

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03322/OUT
FULL APPLICATION DESCRIPTION:	Demolition of existing house and rear storage buildings and erection of 41 no. 1 and 2 storey dwellings, with details of proposed access off Seaside Lane and associated parking and landscaping (amended title)
NAME OF APPLICANT:	Mr Alan Snowdon, Snowdon Coaches
ADDRESS:	Snowdons, Seaside Lane, Easington Village, Peterlee, SR8 3TW
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Jennifer Jennings Senior Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers an area of approximately 1.8 hectares and lies to the north of Seaside Lane at the settlement edge of Easington village. The south western part of the site is presently in use as a coach business, with the remainder of the site an open field in agricultural use. The coach business still operates on site and consists of a single building central to the southern part of the site with a garage section for repairs, storage area and an office building, which is surrounded by a large hardstanding area for coach parking. The dwelling for demolition sits at the entrance to the site fronting Seaside Lane.
2. The site is located behind a line of residential houses and a health club business that front Seaside Lane, the main east west thoroughfare through the village. To the west is an open field, beyond which lies the B1432, Sunderland Road leading to Hawthorn. To the north of the site is an allotment site. To the east lies a new development, still under construction at the time of writing for 96 dwellings. To the south lies a line of detached dwellings with large rear gardens.
3. The site is not subject to any landscape or heritage designations, the Easington Conservation Area located 70 metres to the south west at the nearest point. A small group of trees along the central part of the south boundary has recently been protected under a Tree Preservation Order (TPO). The site is located 2.5 km from the Durham Heritage Coastline, which also contains internationally designated sites for nature conservation. The land is relatively flat, with a gentle slope in south west / north east direction.

The Proposal

4. The application seeks outline planning permission with all matters other than access reserved for future consideration for the demolition of an existing house and the rear storage buildings associated with the coach business and erection of 41 dwellings, along with a proposed access off Seaside Lane and associated parking and landscaping incorporating a SUDS basin. The proposals were originally for 48 dwellings but following amendments to the scheme, the number of dwellings was reduced to 41. The coach business would cease operations on site and it is understood that it would relocate elsewhere.
5. Indicatively the development would consist of 4 bungalows, with remaining properties two storeys and a mix of 2/3/4 bed dwellings. Parking bays would exist to the front and side of each property with additional visitor parking provided throughout the site. Each property would have a rear garden space with allocated bin storage. A proposed green open space area would be located to the south of the site centred around the TPO area, and along the eastern boundary, whilst the SUDS area would be to the north east of the site
6. The application has been brought to the Planning Committee for consideration in accordance with the Council's Scheme of Delegation due to being a major development.

PLANNING HISTORY

7. There is no planning history relating to the application site.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
9. In accordance with Paragraph 219 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 the 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.
10. *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.

11. *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.
12. *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.
13. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.

20. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

22. *Policy 6 – Development on Unallocated Sites.* Supports 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.
23. *Policy 10 - Development in the Countryside.* States that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
24. *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.
25. *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.

26. *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.
27. *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.
28. *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.
29. *Policy 27 – Utilities, Telecommunications and Other Broadband Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
30. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
31. *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.
32. *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.

33. *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.
34. *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.
35. *Policy 39 – Landscape.* 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.
36. *Policy 40 - Trees, Woodlands and Hedges.* 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.
37. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
38. *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.
39. *Policy 44 Historic Environment* 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.

40. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

41. There is no adopted Neighbourhood Plan in force in this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Easington Parish Council* - objects on the basis that there would be direct conflict with policy 6(e) in relation to impact on highways safety. The access/egress from the proposed site is onto an already busy road (Seaside Lane). It's close proximity to the junction of Seaside Lane and Thorpe Road would further exacerbate the current traffic problems and further intensify the safety of both road users and pedestrians. The existing road network was not designed for the capacity that it is already experiencing and another housing development would create further demands on the village's highway infrastructure which has altered very little since the late 1800s. Further note that the continued development has caused substantial increased usage of the drainage system resulting in a sewer burst which closed the road for 3 weeks.
43. The Parish Council further highlight Policy 29 (a) of the DCP. It is their opinion that this proposed development would further contribute to the loss of the character of Easington Village, its identity and historic background. The continued development of previously open spaces in and around the Village have resulted in a disproportionate amount of built properties in Easington Village which is detracting from the unique identity and heritage significance of the Village. It follows that additional development on this scale will have a detrimental impact on the sight-lines and landscape quality of the Village while diminishing its distinctive appearance and natural environment. The proposals would also have a negative impact on allotment holders and their plots and impact on healthy lifestyles.
44. Given the comments detailed above Easington Village Parish Council believes the proposed development of the site would have a significant and detrimental impact on the infrastructure and the physical, heritage and environmental qualities of the Village and would also have an unacceptable effect on the social amenities currently enjoyed by its residents, diminishing the opportunities for health and well-being stability and improvement. Members would therefore strongly urge planning officers and members of the planning committee to reject the application on the material planning considerations they have set out in their response.
45. *Highway Authority* – Raises no objection. Conditions are requested in relation to the submission of a construction management plan and details on the relocation of the bus stop.
46. *Local Lead Flood Authority* - Raises no objection, advising that the proposal complied with national standards and Council policies in providing a sustainable water management solution. Condition required to ensure works undertaken in accordance with latest drainage strategy.

INTERNAL CONSULTEE RESPONSES:

47. *Affordable Housing* – in line with policy 15, the proposals relate to a site for 41 dwellings and further details on tenure type proposed, with details on demand for affordable housing types to be provided to ensure appropriate provision of affordable housing is secured via Section 106 agreement.
48. *Archaeology* – Following results received in relation to the geophysical survey and trial trenching, no further archaeological works are required. No objections raised.
49. *Design and Conservation* – Advice provided during Design Review process with amendments requested. No objections based on outline information provided.
50. *Ecology* – No objections raised. The Biodiversity Net Gain (BNG) report confirms a net loss of -2.97 habitat units. To compensate a contribution for off-site habitat gains to the sum of £15,741 would be required secured through a Section 106 agreement. Payments towards HRA nature conservation sites are also required to be secured through a Section 106 agreement.
51. *Environment, Health and Consumer Protection (Pollution Control)* – No objections subject to a condition for a construction management plan.
52. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the submitted reports are acceptable. A pre commencement planning condition would be required for further reports to be submitted followed by a post development verification report.
53. *Landscape Officer* – Advice provided as part of Design Review process with amendments requested. At outline stage no further comments, but full landscape details will be expected as part of a reserved matter application.
54. *Local Education Authority* – In assessing the proposed development against capacity within existing schools, it was confirmed that no contribution would be required in relation to primary or secondary schools.
55. *Public Rights of Way* – There are no PRoW concerns with regards to the development.
56. *Spatial Policy* – Advise that the site should be assessed against Policies 6 and 10 of the County Durham Plan. They further comment that for the proposal to be acceptable the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be within acceptable parameters. They note requirements in relation to Affordable Housing and Open Space in the form of a financial contribution.
57. *Trees Officer* – Trees have been assessed within the site and those identified as worthy of retention have been protected by means of a Tree Protection Order. Further details to be provided at reserved matters stage in terms of tree protection.

EXTERNAL CONSULTEE RESPONSES:

58. *Police Architectural Liaison Officer* – Provision of range of advice on layout of development and design of buildings and fencing to prevent potential issues with crime and anti social behaviour.

59. *NHS* – Requires funding to the sum of £23,184 to be secured through a Section 106 agreement to create extra capacity for provision of patient services in the area.
60. *Northumbrian Water Ltd* – No objections to the proposals but require the inclusion of a condition for further details to be submitted.

PUBLIC RESPONSES:

61. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
62. 15 letters of objection received, including one from the MP for the Constituency, and one letter of representation making the following comments:
 - Request that appropriate care is given to protection of trees and hedges to be retained.
 - Concern over the cumulative impact of the amount of building and development in the area impacting on the quality of people's lives. Lots of works being undertaken in the last 7 years.
 - Concerns over impact of the continuous development of properties on the services in the area, including schools, GPs roads and drains as these are at capacity.
 - Concerns that the village and its infrastructure cannot sustain any further development. No indication of appropriate infrastructure improvements being made to address the extent of new development taking place
 - Note that with amount of development already taking place, construction works are having a detrimental impact on existing residents
 - Concerns over the impacts to biodiversity and wildlife in the area
 - Welcome the creation of a SUDS and proposed planting renewal.
 - Concerns over the relocation of the bus stop as this will impact on properties in the new location, through reducing their visibility. It also means the bus stop will be too close to the next one down the street.
 - Problems over drainage with previous examples of main drains failing and causing considerable damage to the road. Concerns that the application underplays this
 - Impacts of more housing on traffic in the area and issues of highway safety raises significant concerns and consider the transport assessment is not adequate. Consider 30mph limit frequently ignored. Evidence of accidents and near misses in the area and no traffic calming measures in place.
 - Note that the road infrastructure has not changed in many years and is not adequate to deal with level of development in the area. In addition the new access road is situated near to a very busy junctions and visibility is expected to be impeded through existing and future on street parking.
 - Concerns that the development is impacting on the historic village and destroying its character. The number of new houses in the area is disproportionate to the size of the village. The village is slowly turning into a town.
 - Consider that development should not be taking place on green field sites, when there are brownfield sites in the wider area which would be to the benefit of residents in those areas through regeneration. Wish to see reasons why brownfield land not being used
 - Objections raised to any removal of trees or hedges
 - Note that other residents have sought to extend their gardens but have been told it would not be supported due to encroachment in the countryside, yet the current proposals are a significant encroachment
 - Impacts of increased traffic, noise and pollution during construction work is of significant concern

- Insufficient amenities with only two small convenience stores that could not support an additional 48 dwellings and will only result in further travel outside the village.
- Query whether there is a genuine housing demand
- Urge application be refused due to previous applications for some 700 units to date which is having cumulative impact on infrastructure and services in the area.
- Not enough access routes in and out of the village
- Consider that traffic has increased substantially in the area. No longer safe to walk along the pathways, especially with young children going to nursery or school
- Highlight details of the signed petition at www.change.org titled "Stop Building New Housing in Easington Village"
- Concerns over loss of privacy and overlooking for houses along Seaside Lane
- Concerns over Council's strategy, or lack of, for the area given extent of building with no investment in infrastructure and no incentive to develop brownfield sites in the area

63. Comments from the MP state:

- Disappointment that greenfield space being developed, when ample brownfield sites available that would bring much needed regeneration.
- The retention of green spaces is vital for villages in the area
- No capacity in the sewerage system network, which has been highlighted in recent months with flooding causing damage to existing buildings and roads.
- Transport links to Easington Village are substandard with poor reliability and cancellations noted. The Train service is also deemed inadequate and not fit for purpose.

64. A petition was also submitted in objection to new housing development in the village. This contained 381 signatories, largely from Easington area but including Peterlee, Seaham. Other addresses include Durham, Newcastle, Sunderland, Middlesbrough as well as more distant locations including London, Birmingham, Glasgow and Kilmarnock

The above is not intended to repeat 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=QU6BIIGD0BK00>

APPLICANTS STATEMENT:

65. We are pleased to present this application to committee which seeks to obtain outline permission for the development of 41 dwellings in Easington Village. The outline proposal has been developed with the input of various consultants and discussion with the local planning authority to create a sustainable and attractive development which accords with planning policy. The development will secure biodiversity improvements in the local area through retaining existing habitats and providing new landscaping features on site, and through contributions to local nature reserves as part of the S106 agreement. In line with Durham's Open Space Needs Assessment, the development includes a large amount of amenity public open space set around existing trees and landscaping, for the benefit and use of both new residents and the wider village. The development also incorporates sustainable drainage features which ensure that the scheme does not have any adverse impact in terms of flood risk. Concerns relating to highways safety have been addressed in discussion with LPA highways consultees, and we offer a voluntary contribution - commensurate to that of the adjacent development - to safety improvements along Seaside Lane.
66. In summary, we believe that approval of the outline proposal will allow for high-quality, sustainable development of a vacant site which is in keeping with the scale and character of Easington Village. With permission, we intend to sell the application site

to a developer in conjunction with a registered social housing provider in order to meet the need for affordable housing in the Easington area for local people.

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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 County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The tilted balance in paragraph 11(d) of the framework is not engaged.
68. 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 the development, impact on the character and appearance of the area and landscape, impact on residential amenity, highway safety and access, ecology, archaeology, developer contributions and other issues.

The Principle of the Development

69. Within the CDP the application site is treated as a windfall proposal as it is not allocated for housing within Policy 4. Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) would both be relevant to assessing the proposal. This is in recognition of the definition of the built-up area within the CDP and that sites outside of, but well related to a settlement should be assessed against both policies. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, and new housing in the countryside is only permissible where the development accords with Policy 6. This Policy states that *the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies.* To clarify the policy, para. 4.110 of the CDP states that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
70. The application site is located to the north of the settlement of Easington, partly on brownfield land (0.5ha) with the remainder of the site on agricultural land (1.3ha). The site is well related to the settlement, directly abutting the rear boundaries of long-established properties that front Seaside Lane. To the east, a new development of 96 dwellings is under construction and close to completion. The proposed development would extend no further north than the most northern extent of the adjacent development site, which also follows the north settlement boundary line of the village as noted along Petwell Crescent extending as far eastwards as Holm Hill Gardens. The development of the site therefore reads as a logical infill extension at this part of the settlement. In particular, in this location, the dwellings would be close to nearest schools, services and public transport links. In this regard the proposed development of the site for housing would be deemed to relate well to the built form and settlement pattern at this part of Easington in physical and visual terms. A detailed assessment of the proposals against the criteria of policy 6 is therefore required.

71. Policy 6 requires that development on unallocated sites must meet the following criteria:

a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

Residential use of this site would be compatible with surrounding uses, particularly the established residential uses to the south and proposed site to the east. There are no concerns that the proposed dwellings would be prejudicial to the allotment site to the north.

b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;

The site is well contained, surrounded to its south and east by built development. It would not extend beyond the northern extent of development within the settlement, particularly where an established plot for allotment gardens abuts the boundary at this point. On this basis it is not considered that the site could be deemed ribbon development and with the next nearest settlement of Hawthorn in excess of 1.5 km away there is no concern that the proposal would contribute to coalescence with the neighbouring settlement.

The proposals are not considered to conflict with the requirements of part b) of this policy.

c) Development 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 mitigate or compensated for.

The application site does not fall within any designations for landscape or ecology value and is not within a conservation area of heritage value. The southern part of the site, currently in use as a coach depot business, is a brownfield site, which was subject to consideration as part of the Strategic Housing Land Availability Assessment (SHLAA) where it scored green for potential to redevelop the site for housing. The remainder of the site remains as an open agricultural field and there are limited views of the site from the main roads within the village, due to existing built development and well established field boundary planting. Given the above and the fact that the site is private land with no public access across it, its contribution to the visual and recreational character of the locality is limited, but it is acknowledged that it does provide a rural backdrop and buffer between the allotments and the village.

The proposals would seek to retain the established hedge planting around the boundaries, whilst also creating a new SUDS and planted area along the north boundary adjacent to the allotment site. In this regard, the indicative planting masterplan would be considered to suitably demonstrate that the loss of this land to development could be adequately mitigated by means of retention of existing planting along with further planting throughout the site. The final details of this would be secured as part of the reserved matters application.

d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

e) Development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

f) Development 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.

Easington, along with adjoining Easington Colliery, is a relatively large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre. Measured from the central point of the proposed development, the nearest primary schools are Easington C of E Primary School to the west and Easington Colliery Primary to the west, with Easington Academy Secondary school to the south, all no more than approximately 700 metres away. Nearest bus stops are located approximately 100 metres away at Seaside Lane and around 340 metres away at the Village Green, providing multiple services connecting Peterlee, Durham and Sunderland (route numbers 22 and 208, noted as half hourly services during weekdays). Based on this analysis, it is considered that the proposed development would be well related to the settlement which can provide ready access to a range of services. It is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence. In addition, the 41 dwellings proposed would be considered to be of a scale commensurate with the role and function of the settlement and level of services therein.

g) Development 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;

The development would not result in the loss of any valued facilities or services. As such there is no conflict with this criteria of the policy.

h) Development minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

The site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area, although an area of land 250m to the north east and east of the site, is marked as being at high risk of flooding. The application was submitted with full drainage details which have been assessed by the LLFA and NWL and deemed acceptable. There is no conflict with this part of the policy, but further consideration is provided below.

i) where relevant, development makes as much use as possible of previously developed (brownfield) land; and

j) where appropriate, it reflects priorities for urban regeneration.

A significant number of objections raised concern at the loss of a green field site, commenting that development should be located on brownfield sites, of which there are plenty within the wider area, particularly Easington Colliery. However, although some of the development site is brownfield land, the majority of it is not, but the policy does not provide a moratorium against development upon any greenfield site. As already noted, the inclusion of the area of greenfield land within the application site provides a logical conclusion to the extent of the redevelopment, continuing the northern extent of the pattern of built form set to the east and is considered compliant with part of the policy. As such any refusal based on the fact that the site does not fully relate to previously

developed land could not be sustained noting that the development is acceptable in all other respects.

72. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

Impact on the Character and Appearance of the Area

73. Policy 6d) requires that development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. Policy 29 (Sustainable Design) 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.
74. The application is presented as outline, with an indicative site plan showing layout of housing on site along with areas of open space. Significant discussion took place as part of the Design Review process in line with policy 29n) of the CDP. This part of the policy seeks to assess the proposals against Building for Life principles, securing as many green scores as possible, whilst minimising the number of ambers. Schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons. The original Design Review process saw the scheme score two reds, two ambers and two greens. Further discussions took place and were aimed at improving the layout and arrangement of development on site, whilst also providing suitable connectivity with the wider settlement. Amendments to the layout have now been provided that have addressed the issues raised, including reduction in number of dwellings on site from 48 to 41 and improved layout to remove the dominance of car parking throughout the site, whilst allowing better planting opportunities and drainage.
75. In consideration of this, it is determined that the proposals as indicated on the site plan are an appropriate quantum of development, of a density that can be suitably accommodated on site in line with the Building for Life design principles. The issues resulting in the red scores are therefore addressed and the proposals accord with this part of policy 29 of the CDP.
76. It is noted the Parish Council reference conflict with policy 29 part a) of the CDP, which states that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
77. As noted within paragraph 69 above, officers' assessment of the proposals indicate that it is well related to the form and function of the existing settlement, surrounded on two sides by residential development with ready connections to the main body of the settlement. The proposals at this outline stage have been carefully considered to ensure an appropriate density of housing would be contained within the site, whilst allowing for retention of important trees and boundary hedgerows and areas of open space. Visual connections to the open countryside beyond are also considered to be suitably addressed by means of retained planting and future landscaping to be submitted as a reserved matter. The proposals would see the introduction of one and two storeys dwellings in keeping with the wider townscape at this part of Easington. The qualities and character of the Conservation Area would not be impacted by the proposals given there would be no intervisibility between the development site and the historic core of the village. The wording of policy 29a requires that developments contribute positively to the area's character, identity etc, and it is considered that the proposals as presented

would meet this test, subject to further details to be submitted as part of the reserved matters stage.

78. Based on the indicative site plan submitted in support of the proposals, it is considered that they are appropriate in their scale, design and layout and would be reflective of the form and function as well as the townscape character of the existing settlement in accordance with policy 6c) and d) and policy 29 of the CDP. Final details would be agreed as part of any future Reserved Matters application.

Landscape and Trees

79. 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.
80. 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.
81. As already stated, a group of trees to the south of the site are now subject to a TPO in order to ensure their retention as part of any future reserved matters application. A condition would be applied to ensure suitable reports are submitted to demonstrate trees will be appropriately protected as required during the construction phase.
82. A landscape masterplan was submitted in support of the scheme which indicated the retention of hedgerows around the boundaries along with new tree planting throughout the site. As already highlighted above, the proposed density, layout and massing of development would not be harmful to the countryside beyond, particularly as the development would be suitably well related to existing built development. Overall, there are no objections to the scheme as presented and the planting proposals would ensure suitable mitigation, but final details would be secured as part of a future reserved matters application.
83. In consideration of the above and subject to further details, the proposals are considered to accord with relevant parts of policy 6, 29, 39 and 40 of the CDP.

Impacts on Residential Amenity of Existing and Future Occupiers

84. Policies 29 and 31 of the CDP outline that development should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council along with the requirements for all new residential development to comply with Nationally Described Space Standards (NDSS).
85. The nearest residents to the proposed development would be occupiers along Seaside Lane to the south. These properties benefit from long gardens over 21 metres in length, apart from Leeholme which measures 19 metres. However, each of these properties would either overlook the public open space proposed at this end of the site where TPO trees are located or the gable end elevation of bungalows. Similarly, facing distances with new properties currently being constructed to the east are well in excess of 21 metres from proposed nearest properties as indicated on the proposed site plan. On

this basis, distance standards are more than met and there is no concern that these properties would be negatively impacted through loss of privacy or overlooking.

86. No detail has been provided on individual dwellings to assess against NDSS and M4(2) standards as required by CDP policies 29 and 15 respectively although this would be considered as part of the reserved matters application.
87. Concern was raised by nearby residents with regards the impact of noise and disturbance from construction works taking place. These concerns are noted, and any permission granted would require a pre-commencement condition for a detailed Construction Management Plan to be submitted as requested by The Council's Environmental Health Section. A condition would also be applied limiting hours of working to further protect amenities of existing residents.
88. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring and future occupiers in line with policies 29 and 31 of the CDP and Part 12 of the NPPF.

Green Infrastructure

89. Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
90. In accordance with the policy, it is determined that the development should provide 1452sqm of amenity/natural green space on site, alongside a financial contribution of £69, 260.40 towards off site facilities including allotments, parks and sports grounds etc. The open amenity space annotated on the proposed site plan is noted as providing approximately 1474 sqm of open space within the development, which is in excess of requirements set out in the OSNA.
91. Also included within the scheme are footways that allow permeability through the site with connections to the neighbouring site to the east.
92. Subject to the section 106 payments as highlighted in the Developer Contributions section below, the proposals are considered to accord with the requirements set out in policy 26.

Sustainable Design

93. Policy 29 requires that developments c. 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; and d. minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
94. As an outline application, no details were provided in relation to specific sustainable design measures for the site or each individual dwelling. A condition is proposed to be applied to secure this information to ensure adherence to this policy.

Highways Safety and Access

95. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
96. The proposals would see the provision of 41 dwellings at the north edge of the settlement with the access point taken off Seaside Lane, east of the property Thorpe Lea. This access point already operates as the main access to the coach depot, but the proposals would see amendments to this to ensure improved visibility leading out onto Seaside Lane. Each dwelling would benefit from in curtilage parking to the front or side of the dwelling, with visitor car parking provided throughout the site.
97. Significant objection has been raised from the Parish Council and residents with regards the impact of the development on the existing highway infrastructure, with concerns raised that Seaside Lane is already highly trafficked and that the road has seen no improvements despite significant increase in dwellings constructed in the area. Concerns were also raised that the development both during construction and occupation will lead to congestion on the roads.
98. The proposals were submitted with a Transport Statement. The Highway Authority assessed the proposals, and raised no issues with the submitted details, however sought amendments relating to the visibility splay at the access point. Access to the site is now deemed acceptable with suitable residential and visitor parking provided within the development site. The provision of unadopted shared drives is noted and serves the maximum number of properties appropriate for these drives, with bin collection points added for ready access on bin collection day. The relocation of the bus stop would require further details to be submitted and a suitably worded condition would be applied to any approval to this effect. On the basis of the information and amended plans submitted no objections are raised from highways perspective. A further condition has been requested in relation to details on highways management during the construction phase which would be included within any Construction Management Plan. Details on Electric Vehicle charging points would also be required to be secured through condition.
99. In relation to the concern that the additional dwellings would create congestion on the highway, it has previously been highlighted in paragraph 69 above, that the site is well related to the settlement of Easington with ready access to alternative means of transport modes other than the private car. It is considered that future occupiers of the proposed dwellings on site would have a genuine choice of transport modes to services, in line with requirements set out in paragraph 105 and 110a) of the NPPF and policy 21b) of the CDP.
100. Based on the above assessment, the extent of development proposed would not be expected to create significant impacts on the highway network and suitable and safe

access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, it is considered that the proposals would not have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, although the concerns are noted, the highways impacts of the development are considered to be acceptable and in accordance with policies 6 and 21 of the CDP and Part 9 of the NPPF.

Ecology

101. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.
102. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment and biodiversity metric. Ecology assessed the details of the scheme and noted that there would be a loss in BNG credits through development of the site. Updated details were provided to demonstrate how the proposals would seek to secure biodiversity net gain on site, however this could only be partly achieved through habitat creation within areas of the POS. In agreement with the Ecology team, a financial contribution will be made to the sum of £15,741, secured as part of the Section 106 agreement to ensure that the development can meet policy requirements in terms of BNG.
103. Where BNG is to be secured on site, a Biodiversity Management and Monitoring Plan (BMMP) is required to demonstrate how it will be achieved, managed and maintained, with a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. As part of the latest Ecological Impact Assessment, details within the mitigation section of the report address this aspect and a condition will be applied to any approval to ensure adherence to this section of the report. In addition, offsite provision would be secured under Section 39 of the Wildlife and Countryside Act 1981. Overall, this would achieve a biodiversity net gain in accordance with CDP policy 26 and 41 and Para. 174 of the NPPF.
104. The proposed development is also within the 6km Durham Coast HRA buffer therefore a financial contribution of £31,021.01 to the Coastal Management Plan is required to mitigate impacts as a result of new housing development. The applicant is agreeable to making this contribution, secured through a section 106, to meet requirements set out in the Council's agreed HRA coastal mitigation strategy.

Flooding and Surface Water

105. 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.

106. 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.
107. Durham County Council's Drainage and Coastal Protection Team act as the Local Lead Flood Authority (LLFA) and along with NWL have assessed the various plans and information submitted in support of the scheme. Throughout the planning process amendments have been sought accompanied by updated calculations to determine appropriate management of surface water across the site. The SUDS has also been redesigned to suitably address the requirements set out in the Sustainable Drainage System Adoption Guide to ensure such schemes maximise amenity, biodiversity as well as flood relief benefits to the local area. The latest Flood Risk Assessment report is deemed acceptable and the LLFA offer no objections.
108. NWL have confirmed that they have no objections to the proposals but have requested the inclusion of a condition to ensure works are carried out in relation to the latest drainage plan submitted. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policies 35 and 36 of the CDP.

Other issues

109. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets, including those of archaeological interest, whilst improving access where appropriate.
110. The Archaeology Section requested receipt of a geophysical survey report and trial trenching prior to any decision being issued. These details were provided and were further assessed by Archaeology section confirming that no further information or conditions would be required. As already noted, the site is not within a Conservation Area and there are no designated or non designated heritage assets nearby.
111. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in an edge of settlement location characterised by both residential and commercial development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.
112. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
113. Contamination land section assessed the details of the proposals and the phase 1 report submitted in support of the scheme. Based on the details within this report they request

that a full pre commencement condition be applied to any approval granted, along with a post development verification report. These conditions will be duly applied in line with policy requirements in the CDP and NPPF. An informative will also be applied in the event that unforeseen contaminated land is encountered during construction works.

Objections

114. There is strong local opposition to the further development of housing on the outskirts of Easington village. Numerous comments highlight concern over the extent of new housing being approved and that cumulatively the impact on the village is detrimental, both to its character and the quality of life of residents within it.
115. Assessing the planning history relating to major housing developments within the village in the last 10 years, it is noted that a total of 288 dwellings have been approved. These include 80 properties on the former Council office site, south of Seaside Lane, approved in 2014; 74 properties at Fennel Grove approved in 2016, located west of Sunderland Road, 138 metres from the application site; 96 dwellings permitted in 2020 to the east of the application site; and a recent approval of 38 new dwellings at Hall Walk, adjacent to the A19. As a broad estimate, using the Council's GIS intramap to determine the number of property address points within 750 metres radius from the centre of the Village Green, the Easington Village area consisted of approximately 750 dwellings prior to the approvals at the former Council office site and Fennel Grove. It is considered that Easington Village is a sustainable location capable of supporting the cumulative quantum of development proposed as a result of the current application. Nevertheless, it is noted that each individual application has been assessed on its own merits, determined against impacts on amenities of the area, nearby residents, highways, drainage, services and facilities and deemed in each case to be acceptable. The current proposals similarly have been assessed against each of these same material planning considerations and deemed to be acceptable, wholly in line with relevant CDP policy and subject to Section 106 contributions where required. Although there is a strong awareness and concern by local residents of the extent of change within the Village, there would be no policy basis to refuse the scheme on the basis that the settlement has been subject to significant new housing developments, particularly given the policy compliance already noted.

Developer Contributions

116. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as affordable housing and open space needs, education and health facilities. Policy 15 relating to Addressing Housing Need states that affordable housing will be sought on sites of 10 or more units.
117. **Affordable Housing** –In accordance with policy 15 based on the proposals for the construction of 41 dwellings, it would be expected that the scheme would provide four dwellings as affordable home ownership. It would be appropriate for these units to be tied as affordable housing via a section 106 agreement and to ensure that they remain so in perpetuity.
118. The Housing Delivery Team will require additional information in relation to the tenure breakdown of the scheme as well as demand / need data for the area to confirm that the affordable offer is what is required in the local area. At the time of writing, this information was not available, but these negotiations can be finalised prior to completion of the section 106 agreement or through a subsequent affordable housing statement pursuant to the S106 agreement.

119. **Open Space / Green Infrastructure** – Policy 26 states that proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. To this end, a financial contribution of £69,260.40 is required towards open and amenity space in the electoral division and would need to be secured through a Section 106 agreement.
120. **NHS North Durham Clinical Commissioning Group** - Residents have raised concerns over the impact of the development upon existing healthcare facilities within the locality from increased population. Consequently, the NHS have been consulted as part of the planning process and have advised that a development of this size would put additional pressure on local services. On this basis a contribution of £23,184 would be required to go towards improvement of GP access and upgrading of existing surgeries in the ED.
121. **European Protected Coastal Habitats** – As discussed previously and in line with policies 41 and 42, the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Management Plan is required to mitigate impacts as a result of new housing development, for which the applicant is agreeable to enter into a Section 106 to secure contributions of £31,021.01.
122. **Contributions towards off site provision Biodiversity Net Gain** – As discussed previously, given the size of the site, it would not be possible to achieve full BNG credits within the site. With agreement from Ecology Section and as calculated by them, a contribution towards off site provision of BNG within the County would be required, amounting to £15,741.
123. **Voluntary contribution towards highway safety improvement measures** - the local ward member for the area has raised some concerns over the extent of residential development taking place at Easington and the impacts this is having on highways traffic and safety in the areas. Additional section 106 funding was secured to cover highway safety improvement measures as part of the neighbouring scheme to the east of the application site to address this issue. This equated to £31,0000 as a voluntary contribution for the scheme of some 96 houses. The applicant was asked whether they would be agreeable to a pro rata amount to be secured as part of this scheme for 41 houses. The applicant has agreed to this and a contribution amounting to £13,243 would be included as part of the Section 106 agreement. However, it is important to note that as this is a voluntary contribution only and is not necessary to make the development acceptable in planning terms, no weight can be afforded to this contribution in the assessment of this application.

CONCLUSION

124. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).

125. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, is acceptable in principle and, subject to details to be submitted by reserved matters and conditions, would not have any unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water, archaeology and contaminated land in accordance with policies 6, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.
126. Whilst the proposal has generated public interest, 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. It is therefore considered that proposals are acceptable and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- 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).
- 4 on site units for Affordable Housing ownership;
- £69,260.40 towards open space and green infrastructure in the Electoral Division;
- £23,184 towards health provision in the local area;
- £31,021.01 towards management of coastal habitats;
- £15,741 for off site provision of Biodiversity Net Gain in the County;

And subject to the following conditions:

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan	Drawing No.	Date Received
------	-------------	---------------

Location Plan Flood Risk Assessment and Drainage Strategy Proposed Site Plan	DR-A-0500 DR-A-1200-P20	23/09/21 09/01/23 09/01/23
--	--------------------------------	----------------------------------

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

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 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.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

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

2. Details of methods and means of noise reduction/suppression.

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

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

5. Designation, layout and design of construction access and egress points.

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

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

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

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

10. Routing agreements for construction traffic.

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

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

13. Management measures for the control of pest species as a result of demolition and/or construction works.

14.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: 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. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

6. No development shall commence until details of the proposed re-location of the bus stop which is currently located to the west of the proposed development access junction, is submitted and approved in writing by the Local Planning Authority. The submitted details should include precise information on the proposed new location of the bus stop, in agreement with the DCC Public Transport and Infrastructure Teams and details should also be included demonstrating consultation with local residents. The approved details shall be implemented prior to the first occupation of any dwelling hereby approved.

Reason: In the interests of highway safety and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

7. No development (excluding demolition) shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. The reserved matter application required through Condition 1 of this permission shall include a scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people. Thereafter the development shall be carried out fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.

9. The reserved matter application required through Condition 1 of this permission shall include a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

10. The reserved matter application required through Condition 1 of this Permission shall include a scheme to detail how each dwelling hereby approved is fully compliant with the minimum space requirements defined in the National Described Space Standards.

Reason: In the interests of residential amenity and to accord with policy 29 of the County Durham Plan.

11. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

13. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until a detailed Arboricultural Method Statement and Tree Protection Plan in accordance with BS.5837:2010 has been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

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. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

14. No development shall proceed beyond the installation of the damp proof course of any of the dwellings hereby approved until details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible zero carbon buildings, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c) of the CDP

15. No development shall proceed beyond the installation of the 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.

16. The development hereby approved shall be carried out in strict accordance with the mitigation measures detailed in Section 6 of the Ecological Impact Assessment by Dendra received on 20 February 2023, which provide details on the ecological enhancements, management of BNG areas and monitoring of the created habitats. The agreed enhancements shall be undertaken in the first available planting season following the practical completion of the development. The works and management and monitoring strategy shall be carried out strictly in accordance with the detailed measures and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. No development shall take place other than in strict accordance with the surface water management as detailed within the Flood Risk Assessment & Drainage Strategy Revision C received 9 January 2023.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

18. 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 1400 on Saturday.

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

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

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

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

19. The development hereby approved shall comprise a maximum of 41 dwellings.

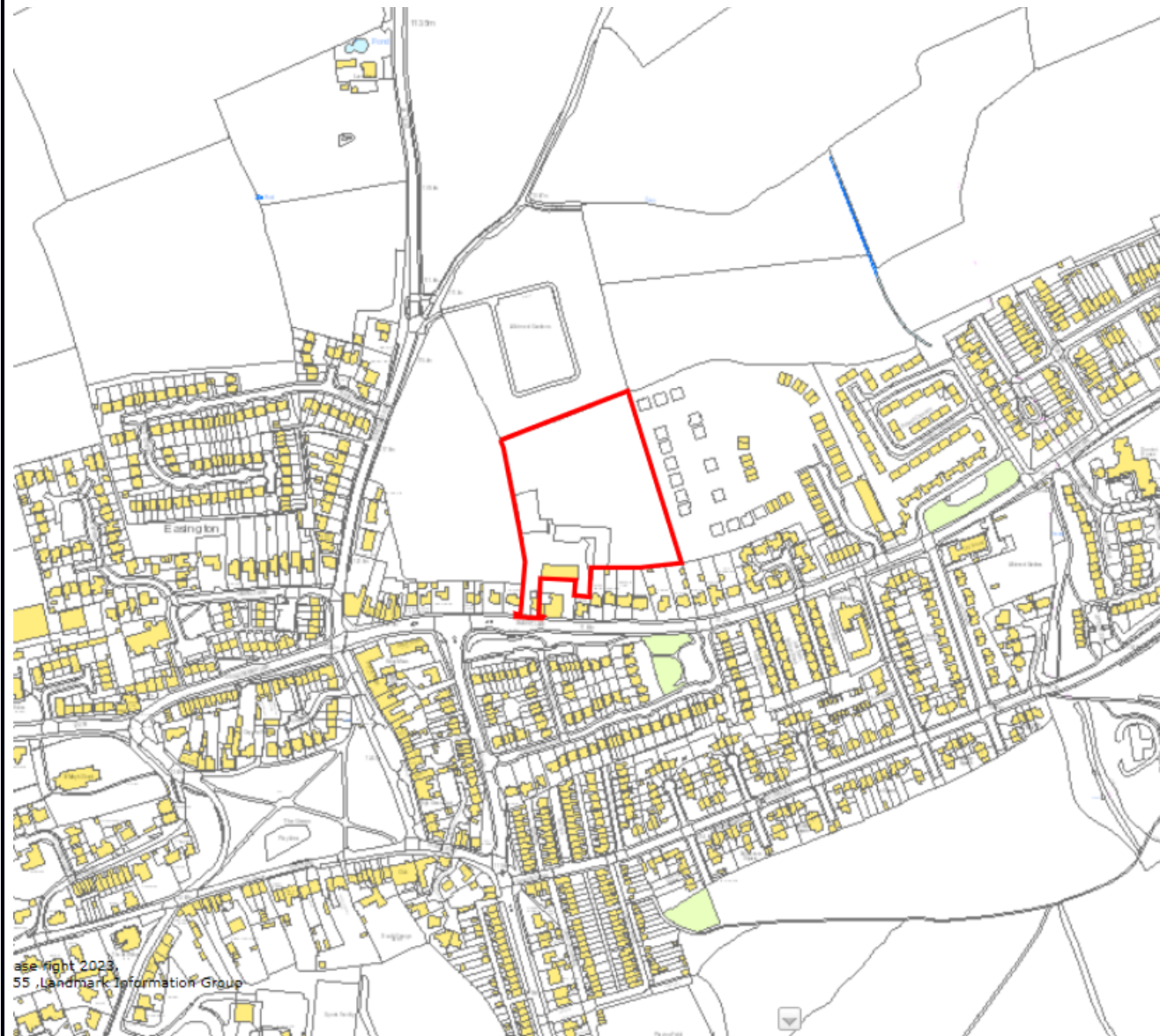
Reason: To define the consent and precise number of dwellings approved.

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)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation responses
- Residential Amenity Standards SPD (2023)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019
- HRA: Guidance and Requirements for Developers in County Durham 2017.



Planning Services

Demolition of existing house and rear storage buildings and erection of 41 no. 1 and 2 storey dwellings, with details of proposed access off Seaside Lane and associated parking and landscaping (amended title)
 Snowdons, Seaside Lane, Easington Village
 Peterlee, SR8 3TW
 Ref: DM/21/03322/OUT

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

Comments

Date 11 April 2023

Scale Not to Scale