.
180. Concern that the Council should put residents before profit. The application has been assessed against local and national policy which is the correct process for determining planning applications.

181. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
182. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

183. In summary it is considered that the principle of the proposed development is acceptable in planning terms as detailed above to meet the needs of the local area, subject to the conditions as set out below.
184. The application is therefore considered to meet the requirements of the National Planning Policy Framework and Policies 29, 31 and 44 of the County Durham Plan as well as satisfying the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as whilst there is considered to be less than substantial harm to the character and appearance of the Conservation Area, this is limited and it is considered that the benefits of the proposal as described above outweigh the limited harm.
185. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED**, subject to a s106 agreement to provide:

- 10% Affordable Housing on site comprising of 4 Affordable home ownership properties
- The requirement to enter into a S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP) and

developer contributions of:

- **£59,815.80** towards provision or improvement of open space and amenity space within the electoral division
- **£18,354** towards health provision in the electoral division
- **£28,751.18** towards the Coastal Access and Monitoring Measures Programme

and subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. No development shall commence above damp-proof course of any of the dwellings until such time as a scheme detailing the materials to be used on each plot has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site and hardstanding materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

5. The proposal shall be carried out in strict accordance with the Construction Management / Environment Plan version V4 - 16.11.2022.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. No development shall commence above damp-proof course of any of the dwellings until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

7. No development shall commence above damp-proof course of any of the dwellings until such time as a scheme detailing the precise location of the bat and bird boxes as detailed within Section 5.1 of the Biodiversity Management Monitoring Plan has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed details and retained for the lifetime of the development.

Reason: To ensure a satisfactory form of development in accordance with Policies 41 and 42 of the County Durham Plan and Section 15 of the National Planning Policy Framework.

8. 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 visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. No development except for demolition works shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

12. No development shall commence above damp-proof course of any of the dwellings until a detailed acoustic design statement has been submitted to and approved in writing by the Local Planning Authority and should include:

- An acoustic specification for each individual plot in line with the requirements/recommendations of the submitted noise report titled Preliminary assessment of noise levels and initial noise amelioration measures as prepared by LA Environmental Consultants.
- The specification of the acoustic fencing to be installed.

The noise barrier should have no cracks or gaps, be continuous to the ground and have a density >10kg/m² such as a timber fence, brick wall, earth bund or a combination of these.

The approved scheme shall be implemented prior to any occupation of any dwelling and shall remain in perpetuity for as long as the development is in existence.

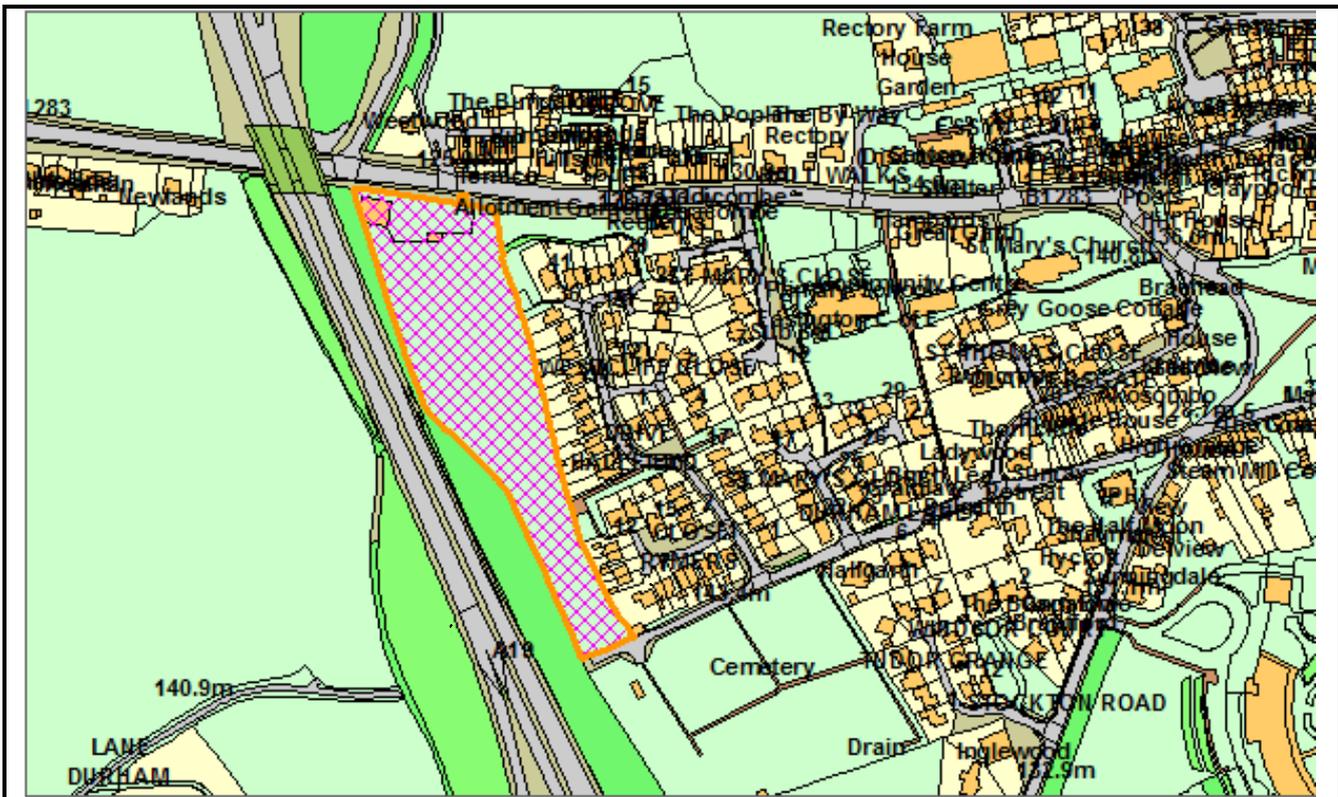
Reason: To protect the residential amenity of existing and future residents in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant
 The National Planning Policy Framework (2021)
 Residential Amenity Standards Supplementary Planning Document
 National Planning Practice Guidance Notes
 County Durham Plan
 Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Demolition of existing agricultural buildings and erection of 38no. dwellings (Class C3) with associated access and landscape works (amended plans received regarding layout and removal of footpath link) at Land And Buildings West Of Hallfield Drive, Hall Walk, Easington Village Application Reference: DM/22/0768/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: February 2023</p>	<p>Scale NTS</p>