



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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| Application No:               | DM/23/03617/FPA   |
| Full Application Description: | Construction of 56 dwellings with associated works (amended description).   |
| Name of Applicant:            | Partner Construction Ltd (c/o DPP)  |
| Address:                      | Land North And East Of Petwell Cottage<br>Sunderland Road<br>Easington Village<br>SR8 3AT   |
| Electoral Division:           | Easington   |
| Case Officer:                 | Lisa Morina (Senior Planning Officer)<br>Tel: 0300264877<br>Email: <a href="mailto:lisa.morina@durham.gov.uk">lisa.morina@durham.gov.uk</a> |

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is considered greenfield land which extends north from Seaside Lane. It is bounded by Sunderland Road to the west with dwellings located on the opposite side of the road and allotments to the northeast. Existing residential properties are located to the south. To the east of the site a resolution to grant outline permission has been agreed for residential development known as Snowdon's site. Beyond that to the east is another residential estate known as Milburn Close.
2. The site is not subject to any landscape or heritage designations, however the Easington Conservation Area sits adjacent to the south western part of the site. Established hedgerow is in existence around the majority of the site but no protected trees are on the site. The site is located approx. 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 downward slope from a south west to north east direction. The site is in Flood Risk Zone 1 and is therefore at low risk from flooding as well as being a low risk area for past coalfield development.

## The Proposal:

3. Consent is sought for the erection of 56 dwellings. These are proposed as both two-storey dwellings and bungalows. The site is proposed to contain a mix of 6 x 2 bedroom bungalows, 10 x 2 bed dwellings, 32 x 3-bed dwellings (2 different house types) and 8 x 4 bed dwellings (2 different house types). It is proposed that the dwellings will be constructed of a mix of buff and red facing brickwork with feature cladding and grey roof tiles.
4. Access to the site is proposed from Sunderland Road just to the north of the Fennell Grove site which is located opposite. A pedestrian link is proposed between plots 7 and 8 onto Sunderland Road with a further pedestrian link proposed in the south eastern part of the site which would link into the neighbouring residential development which has the resolution to grant however the Section 106 has not yet been signed. The SUDS area is contained within the northern part of the site.
5. The application is being reported to the Central and East Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development.

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## RELEVANT PLANNING HISTORY

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6. There is no relevant planning history on this site.

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## PLANNING POLICY

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### National Policy

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *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.
9. *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.

10. *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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

17. *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>

### **National Planning Practice Guidance:**

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

### **Local Plan Policy:**

The County Durham Plan (CDP)

19. *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.
20. *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.

21. *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.
22. *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.
23. *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.
24. *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.
25. *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.
26. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
27. *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.; 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.

28. *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.
29. *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.
30. *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.
31. *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.
32. *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.
33. *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.

34. *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.
35. *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.

36. *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.
37. *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.

## Supplementary Planning Documents

38. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
39. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
40. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
41. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
42. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

<https://www.durham.gov.uk/cdp>

## 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 relevant. The full text, criteria, and justifications can be accessed at:*  
<http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

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## CONSULTATION AND PUBLICITY RESPONSES

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### Statutory Consultee Responses:

44. Easington Village Parish Council strongly object to the proposal for the following reasons:
  - Lack of supporting infrastructure - no provision has been made to provide additional health, educational, social, retail or welfare support facilities. This has been highlighted in other reports.
  - Road traffic - it is acknowledged that some thought has been given to road traffic, however, the site is located immediately behind the central crossroads in the village which already is a problem area at peak times. Construction traffic throughout the day entering or leaving site will only add to this already severe issue. In addition, traffic to and from site that arrives off the A19 up Hall walk and traffic



leaving the village on Stockton Road both pass busy schools and it is imperative that no construction traffic uses these routes to preserve the safety of children.

- Disturbance to residents by noise, dust, vibration - even with the mitigation measures proposed in another report, there will be an element of disturbance to residents by noise, dust and vibration caused by construction and supporting traffic.
- The Parish consider that this project is not in the best interests of the Easington Ward as a whole, and that it is the Easington Colliery parish that would benefit more from housing.
- The footpath link to the south has been re-instated and there is concern this can become the location of anti-social behaviour or more serious crime as pointed out in the crime prevention report.

45. Highways Authority – No objection subject to conditions and informatives.
46. Lead Local Flood Authority (Drainage and Coastal Protection) – No objection an appropriate drainage strategy has been provided.
47. Northumbrian Water – No response

#### **Internal Consultee Responses:**

48. Spatial Policy – Advice on policy requirements
49. Design and Conservation – No objection
50. Landscape Section – No objection an appropriate landscaping scheme has been provided.
51. Arboricultural Officer (Trees) – Concern raised regarding the loss of some of the hedging proposed.
52. Ecology – No objection subject to Section 39 to control BMMP.
53. Public Rights of Way Section – No objection
54. Environmental Health and Consumer Protection (Nuisance) – No objection subject to conditions
55. Environmental Health and Consumer Protection (Air Quality) – No objection subject to conditions
56. Environmental Health and Consumer Protection (Contamination) – No objection, no requirement for a land contamination condition.
57. Archaeology – No objection subject to condition which can be pre-commencement
58. Affordable Housing – No objection to tenure proposed

59. Education Provision Lead Officer – No requirement for any contributions.

### **External Consultees**

60. Police Architectural Liaison Officer (Durham Constabulary) –Secured by design advice given.

61. NHS North East and North Cumbria Integrated Care Board – a contribution is required.

### **Public Responses:**

62. The application has been advertised in the local press (Northern Echo) by site notice and individual notification letters sent to neighbouring properties.

63. To date, 36 letters of objection/representation have been received from 18 different neighbouring properties. These are summarised under the relevant headings below:

#### Principle

- The loss/use of greenfield/greenbelt land should be avoided
- There are a huge number of empty properties and brownfield areas that desperately require redevelopment in the neighbouring town of Easington Colliery and consideration should be given to these before development on any "green land".
- The reason for not using brownfield land should be made public

#### Highway Issues

- The road infrastructure is already overstretched around the village and this proposal will add more traffic issues within the village.
- Traffic congestion will increase, the proposal is extremely close to other junctions which are already congested
- Lack of infrastructure to cope with the additional dwellings

#### Design/Layout

- The historic village/surrounding area will be ruined even further, it already has been by other applications
- Overdevelopment of the site

#### Drainage

- Lack of drainage infrastructure
- Flooding issues do occur in the area

## Residential Amenity

- The location of this development will also have an adverse effect on the residential amenity of the adjacent neighbours through noise, disturbance, overlooking, loss of privacy, loss of existing views and overshadowing in particular where dwellings are proposed in close proximity to bungalows
- Increased traffic, noise and pollution while the proposed building work is undertaken,
- Disturbance to residents by noise, dust, vibration - even with the mitigation measures proposed.

## Ecology/Landscaping

- Object to mature trees and hedgerows being removed and especially not to facilitate housing development that is not needed
- Ecological value of the land and its habitat, Loss of wildlife on the field

## Other Matters

- Concern regarding too many houses being built within the area
- Lack of amenities to cope with the increase in dwellings
- Lack of schools to cope with the increase in dwellings
- Lack of NHS facilities especially doctors and dentists
- As the development is promoting a "social housing" provider, their focus should not be on pure profit but rather meeting the needs of communities.
- The number of "social housing" properties in the village is already over 130 yet Easington Colliery has not had any new developed houses provided and there is a real, serious and significant need there.
- Lack of consultation
- In other areas of the village residents have applied to extend gardens onto neighbouring greenfield and have been refused because it would encroach on the country side. Another huge development on this greenfield site is surely an encroachment on the countryside.
- Financial considerations for residents (for the proposed development and other future developments within County Durham)
- Devaluation of properties
- The proposal does not provide the right mix of housing in that there are no self builds available and no terraced housing, there is also no provision for single people and the disabled and elderly should not have to compete for the same houses. The lack of policy, or implementation of policy in this respect is potentially discriminatory against both sets of people. Please see the Equality Act 2010
- DCC and possibly the developer should start buying back older stock houses in Easington colliery, and elsewhere, refurbishing them and putting their current clients into these houses. That would stop DCC from inevitably having to buy them back in the not-too-distant future.
- Concern regarding how people bid for properties and how they have to pay extra fees when purchasing properties

- Believe Housing recently had a Public Consultation for Housing, on the 26<sup>th</sup> June 2023 at Seaton Home, for the construction of 60no houses, on this piece of land, and have obviously decided against submitting a Planning Application after receiving a lot of opposition against the development, both at the consultation and their own planning portal.

## **Elected Members**

64. Graeme Morris MP for Easington has raised the following concerns:

- Whilst welcoming new housing developments, any such scheme must be sustainable and enhance life for the existing community. Concern is raised around the number of developments Durham County Council are permitting on open land and green spaces within the community.
- There are existing areas and sites within the Easington constituency that would benefit from significant housing development and regeneration. I am disappointed that Durham County Council are not working with our social housing sector, principally Believe Housing, to bring forward areas in need of regeneration such as the A,B,C in Easington Colliery or The Numbered Streets in Horden and Blackhall.
- Believe Housing have demonstrated an exceptional ability to invest and regenerate former brownfield and industrial sites into desirable and high-quality housing that improves the local area. There needs to be a greater level of partnership working, with Durham County Council to bring forward suitable sites in need of new housing development and regeneration, rather than continuing to permit building on greenfield sites.
- Increase in traffic
- Unreliable rail links and bus links - This basic transport infrastructure is essential for the viability and sustainability of any new housing development and for essential education and job opportunities
- A transport improvement plan should be agreed with Durham County Council and Public Transport operators, prior to approving any new housing development.
- The traffic from this development will access Sunderland Road. There are already significant road safety concerns which are unaddressed. These issues and concerns will only increase in view of the lack of road safety action by Durham County Council on Sunderland Road
- There is a lack of local educational provision
- Lack of NHS facilities
- Northumbrian Water routinely discharge raw sewage into our rivers and seas. This pollution damages the environment and is a public health hazard.
- There is a lack of water infrastructure and sewage capacity to meet current demand.

In conclusion Graeme Morris MP states that he is disappointed that he is unable to support a planning application by our local social housing provider Believe Housing however he does not view this site as suitable for housing development, leading to the loss of greenfield space when there are other suitable areas available.

*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/search.do?action=simple&searchType=Application>*

## **Applicants Statement:**

65. The application proposes the construction of 56 affordable homes which includes a mixture of detached, and semi-detached properties along with 6 bungalows all with private amenity space and in curtilage car parking.
66. The housing mix provides homes for older people, Starter Homes for young families and Home Ownership tenures to support the economically active in the community who are struggling to find suitable affordable accommodation.
67. The homes will comprise a range of affordable products including, rent to buy, shared ownership and affordable rent in line with the existing demand in the area as identified by our development partner Believe Housing.
68. In addition to the major benefit of affordable housing in the area, the design has evolved to create a sensitive development providing on site open space, landscaping, SuDS, and modern, energy efficient homes which sit comfortably within the existing built form within the settlement. The scheme also includes pedestrian footpath links to the west and east, integrating the site with wider area.
69. In addition to the benefits of the development itself, there are also S106 contributions towards off site open space, the NHS and the HRA. A Biodiversity Management Plan will also be secured to ensure the long term management and maintenance of the on site BNG habitats.
70. The scheme has been robustly assessed by Planning Officers with the layout and design evolving over time to ensure that a considered, high quality, well designed, sustainable scheme by way of location, layout and design is put before you today. In addition, there are no outstanding statutory consultee objections to the scheme.
71. We are sure members are fully aware of the increasing demand for housing, in particular the need for affordable homes. We consider this well designed, sympathetic scheme to be a positive contribution of much needed affordable homes in the area and urge you to follow your officer's recommendation.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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72. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
73. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should

be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.

74. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Highway Safety Issues, Design and Layout, Impact upon Heritage Assets, Landscape and Visual Impact, Residential Amenity, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, Ground Conditions and Land Stability, Planning Obligations and any Other Matters.

#### Principle of Development

75. The application site is considered as a windfall site given the area is not allocated for housing within Policy 4 of the CDP. The site is considered to be located outside of but well related to the settlement of Easington being located immediately to the north/east of the built up area and as such Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) would both be relevant to assessing the proposal. 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.
76. 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.
77. Concern has been raised that the proposal is being built in greenfield/green belt land which is unacceptable and the reason for not building on brownfield land has not been made public. Comments have also been raised that there are a number of empty properties which should be considered over building on this site and that essentially the development is unwanted.
78. As a starting point, the land in question is not within the designated Green Belt and is therefore not subject to national or local plan policies that restrict development in such areas. The land is acknowledged as a green field site, but planning policies do not prevent the development of such sites, or require that empty properties be refurbished in lieu of applications such as this. As such, the proposals need to be assessed against relevant policies to determine the acceptability in line with these.
79. In this case, the site is considered to be well related to the settlement, in line with Policy 6, directly abutting the rear boundaries of properties that front Seaside Land and Sunderland Road. In addition, Members may also recall an application which was considered for residential development to the east of the site last year. To the east of that, a new development of 96 dwellings has

recently been constructed. To the west of Sunderland Road dwellings are also in existence.

80. The proposed development would extend further north than the most northern extent of these adjacent/nearby development sites however is not proposed to extend beyond the existing dwellings located to the west of the site which are considered to form the edge of the settlement at this part.
81. 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;
82. Residential use of this site would be compatible with surrounding uses, particularly the established residential uses to the south, east and west of the site. There are no concerns that the proposed dwellings would be prejudicial to the allotment site to the north/east of the site.
  - b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;
83. The site is well contained, surrounded to its south, west and east by built development. As stated, it would not extend beyond the northern extent of development within the settlement. 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.
84. The application site does not fall within any designations for landscape or ecology value and is not within a conservation area of heritage value although the site is adjacent to the Easington Conservation Area (CA). The site however is not considered to contribute to the character of the CA as there is no intervisibility between the site and the CA given the line of houses that surround the site to the south and west.
  - d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement
85. 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;
86. 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.
87. 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, this will be discussed in more detail below within the Locational Sustainability Section however it is considered that criteria f can be met.
- 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;
88. 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;
89. 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 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 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.
90. As stated above, a significant number of objections have raised concern at the loss of a greenfield/green belt site, commenting that development should be located on brownfield sites, of which there are plenty within the wider area, particularly Easington Colliery. Whilst the development is not considered a brownfield site, the policy does not provide a moratorium against development upon any greenfield site. 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 other respects. The site is not within greenbelt land and as such this is not something which is required to be considered. The use of other properties is not a consideration in this instance



given the application to be considered is for the construction of a new residential estate.

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

91. It is not considered that criteria j is relevant in this instance.

92. 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.

#### Locational Sustainability

93. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement. Criterion p) of Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.

94. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

95. NPPF Paragraph 96 seeks for planning decisions to aim to achieve healthy, inclusive and safe places and beautiful buildings which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.

96. NPPF Paragraph 110 advises that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making.

97. NPPF Paragraph 115 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst NPPF Paragraph 117 advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

98. Concern has been raised that there are insufficient amenities available within the village and that there is a lack of appropriate bus and train links to help people travel sustainably.
99. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Easington is located within the Easington Cluster that includes Easington Colliery and Village which scored 127.5 which is considered a large settlement. As such, residents would have a high level of everyday services and facilities, education and employment opportunities available.
100. In terms of distances to services and amenities, the Chartered Institute of Highways and Transportation (CIHT) in their Planning for Walking (2015) document advise that “Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres).”
101. In this regard, the following are considered to be within this distance (taken from the centre of the site) which include a Go Local Extra Store, a health club, Barber/Hairdressers, Primary and Secondary Schools and a public house.
102. Nearest bus stops are located approximately 210m – 420m away at Seaside Lane and around 350-420 metres away at the Village Green (depending on which pedestrian access point is utilised), providing multiple services connecting Peterlee, Durham and Sunderland (route numbers 22 and 208, noted as half hourly services during weekdays). These links are considered to significantly improve the permeability and sustainability of the site and 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.
103. It is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence. In addition, the 56 dwellings proposed would be considered to be of a scale commensurate with the role and function of the settlement and level of services therein.
104. In summary, there would be various services within a distance of 800m or a 10 minute walk time available for the future residents, including education or employment opportunities and a range of public transport services. Therefore, the proposed development is considered to accord with CDP Policies 6 f), 10p) and 21, as well as Part 9 of the NPPF.

#### Highway Safety Issues

105. CDP Policy 21 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.
106. Concern has been raised the existing road infrastructure is already overstretched around the village and this proposal will add more traffic issues

within the village. Concerns have also been raised regarding the junctions being close together and that this will create serious issues and congestion in an area which is already of concern.

107. As part of the objections, it was also considered that a transport improvement plan should be agreed with Durham County Council and Public Transport operators, prior to approving any new housing development.
108. One vehicular access to the site is proposed from Sunderland Road which is located to the northern part of the site. It was requested by DCC Highway Engineers that the location of this access was moved further South. Discussions between the applicant and Highway Engineers took place and its current location was accepted, with Highways Engineers confirming that the access at this point would not cause a serious highway concern that would result in a highway refusal reason.
109. In addition, pedestrian links are also provided on both sides of the site which are considered highly important to improve walking distances to services. Whilst it is noted that concerns are raised regarding the access point to the south east of the site which links to the adjacent housing development and at one point this was removed from the scheme, it has been reintroduced as it was considered that the sustainability of the site would be compromised without this link and its retention is fundamental as part of the consideration of the Building for Life criteria contained within the SPD.
110. The parking provision is considered to be in compliance with the DCC Parking & Accessibility SPD for in curtilage spaces however is considered to be deficient by 1 for non-allocated visitor bays. It is considered however that this is not sufficient to sustain a refusal reason based on this given the location of the site and ready access to public transport.
111. Subject to conditions including permitted development rights being removed to ensure hardstanding and garages remain available for parking in perpetuity, engineering details of the estate to be provided and the roadway installed before dwellings are occupied, the proposal is considered acceptable from a highway safety view point.
112. Swales are proposed in the grass verges adjacent to the carriageway and will not form part of the adopted highway as the Council, as Highway Authority do not adopt these therefore, they will require to be included in the management plan for the open space which can be conditioned.
113. Given this and subject to the conditions above and suggested informatives regarding highway requirements, the proposal is considered acceptable in respect of Policy 21 of the County Durham Plan and Part 9 of the NPPF.

#### Design and Layout including impact upon heritage assets

114. 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.

115. 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.
116. Concern has been raised that the proposal is overdevelopment of the site and that the historic village/surrounding area will be ruined even further as it already has been by other applications
117. The layout of the site is considered to be quite simple with one main loop road around the whole site. An area of open space is provided at the entrance to the site which is also to be utilised as the SUDs area. 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. As part of the review process, schemes with one or more red scores would not be deemed acceptable and would be refused planning permission unless there are significant overriding reasons.
118. In consideration of this, it is determined that the proposals 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 have been addressed and are now considered either green or amber and the proposals accord with this part of policy 29 of the CDP.
119. The site is considered to be well related to the form and function of the existing settlement, surrounded on most parts by residential development with ready connections to the main body of the settlement. The density of the site is also considered acceptable and work has taken place to ensure the retention of important boundary hedgerows along the eastern side.
120. 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 59 to 56 and improving the layout of the site to remove the dominance of car parking throughout the site. An appropriate drainage scheme has also been provided.
121. The proposals would see the introduction of one and two storey dwellings in a mix of both buff and red materials which are considered 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.

122. A mix of appropriate boundary treatments has also been provided with the majority being typical 1.8m high close boarded fencing some with pillars around rear/side garden areas. To the main frontage onto Sunderland Road, a 0.9m high post and rail picket fence is proposed which is considered appropriate, all other frontages are proposed to remain as open planned. To the rear of Plots 8-13 which provide this main frontage, a 0.6m high dwarf wall with 1.2m high fencing/trellis above is to be provided which is considered to be an appropriate mix to provide privacy for the occupants of the dwellings but also provide an appropriate design for the public street scene.
123. It is considered therefore, that the proposal would be of an appropriate 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), 29 and 44 of the CDP. A condition however will be added for the exact material details to be provided.

#### Landscape and Visual Impact

124. CDP Policy 6 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.
125. CDP Policy 39 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.
126. CDP Policy 40 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.
127. The proposed layout would result in some removal of mature hedgerow vegetation currently located to the east and to the west of the site. To the east, this would help to enable the establishment of rear gardens that would form a 'back to back' arrangement with the likely development to the east. To the west, the removal of the hedgerow would create active frontages onto Sunderland Road.
128. The loss of the hedging to the east is considered acceptable as this will back onto the rear garden areas of the neighbouring development however

amendments were requested and received to maintain an area to the north eastern part of the site which forms the settlement edge with the adjacent allotments.

129. Whilst concern was raised from neighbouring properties and the tree officer with regards to the loss of the hedging onto Sunderland Road, it is considered that this is acceptable to allow an active frontage to be provided for the development and a suitable replacement landscaping scheme has been provided to outweigh this loss. With respect to the loss of hedging to the east of the site, this backs on to the neighbouring property with hedging being retained at the north eastern part of the site adjacent to the allotments.
130. The landscaping scheme provided is considered acceptable. Whilst there were some advisory comments from the landscape officer, with regards to plant species selection and required maintenance the applicants have acknowledged that maintenance would be required but the species are required to meet with BNG requirements and therefore are proposing to keep the species as they are. As stated, these were advisory comments only and do not prevent the application from being acceptable in respect of landscaping.
131. Subject to the proposed landscaping scheme being implemented, for which a condition would be applied to this effect, the proposal would be considered acceptable in respect of CDP policies 39 and 40 and part 15 of the NPPF.

#### Residential Amenity

132. CDP Policies 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. Part 11 of the NPPF requires planning decisions to ensure healthy living conditions and emphasises the importance of securing healthy places. Part 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.
133. Paragraph 191 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 198 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.
134. CDP 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.; 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.

135. CDP Policy 29 also require that new major residential development is 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. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
136. The dwellings are proposed to be located adjacent to a residential area with residential properties located to the west and south of the site with a pending approval in place for dwellings to the east of the site.
137. Concern has been raised that due to the location of the development it will have an adverse effect on the residential amenity of the adjacent neighbours through noise, disturbance, overlooking, loss of privacy, loss of existing views and overshadowing in particular where dwellings are proposed in close proximity to bungalows.
138. It is also considered that there will be an increase of traffic, noise and pollution while the proposed building work is undertaken causing disturbance to residents by noise, dust, vibration and this is considered to be the case even with the mitigation measures proposed.
139. All dwellings are required to meet with the required separation distance as outlined within the Council's Residential Amenity Standards Document which states all new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts.
140. In order to achieve these objectives, in residential housing developments (including extensions or residential outbuildings), the following minimum distances will usually be required to protect the privacy, outlook and residential amenity of habitable room windows:
  - A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
  - Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room

window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.

141. Whilst concern has been raised regarding a two storey dwelling facing an existing bungalow, separation distances in excess of 21m have been met in this respect with distances of 21m and 22m remaining with those existing dwellings located to the west of the site and it is considered these have been met with both existing dwellings and those proposed as part of the development.
142. In respect of those located to the south of the site, separation distances in excess of 13-14m are in place for those which have blank (or obscure window) gable facing elevations and over 21m for those with main facing windows.
143. To the east of the site whilst the neighbouring site is in outline form only, based on the indicative layout provided, the required separation distances can be met and this will also be ensured at the reserved matters stage.
144. Internally within the site, some dwellings do fall slightly below the distance standards, being between around 19m to 20m however in these instances the dwellings are not directly facing each other and are off-set and therefore, the distances provided are considered acceptable and would not create harmful loss of privacy to future occupiers.
145. The proposed dwellings are all considered to comply with the NDSS Space Standards and have for the most part appropriate garden depths of 9m with only one property deficient at 8m however this has an appropriate width therefore, it is not considered that a refusal reason could be sustained in this instance. Overall, the proposals would allow for an appropriate level of living accommodation and outdoor amenity for future residents.
146. A noise assessment prepared by NJD Environmental Associates Ltd reference NJD23-0042-002R dated August 2023 has been submitted the contents of which has been reviewed by the Environmental Health team. They have confirmed that the report has been undertaken by suitably competent and qualified consultants, although the assessment does not provide any confirmation of qualifications and that the report has also followed appropriate methodologies.
147. The noise assessment has considered that the main source of noise would be vehicles passing from the nearby road and highlighted that mitigation will be required in order to adequately attenuate noise impact for future occupants of the properties. As such a condition is required to ensure that all sound attenuation measures detailed in the noise assessment are fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.
148. Generally during the construction management phase of the development, there is potential for a negative impact upon existing residential receptors, due to their close proximity, however it is considered that this can be suitably



overcome by the submission of a Construction Management Plan which should include information with regards to dust and a restriction on the hours of construction. It is considered that this can be controlled via a pre-commencement condition.

149. Given the above, it is considered that the amenity of both existing and future residents would not be significantly impacted upon through loss of light, overlooking or overshadowing or noise and therefore, is considered acceptable in respect of Policy 29 and 31 and part 15 of the NPPF subject to conditions being added.

#### Drainage and Flood Risk

150. CDP 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.
151. Whilst CDP 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.
152. Durham County Council's Drainage and Coastal Protection Team acting as the Local Lead Flood Authority (LLFA) have assessed the various plans and information submitted in support of the scheme. The views of Northumbrian Water have also been sought although no response has been received.
153. Concern has been received that there is a lack of drainage infrastructure and that Northumbrian Water routinely discharge raw sewage into rivers and seas, commenting further that this pollution damages the environment and is a public health hazard and is an issue at present as well as flooding within the vicinity of the site.
154. The scheme includes in respect of Surface Water Solution that the proposed development will utilise the existing adopted surface water sewer adjacent to the site to make an indirect connection to the watercourse, this will be required to be confirmed and agreed with NWL. Infiltration has been discounted as the site is assumed to be underlain by clay. A SuDS basin has also been provided which will discharge to the existing sewer to be restricted to 3.3 l/s.
155. In respect of Foul Water this will discharge to existing NWL combined sewer via a pumping station to be constructed on site. Again, this will be required to

be confirmed by NWL, which would be agreed through an agreement directly with NWL, which is separate from the planning process.

156. The scheme, therefore, is considered acceptable and hydraulic calculations have been submitted and are considered acceptable. The proposal, therefore, is in accordance with policies 35 and 36 of the CDP.

## Ecology and Biodiversity Net Gain

### Impact on Protected Species and their Habitats

157. 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.
158. Concern has been raised regarding the ecological value of the land and the loss of wildlife/habitat on the site.
159. The applicants have submitted an Ecological Impact Assessment and in consultation with DCC Ecology section, this is considered sufficient to inform the application and no further surveys are required. Precautionary working methods are required for several species therefore the contents of section 4 (Discussion and Recommendations) of the report would need to be conditioned to ensure the development is carried out in accordance with these working methods. Therefore, notwithstanding the objection raised and subject to the development being carried out in accordance with the report, the proposal is considered to be in accordance with CDP policy 43.
160. Ecology section have requested that at least 20 integrated bat roost units and 20 integrated bird breeding units should also be provided on site, a plan has been provided to show the location of these which have been agreed with the Ecology Officer and will form part of the approved plans.

### Impact upon European Protected Sites

161. CDP Policy 42 (Internationally Designated Sites) states development proposals that would potentially have an effect on internationally designates 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.

162. 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.
163. 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.
164. 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.
165. 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. The applicant has agreed to make a financial contribution which will be secured by S106 agreement. The full amount is detailed below within the planning contributions section.

#### Biodiversity Net Gain

166. From the 2<sup>nd</sup> of April 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from the 1 December 2023 and so is not legally required to deliver biodiversity net gains of at least 10%.
167. In addition, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 187 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 193 d) also advises that opportunities to improve biodiversity

in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

168. The application is supported by a Biodiversity Net Gain Assessment, a completed version of DEFRA's Biodiversity Metric and a Biodiversity Management Monitoring Plan (BMMP) prepared by Rocket Ecology. The information sets out that a net gain of 10.90% in habitats and a gain of 1.76% in hedgerow units can be achieved if the proposed landscaping is undertaken and managed according to the BMMP. Some of these trees are in private areas that would reduce the BNG score to less than 10% but as the proposal was submitted pre-mandatory BNG then the proposal would be considered acceptable as net gain is still achieved, albeit this would be less than 10%. A Section 39 agreement will be required to ensure long term management, maintenance and monitoring of the on site biodiversity land in accordance with the BMMP.
169. Based on the above, the proposal is considered acceptable in respect of policies 41, 42 and 43 of the County Durham Plan and part 15 of the NPPF.

#### Ground Conditions and Land Stability

170. Paragraph 196 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.
171. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and submitted information which includes both a Phase 1 and Phase 2 report as well as a gas risk assessment and have confirmed that no further land contamination conditions are required.
172. The proposal is therefore considered acceptable in respect of contaminated land issues in respect of Policy 32 of the County Durham Plan. An informative however will be added with regards to unforeseen contamination.

#### Planning Contributions

173. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is

secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.

174. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 56 and 58.

#### Affordable Housing Provision

175. Policy 15 of the CDP states that affordable housing will be sought 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 (DMS) and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
176. Concern has been raised that the proposal does not provide the right mix of housing in that there are no self builds available and no terraced housing, there is also no provision for single people and the disabled and elderly should not have to compete for the same houses. Objectors assert that the lack of policy, or implementation of policy in this respect is potentially discriminatory against both sets of people in line with the Equality Act 2010.
177. This site straddles both low and medium viability areas, however most of the site is within a low value area and therefore, the 10% requirement for affordable housing is considered acceptable. It is noted that the scheme is proposed to be 100% affordable, to be delivered and managed by Believe Housing however as part of any approval, only the policy requirement would be secured by means of a Section 106 obligation, which would be 6 affordable dwellings in total.
178. The mix of affordable housing would need to be balanced to accord with Policy 15 and 19 (Type and Mix of Housing) and as such the views of the Housing Delivery Team have been sought.
179. They comment that an appropriate mix of dwellings has been provided in the form of 30 affordable rent, 16 rent to buy and 10 shared ownership. In addition, a plan has also been provided which identifies which of the properties will be secured as part of the 10% rent to buy properties that is required by policy and this has been considered acceptable by the Housing Delivery Team.
180. In respect of concerns regarding potential discrimination, policy 15 of the CDP sets out the expectations in terms of addressing housing need and states proposals should seek to address affordable housing provision, along with the provision of specialist housing for older people, vulnerable adults and people with disabilities. In general housing types can often factor in appropriate design

to cater for all of these needs, through, for example, meeting Building Regulations M4(2) standards and being single storey, level access dwellings. A condition is proposed to be included as part of any permission granted to ensure the required amount of properties are provided to meet the standards expected by policy 15. Although concern was raised that it is inappropriate for disabled and elderly people to compete for the same housing and that this conflicts with the Equality Act, in this case, officers are unable to agree; it is of note that the Public Sector Equality duty only requires 'due regard' to be given to the need to eliminate discrimination and to advance equality of opportunity, it does not impose an absolute requirement to achieve these outcomes. Policy exists to support the provision of this range of housing but it is considered outside the scope of the planning system to control the means by which prospective owners or occupiers gain access to these properties. As such, it is not considered that the current proposals would cause discrimination under the Equality Act.

181. The proposal, therefore, is considered acceptable in respect of Policy 15 and 19 of the County Durham Plan.

#### Public Open Space Provision

182. A scheme of 56 units would generate at least 123.2 people based on 2021 census data of 2.2 persons per household. This scheme would fall into the 3<sup>rd</sup> category of Table 19 where amenity/natural green space and play space (children) should be provided on site, and a contribution sought for all other typologies of open space.
183. Table 16 of the OSNA sets out the costings, therefore the contribution should be:  $123.2 \times \text{£}673$  ( $\text{£}790.50 - \text{£}75 - \text{£}42.50$ ) =  $\text{£}82,913.60$  provided that amenity natural green space ( $123.2 \times 15\text{sqm} = 1,848\text{sqm}$ ) and non-equipped play space (children) ( $123.2 \times 0.5 = 61.6$ .) are provided on-site in accordance with Table 19. A plan has been provided which shows that this level of open space has been met. The outstanding monetary contribution would be secured through a section 106 agreement.

#### Education

184. NPPF Paragraph 98 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 100 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.
185. Concern has been raised that there is a lack of school places available. The Council's Education Provision Lead Officer has advised that the development is located within the Easington local school place planning area of which Easington C of E Primary and Easington Colliery Primary School could serve the development based on a 2 mile safe walking distance. In relation to

secondary schools, the development is located within the East Durham local school place planning area, with the nearest school to the proposed the development being Easington Academy which is located less than 1 mile from the site.

186. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed developments, there would be sufficient space to accommodate the pupils of both primary and secondary school age generated by the development in existing local primary and secondary schools whilst maintaining a 5% surplus. Therefore, no contributions are required for additional primary teaching accommodation for both primary and secondary schools.

#### Health Care

187. Paragraph 35 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard CDP Policy 29(f) requires that developments should contribute to healthy neighbourhood and considers the health impacts and needs of the existing and future users.
188. Concern has been raised that the area does not currently have enough NHS facilities and the additional dwellings will have a further impact on an already stretched service.
189. The closest GP practices affected by the site are Bevan Medical Group, Easington William Brown Medical Centre and Arbroath House. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Durham Coast Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients.
190. Therefore, they recommend that a financial contribution of £27,048 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre. This is proposed to be secured by S106 agreement.

#### Habitat Regulations Assessment

191. As stated above, 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.
192. Subject to a payment of £756.61 per dwelling (amounting to £42,370.16) 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 Policy 42 of the County

Durham Plan and Part 15 of the NPPF, both of which seek to protect and enhance the natural environment.

#### Planning Obligations Summary

193. NPPF Paragraph 56 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
194. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has agreed to enter into a Section 106 to secure these contributions.
195. An agreement under Section 39 of the Wildlife and Countryside Act 1980 (as amended) will also be entered into by which the applicant will manage, maintain and monitor the on-site biodiversity land over a 30 year period..
196. NPPF Paragraph 58 and Paragraph 123 of the Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. It is considered that these tests are met.

#### Archaeology

197. CDP Policy 44 states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:
  - i. ensuring that archaeological features are generally preserved in situ; and
  - j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
198. Paragraph 207 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.



199. Due to the size of the site, an Archaeological Evaluation was submitted as part of the application which has been assessed by Archaeology Colleagues in which it was determined that features encountered on part of the site (in Trench 4) required further investigation. This should be in the form of an excavation of an area 10m by 10m centred on Trench 4 features. It is considered that this can be controlled via a pre-commencement condition which the applicants have agreed to.
200. Subject to this condition, the proposal is considered acceptable in respect of CDP Policy 44 and part 16 of the NPPF.

#### Meeting the Needs of Older People and People with Disabilities

201. CDP Policy 15 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.
202. 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.
203. A total of 52 units are proposed to be built to M4(2) standards which is noted to exceed the policy requirement. In addition, 6 bungalows are proposed which would satisfy the 10% requirement. A condition therefore will be added to secure the provision of verification details to ensure this requirement has been met. The proposal is therefore considered to be in accordance with policy 15 of the CDP in respect of meeting the needs of older people.

#### Measures to Minimise Carbon Emissions

204. CDP 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.
205. Air source heat pumps and PV panels are proposed to all plots which are considered appropriate to meet the requirements of this part of the policy. The

position and specification details of these are required to be submitted which can be controlled as a pre-commencement condition.

### Broadband Connection

206. CDP Policy 27 states that new residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. A pre-commencement condition can be added in this respect.

### Other Issues Raised

207. Comments have been received stating that in other areas of the village residents have applied to extend gardens onto neighbouring greenfield and have been refused because it would encroach on the country side. Whilst we are not aware of the exact nature of these applications, each application is required to be determined on its own merits.
208. Concern has been raised regarding how people bid for properties and how they have to pay extra fees when purchasing properties for example leasehold fees etc. This is not a material planning consideration.
209. Concern has been raised with regard to the extent of the consultation/publicity undertaken by the Local Planning Authority in relation to the current planning application. This consisted of the display of a site notice, a press notice and neighbour notification letters to surrounding residents which exceeds the statutory requirements outlined in associated legislation. It is standard practice for all neighbouring properties that adjoin or abut an application site boundary to be consulted, and this has taken place in the case of the current application, along with the display of the site notice and publishing of press notice.
210. Devaluation of properties have also been raised however this is not a material planning consideration.
211. Concern has been raised that residents in the area understand Believe Housing have decided against submitting an application on this site following a Public Consultation which received lots of opposition. It is understood however that the applicant has submitted the proposal with a view to Believe Housing taking on the site. In any case, a valid application has been submitted and the LPA must determine the scheme on its merits and in line with relevant policy. Whether an applicant or future registered provider agree to take on the site does not form part of the consideration of the scheme.
212. It has been noted that comments have been received that the number of "social housing" properties in the village is already over 130 yet Easington Colliery has not had any new developed houses provided and there is a real, serious and

significant need there. DCC and developers should consider buying back stock and refurbishing them. There is no policy requirement for applications to undertake such works in lieu of new development as is proposed in this case. The scheme has been submitted and validated, and has been assessed against relevant policies and found to comply as detailed throughout the report.

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## **CONCLUSION**

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213. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
214. In this instance, it is concluded that the proposed development is of an appropriate scale and layout within a sustainable location that would not adversely affect the character of the village of Easington or the nearby conservation area. The proposed development would therefore be in accordance with Policies 6, 10, 29, 31, 39, 40 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.
215. Where the requirements for mitigation have been identified they can be addressed through the imposition of conditions and a legal agreement.
216. Whilst objections have been raised, these have been carefully considered as part of the assessment of the scheme. In this case, the concerns and objections raised do not indicate that the proposals would be in conflict with relevant policies and it is therefore not considered that they are sufficient to warrant a refusal of this application.

### Public Sector Equality Duty

217. 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.
218. In this instance, officers have assessed all relevant factors and note the concerns raised in the objection with regards accessibility to housing products by different members of the community. In this case and as outlined above, officers do not consider that the proposals would conflict with the aims of the Act and the LPA is considered to have met its obligations in this regard.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a legal agreement under Section 106 of the Town and County Planning Act 1990 (as amended) to secure the following:

- A Section 39 agreement for long term management, maintenance and monitoring of on-site biodiversity land
- HRA Contributions- £42,370.16
- Open Space Contributions – £82,913.60
- NHS Contributions - £27,048
- Affordable Housing to be secured – 6 units in the form of rent to buy properties.

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 accordance with the following plans:

| Plan                                | Drawing No.   | Date Received |
|-------------------------------------|---------------|---------------|
| Site Location Plan                  | 0500 - S3 P01 | 29/11/23      |
| Existing Site Plan                  | 0510 - S3 P01 | 29/11/23      |
| Existing Site Sections              | 0530 - S4 P01 | 29/11/23      |
| Tenure Plan                         | 1750 - S4 P01 | 18/12/24      |
| Ashridge 2B4P Proposed Elevations   | 1601 - S4 P06 | 06/12/24      |
| Drainage & Levels Strategy Layout   | 000-01 G      | 04/12/24      |
| Impermeable Areas                   | 000-02 D      | 04/12/24      |
| Wentworth 2B3P Proposed Plans       | 1501 - S4 P03 | 06/12/24      |
| Wentworth 2B3P Proposed Elevations  | 1601 - S4 P03 | 06/12/24      |
| Ashridge 2B4P Proposed Plans        | 1501 - S4 P06 | 06/12/24      |
| Parkstone 3B5P Proposed Plans       | 1501 - S4 P02 | 06/12/24      |
| Parkstone 3B5P Proposed Elevations  | 1601 - S4 P04 | 06/12/24      |
| Lytham 3B5P Proposed Plans          | 1501 - S4 P05 | 06/12/24      |
| Lytham 3B5P Proposed Elevations     | 1601 - S4 P04 | 06/12/24      |
| Birkdale 4B6P Proposed Plans        | 1501 - S4 P05 | 06/12/24      |
| Birkdale 4B6P Proposed Elevations   | 1601 - S4 P05 | 06/12/24      |
| Beeford 4B7P Proposed Plans         | 1501 - S4 P04 | 06/12/24      |
| Beeford 4B7P Proposed Elevations    | 1601 - S4 P05 | 06/12/24      |
| Drainage & Levels Strategy Layout   | 000-01 G      | 06/12/24      |
| Impermeable Areas                   | 000-02 D      | 06/12/24      |
| Proposed Site Layout                | 1203 - S3 P38 | 06/12/24      |
| Proposed Site Sections              | 1310 - S4 P02 | 06/12/24      |
| Proposed Boundary Treatment Plan    | 1400 - S4 P05 | 06/12/24      |
| External Finishes Plan              | 1410 - S4 P06 | 06/12/24      |
| Proposed Bat and Bird Box Locations | 1440 - S4 P02 | 06/12/24      |

|  |                           |                      |
|--|---------------------------|----------------------|
| Open Space Plan<br>Detailed Planting Proposals | 1700 - S4 P01<br>0201 P09 | 06/12/24<br>06/12/24 |
|--|---------------------------|----------------------|

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 26, 29, 31, 35, 36, 39, 40, 41, 42, 43 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 12, 15 and 16 of the National Planning Policy Framework.

3. No development, including demolition, 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 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 and 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.Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure, including cranes, plant, and other equipment, and storage arrangements for materials.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.

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 or construction works.

14. Details 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" (or an equivalent British Standard if replaced) during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development 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.

4. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

5. No development shall commence, with the exception of site preparation / clearance and construction up to the damp proof course, until full highway engineering, highway drainage, highway structure details, street lighting and constructional details of the streets proposed for adoption by the local highway authority have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policy 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

6. No site clearance, preparatory work, or development shall take place, nor any site cabins, materials or machinery brought on site, until the tree and hedge protection fencing, and any other protection measures, contained within the submitted tree protection plan within the Arboricultural Method Statement inc. Impact Assessment reference ARB/CP/3134, dated October 2023 and prepared by Elliott Consultancy Ltd Arboricultural Consultants have been erected on site in accordance with these approved details. Fencing shall be placed as indicated on the approved plan and comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with British Standard BS 5837 2012 Trees in Relation to Design, Demolition and Construction - Recommendations (or in an equivalent British Standard if replaced).

If any access is required into the root protection area of any tree or hedge this shall only take place where in accordance with the approved details. Otherwise, there shall be no access, storage, parking, excavation of trenches, or alteration of ground levels within the root protection area of any tree or hedge to be retained.

No removal of limbs of trees or other works shall be carried out to any tree or hedge to be retained on site during the construction phase of the development, unless in accordance with the approved arboricultural report.

The fencing, and any other protection measures, shall be retained for the duration of the construction works.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees and hedges on site, in the interests of protecting the character and appearance 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.

7. Notwithstanding any details of materials submitted with the application, no development above damp proof course shall commence until details of the make, colour and texture of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: To ensure the development relates acceptably to the character and appearance of the surrounding area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

8. No dwelling shall be occupied until details of the surface treatment and construction of all hardsurfaced areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the hardsurfaced areas serving each dwelling shall be constructed in accordance with the approved details prior to the first occupation of that dwelling.

Reason: To ensure the development relates acceptably to the character of the surrounding area, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

9. No development above damp proof course shall commence until such time as details of the specification of the cycle and bin storage has been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be installed prior to the first occupation of the development and thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the surrounding area and residential amenity in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. No development above damp proof course shall commence until such time as details of a scheme to install photovoltaic panels has been submitted and approved in writing by the Local Planning Authority. The scheme shall include the number, location, dimensions, and technical specification of the photovoltaic panels to be installed. Prior to the first occupation of the development, the photovoltaic panels shall be installed in accordance with the approved details and retained thereafter.

Reason: To minimise carbon emissions in accordance with Policy 29 c) of the County Durham Plan.

11. No development above damp proof course shall commence until such time as details of a specification and location of an air source heat pump for each property has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the air source heat pumps shall be installed in accordance with the approved details and retained thereafter.

Reason: To minimise carbon emissions in accordance with Policy 29 c) of the County Durham Plan.

12. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space, swales and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority.

In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to comply with Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.



13. No development above damp proof course shall commence until such time as a scheme detailing the means of broadband connection to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ducting and cabling to be installed, and the entry point of such ducting and cabling into the site. Thereafter, the means of broadband connection to the site shall be carried out in accordance with the approved details prior to the occupation of the part of the development to which the connection relates.

Reason: To ensure the development is served by an appropriate broadband connection, and to ensure its installation takes place at a suitable time within the construction phase, and to comply with the requirements of Policy 27 of the County Durham Plan.

14. No dwelling hereby approved shall be occupied until the estate roads have been constructed in accordance with the details submitted as required under condition 5.

Reason: To ensure satisfactory provision is maintained in the interests of highways safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

15. Before the dwellings hereby approved are occupied the hard standings/drives and visitor parking bays shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

16. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment and Drainage Strategy Revision E.

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.

17. A minimum of 37 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

A verification report compiled by a suitably competent person demonstrating that the relevant dwellings have been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling(s) to which the report relates.

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

18. The landscape scheme set out on the detailed planting proposals plan Revision P09 shall be carried out in the first planting season following the occupation of the building(s) or the practical completion of the development, whichever is the sooner. All landscape planting shall be maintained for a minimum of five years. Any trees or plants which are removed, die, fail to become established, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species to those originally planted. Replacement planting will be subject to the same conditions.

Reason: To ensure the approved landscaping scheme is implemented so that the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

19. The proposal shall be carried out in accordance with the noise assessment reference NJD23-0042-002R prepared by NJD Environmental Associates.

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

20. Prior to the first occupation of the development the integrated bat boxes and bird boxes shown on the proposed bat and bird box locations drawing number RES1002-BHA-ST-XX-DR-A received 6 December 2024 shall be installed and thereafter be retained for the lifetime of the development.

Reason: To conserve protected species and their habitat and biodiversity in accordance with the objectives of Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

21. Prior to the first occupation of the development the electric vehicle charging points (EVCP) indicated on the External Finishes Plan drawing number RES1002-BHA-ST-XX-DR-A-1410 Rev P06 shall be installed prior to the occupation of the development to which it relates and retained thereafter.

Reason: To minimise carbon emissions and in accordance with Policies 21 and 29 of the County Durham Plan.

22. The development hereby approved shall be carried out in accordance with the recommendations contained within Section 4 of the submitted Ecological Impact Assessment Report V2 prepared by Rocket Ecology and dated September 2023.

Reason: To conserve protected species and their habitat and biodiversity in accordance with the objectives of Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) the garage(s) associated with the development shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage.

Reason: To ensure a sufficient amount of in-curtilage car parking space is provided and retained in the interests of highway safety and in accordance with Policy 21 of the County Durham Plan, Part 9 of the National Planning Policy Framework and the Council's Parking and Accessibility Standards SPD 2023.

24. In undertaking the development that is hereby approved:

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

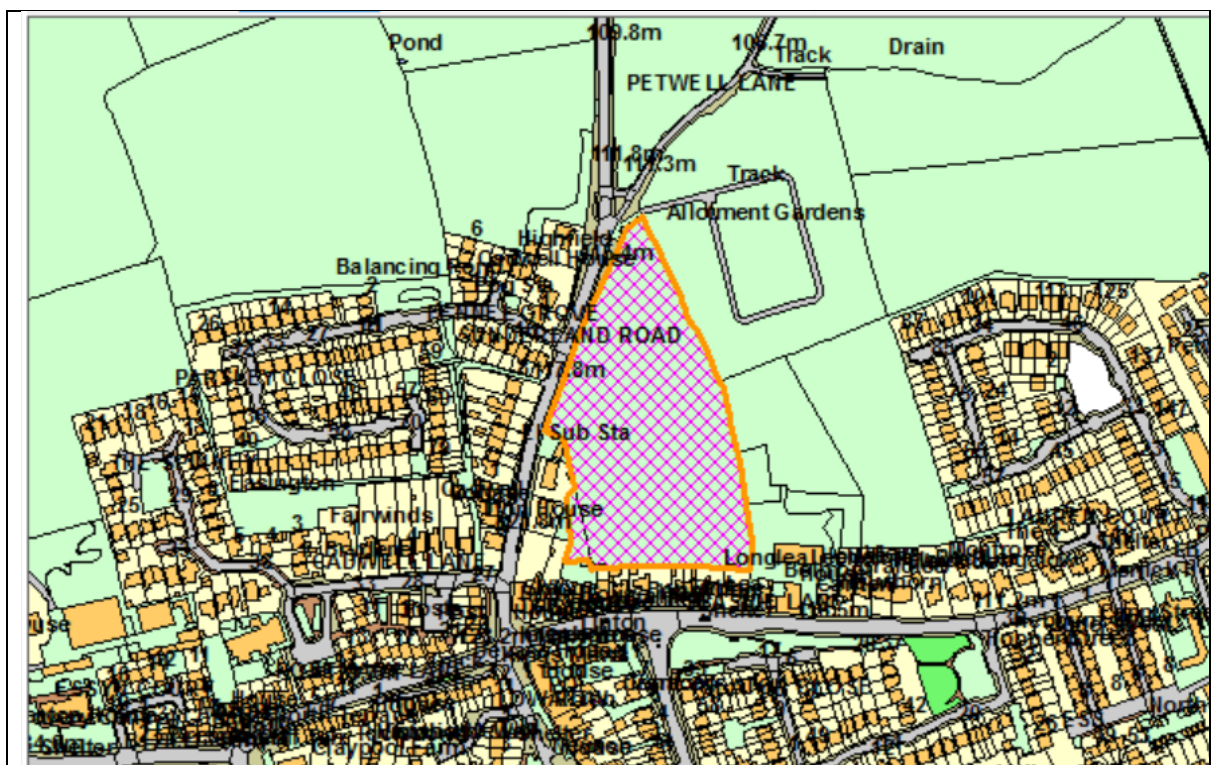
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
National Planning Practice Guidance Notes  
County Durham Plan (2020)  
Trees, Woodlands and Hedges SPD (2024)  
Development Viability, Affordable Housing and Financial Contributions SPD (2024)  
Residential Amenity Standards SPD (2023)  
Parking and Accessibility SPD (2023)

- Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham (2019)
- County Durham Building for Life SPD (2019)
- County Durham Settlement Study (2018)
- Durham County Council Open Space Needs Assessment (2018)
- CIRIA The SuDS Manual (2015)
- Statutory consultation responses
- Internal consultation responses
- External consultation responses



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|---|--|--|
| <p><b>Planning Services</b></p>   | <p>Construction of 56 dwellings with associated works (amended description) at Land North And East Of Petwell Cottage, Sunderland Road, Easington Village, SR8 3AT</p> <p>Application Reference: DM/23/03617/FPA</p> |  |
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