

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/01281/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Formation of temporary construction access onto B1285 in association with housing development (DM/15/03487/FPA)
<b>NAME OF APPLICANT:</b>	Bellway Homes (Durham) Ltd
<b>ADDRESS:</b>	Land To The East Of A19 And South Of Dalton Heights Seaham
<b>ELECTORAL DIVISION:</b>	Murton and Deneside (site crosses both)
<b>CASE OFFICER:</b>	Henry Jones Principal Planning Officer 03000 263960 <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises of an irregular shaped parcel of land extending to approximately 600m<sup>2</sup>. The site comprises principally of land previously forming an agricultural field but upon which a residential development is in the process of being built-out, together with sections of highway, hedgerow and hedgerow stumps from previous hedgerow removal. The site is located just off the B1285 on the southern fringes of Seaham and approximately 60m to the south of the roundabout where the B1285 meets Graham Way and entrance to the Dalton Heights residential estate.

#### The Proposal and Background

2. In June 2016 the Council refused planning permission for a residential development of 75 dwellings and associated access and works on land to the south of Dalton Heights and east of the A19 which this pending application site forms a part of. Bellway Homes appealed against the Councils decision and following a Public Inquiry, the Planning Inspectorate allowed the appeal and granted planning permission in September 2017.

3. Under that planning permission the permanent vehicular access to serve the residential development is to be formed from the Dalton Heights Estate to the north connecting to the existing carriageway between nos. 11 and 12. In his decision the Inspector did discuss the impacts of construction traffic passing through the Dalton Heights estate, the width of the carriageway and potential for HGV movements and ultimately concluded the impacts would be acceptable. The Inspector imposed a condition (condition no. 9) requiring the submission and agreement of a construction management strategy.
4. Development is underway on the residential development with the Dalton Heights access point being utilised by construction vehicles.
5. Planning permission is now sought under this proposal for an alternative construction access to serve the development off the B1285 rather than through the Dalton Heights estate. The applicant has explained that the purpose of the application is to seek an alternative construction access in order to complete the residential development so as to avoid the need for construction traffic to be passing properties within the Dalton Heights estate. The access is proposed for a temporary period whilst the housing development is constructed and would be closed with a reinstatement scheme once the development was complete.
6. An access previously used to provide agricultural vehicle access into the site is in situ in the location of the proposed access. The access proposed to serve the residential development, however, would be widened where it would meet the B1285 carriageway and in so doing cross the footpath on the western side of the road. The access is proposed to be constructed with clean stone. To provide the access the application proposes to remove a 15m section of the hedgerow which runs along the field boundary which has largely already taken place on site with some low stumps remaining. A street lighting column is proposed for removal which conflicts with the position of the access. The access is proposed to be managed so that it operates on a left in and left out only basis so as to avoid the more difficult right turn manoeuvres, though no physical impediment to a right turn via, for instance the introduction of any temporary barriers on the B1285 carriageway, is proposed. Warning signs in relation to the temporary access are proposed to be installed.
7. The application is being reported to the Central and East Area Planning Committee following a request from Local Members with concerns expressed in regards to highway safety.

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## **PLANNING HISTORY**

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8. In July 1997 Easington District Council refused a planning application for the development of 80 dwellings and associated works on the application site. The applicant appealed this decision and a public inquiry was held. The Planning Inspectorate dismissed the appeal in May 1998. The applicant had also submitted the application site as a housing allocation for inclusion in the emerging Easington Local Plan. This was also dismissed by the Planning Inspectorate in 1998.
9. In June 2015 planning permission was refused for 134 dwellings, access and associated works. (DM/14/02017/FPA).
10. In June 2016 planning permission was refused for 75 dwellings, access and associated works. At Public Inquiry an appeal was allowed and planning permission granted for the development in September 2017.

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# PLANNING POLICY

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## NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

18. *NPPF Part 15 - Conserving and Enhancing the Natural Environment.* Advises that the Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

19. 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; design; determining a planning application; natural environment; and use of planning conditions.

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

#### **LOCAL PLAN POLICY:**

The District of Easington Local Plan (December 2001) (ELP)

20. *Policy 1 – General Principles of Development.* This policy permits development that accords with the principles of sustainable development together with any benefits to the community and local economy.
21. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
22. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
23. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
24. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
25. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.

## **EMERGING PLAN:**

### The County Durham Plan

26. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

27. *Highway Authority* – Raise no objections. Amended plans have been received which identify the necessary visibility splays can be achieved. The construction access is proposed to operate on a left turn in and left turn out only basis.

### **INTERNAL CONSULTEE RESPONSES:**

28. *Landscape* – Raise no objections but highlight that in order for the compensatory hedgerow to thrive then it must be ensured that all stone and de-compaction of the ground must be removed. Details of the replacement scheme should also be agreed.
29. *Arboriculture*- Raise no objections provided that the hedgerow is replaced when the use of the access ceases.
30. *Ecology* – Raise no objections. The submitted Hedgerow Assessment report is considered sufficient to inform on the application and no further survey work is necessary. Once use of the construction access has ceased the hedgerow should be gapped up as per the submissions.

### **EXTERNAL CONSULTEE RESPONSES:**

31. None

### **PUBLIC RESPONSES:**

32. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. A total of 37 letters of representation have been received with 27 letters of objection and 10 letters of support. The points raised are summarised below:

## Objection

### Highway Safety/Issues

- Access proposed is dangerous
- Access will cause disruption
- The road is used by a range of users including but not restricted to mothers with prams, horses, motorised scooters, pedestrians, emergency vehicles and not just cars
- Visibility at the access is inadequate
- The B1285 is steep and particularly difficult in winter
- The access has been used already by archaeological contractors
- Residents have highlighted that access via Dalton Heights to implement the housing schemes was unsuitable
- The B1285 has been the subject of accidents and many more near misses with concerns raised that a fatality could occur
- A lighting column is proposed to be removed posing a danger to pedestrians
- Access for the neighbouring farm and Dalton Heights estate would become more difficult
- Turning vehicles would stray into the oncoming traffic lane
- Plans associated with the application do not correctly identify the context of the site including the surroundings and gradients
- Traffic using the B1285 has increased due to growing tourism and Dalton Park
- Within the previously refused planning application for the 134 dwellings significant road signage and marking improvements were necessary which are not proposed for this scheme
- Mud will be an issue on the busy road

### Other Issues

- Concerns with the impact of the overall development upon water levels at the beck in Dalton le Dale
- Concerns upon air quality as a result of the extra heavy traffic utilising the B1285
- Objection that access proposals are contrary to the arrangements approved under the planning permission for housing and not raised as being proposed under that application/appeal
- It is queried whether it can be guaranteed that should the applicant at a later date seek permanent use of the access for residential access purposes that this would be refused
- There is a risk that acceptance of this access would result in future proposals for more housing development
- The application should be determined by the Planning Inspectorate at Inquiry given that was the determination route of the housing development

33. *Cllrs Napier and Maitland (Murton)* – Raise objection on the grounds of highway safety and request that the application be heard at planning committee.

34. *Cllrs Ed and Jennifer Bell (Deneside)* – Raise objection with grave reservations expressed in regards to highway safety.

#### Support

- This alternative access proposal is more suitable than access through the Dalton Heights estate where vehicles will struggle to negotiate the roads and parked vehicles and cause disruption for residents
- The left in and left out proposal should go some way towards mitigating any traffic issues on the B1285
- Residents on Dalton Heights receive disruption due to present arrangements including being blocked on driveways, noise, mud, dust and noisy workmen. Residents are having to confront the site and Council Officers about the amenity issues
- Those who object to this proposal will not live on the affected Dalton Heights estate
- The housing planning permission was never deliverable with access via Dalton Heights
- There is a site entrance to another development nearby on the B1404 and if that access is safe the same should apply to the B1285
- Emergency vehicles on the Dalton Heights Estate could get blocked by the heavy site traffic

*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/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

35. Bellway Homes are seeking approval for a temporary construction access to mitigate the disturbance and general day-to-day construction impacts that construction traffic attracts in a quiet residential area. It should be noted that the proposal's location has been used as an agricultural access to date.
36. Bellway consider that a large proportion of construction impacts can be easily mitigated through the use of the temporary construction access point, and construction traffic, whilst not significant, can be better diluted and absorbed directly onto the B1285, avoiding the residents of Escallond Drive and Dalton Heights.
37. At present, it is estimated that 5 HGV deliveries, in addition to 5 light vehicles arrive on-site per hour. The vast bulk of these vehicles are delivering quantities of stone and aggregate to construct the main estate roads running through the site. The addition of these movements directly onto the B1285 would have a minimal effect in comparison to those effects experienced on Escallond Drive and Dalton Heights. On average, construction traffic is not anticipated to increase throughout the duration of the construction phase.
38. Bellway are aware of the concerns raised in relation to the proposal and highway safety. Through discussion with the local authority's highway department, the proposal's junction has been designed and widened to provide clear visibility to drivers exiting the site by up to 120 metres down the B1285. This provides a safer form of exit onto the B-road than previously achieved when it existed as an agricultural access. The addition of traffic management, which is still to be agreed with the highways department, will provide a further form of safety to users of the B1285.



39. Further to this, Bellway are committed to maintaining the cleanliness of the public highway. The existing site access through Dalton Heights is permanently manned during site working hours by a wheel wash to prevent the excessive build-up of mud and debris on the highway and Bellway employ a road sweeper daily to compound the effect of the wheel wash. These measures will be employed during use of the temporary construction access and will be agreed with the local planning authority as previously done so for the main construction phase.
40. Ultimately, we have decided to pursue this application in the interests of protecting residential amenity to a greater extent further to feedback received from residents and the fact that Bellway wish to work constructively with neighbouring residents. In light of this, Bellway kindly request that you support this proposal in order to reduce construction impacts on those residents most effected by the development.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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41. 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. 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. The NPPF advises that weight to local plan/development plan policies adopted prior to the publication of the NPPF (in its revised form) should be attributed according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Equally, however, where evidence, which informed a policy, has been superseded by more up-to-date evidence or is otherwise out of date, this can also be a reason to conclude the policy itself is out of date. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development; highway safety and access; visual and landscape impact; and ecology. Other relevant issues are also considered.

### Principle of the Development

42. The application site is located beyond any established settlement boundary as defined within the EDLP, between Seaham and Dalton-le-Dale. As a result, under the provisions of the EDLP the application site is located within the countryside. EDLP Policies 1 and 3 require development to be located within settlement boundaries unless the development constitutes a form of development which is exceptionally permissible within the countryside, examples being agricultural development and forms of tourism and recreational development in the countryside.
43. As the proposed new access and associated works does not constitute a form of development specifically permitted under relevant policies of the EDLP covering the countryside location, there is a degree of conflict with Policies 1 and 3 as a result. However, it should be noted that the access is proposed to serve an ongoing residential development with planning permission and one which itself is located beyond a settlement boundary.



44. Furthermore, EDLP Policies 1 and 3 are both considered to be out-of-date due to a combination of the evidence which informed the settlement boundaries referenced within them being of significant age together with some inconsistency in content when assessed against the NPPF. However, neither policy is wholly inconsistent with the NPPF and both can be attributed weight in the decision-making process.
45. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development and this is detailed at paragraph 11 which states;

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

46. In this instance, EDLP policies most important for determining the planning application, are considered out-of-date. Accordingly, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. Such an assessment is undertaken in the concluding sections of this report, following consideration and assessment of all the key material planning considerations.

#### Highway Safety and Access

47. Matters surrounding the safety of the proposed access and most appropriate means for construction vehicles to access the housing development site are the primary matters for consideration under the application and this is reflected in the representations received on the application both in opposition to the proposal and in support.
48. Comments in opposition to the development principally conclude that the B1285 is a busy highway both for vehicular and non-vehicular users and that access/egress by large construction vehicles would be unsafe.
49. Comments in support generally conclude that the proposed dedicated access off the B1285 would be preferable to access through the existing residential estate of Dalton Heights where those comments conclude that the movements are problematic and affect residential amenity. These comments are also reflected in a number of separate enforcement complaints that officers have received in relation to construction vehicles travelling through the Dalton Heights estate relating to matters such as safety, mud and dust and nuisance parking and waiting.

50. Consultation and discussions have been held with both the Highways Development Management and Highways Network Coordination arms of the Highway Authority. The conclusions of the Highway Authority are that the proposed access/egress via the B1285 would be acceptable and would be safe. The necessary junction site visibility splay of 2.4m x 120m to the south on the B1285 can be achieved. During the course of the application swept path analysis/vehicular tracking submissions have been made to demonstrate the movement of an articulated lorry accessing and egressing on the B1285. Consideration has also been given to the merits or otherwise of the introduction of barriers/cylinders within the centre of the B1285 so as to provide a physical impediment to right hand turns. The conclusion of officers, however, being that the introduction of such features would be likely to pose more of a highway safety issue than prevent one and would restrict movements for West Farm, with such features thereby not proposed.
51. The position of the modified access would require the removal of a lighting column. So that the light is not lost for the safety of both vehicles and other highway users it is proposed that the lighting column would be replaced and the applicant has held discussions with the Council's lighting design engineers in this regard. In the event of an approval this could be secured by way of a planning condition.
52. It is acknowledged that the access would result in vehicles crossing the footpath on the western side of the B1285 with some disruption to pedestrians as a result. It is acknowledged that the footpath will be used by a variety of users as highlighted within the public representations including potentially, the disabled and parents with young children in pushchairs. The Council acknowledges that in exercising its functions it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. The most relevant protected characteristics to be considered in this instance are considered to be related to age, disability and pregnancy/maternity.
53. However, it is considered that there are mitigating factors to be taken into account - warning signs can be installed to help manage this and reduce impact, the proposed access is being applied for the duration of the housing development works and furthermore it should be noted that there has been a dropped kerb and lawful agricultural access in this location previously established.
54. Public concerns raise the potential for mud to be left on the highway by construction vehicles. To aid in reducing the instances and impact of this a construction management plan would be required by way of a planning condition in the event of an approval, measures which can be employed would include, for instance, the use of a road sweeper and ensuring vehicles taking materials to and from the site are sheeted.
55. Overall, the Highway Authority have not raised an objection to the proposals on the grounds that access/egress for construction vehicles would be unsafe or inappropriate. The access would provide an alternative means for construction vehicles to enter the site and thereby ease the burden upon the Dalton Heights estate. Officers consider that the proposal therefore complies with EDLP Policies 1, 35, 36 and 38, these policies are considered either partly (Policy 1) or fully (Policies 35, 36 and 38) consistent with the content of the NPPF and each can be attributed weight in the decision-making process. The development is also considered to comply with relevant advice in Parts 8, 9 and 12 of the NPPF.

## Visual and Landscape Impact;

56. The modified access results in the loss of approximately a 15m length of the hedgerow that runs on the field boundary with the highway. The hedge is a mature, hawthorn dominated hedgerow and does provide an attractive feature. Much of the break in the hedgerow necessary to facilitate the access proposed has already occurred on site.
57. Whilst the loss of a section of the hedgerow is a negative consequence of facilitating the access Landscape and Arboriculture Officers have not raised objections subject to a compensatory replacement scheme being devised. The application proposes to reinstate the hedgerow once use of the access has ceased and this can be secured by planning condition in the event of an approval.
58. As a result, officers raise no objections to the development on the grounds of its visual or landscape impact having regards to EDLP Policies 1 and 35 and Parts 12 and 15 of the NPPF.

## Ecology

59. The application is accompanied by a hedgerow assessment the purpose of which is in part to assess whether the field boundary hedgerow constitutes an Important Hedgerow under the provisions of the Hedgerow Regulations 1997 (which the report concludes that it is not) but also to consider the presence of/use by species including protected species. No evidence of use of the hedge by protected species was recorded in the site survey though bird activity was recorded on site at the time of survey. The hedgerow assessment acknowledges that at the time of the survey the section of the hedgerow to be affected by the development had already been heavily pruned.
60. Ecology have been consulted on the application and raised no objections to the development though in similarity to Landscape and Arboriculture responses request that the hedgerow is reinstated upon cessation of the use of the access.
61. As a result, the development is considered compliant with EDLP Policies 1 and 18 (partly consistent with the NPPF) and Part 15 of the NPPF.

## Other Issues

62. Public objection is raised that the overall housing development could pose a flood risk to Dalton le Dale. However, the housing development has already gained planning permission and flood risk was a matter considered at that time. This application solely relates to the construction access and cannot now revisit those issues.
63. Concerns are raised regarding matters of air quality as a result of heavy traffic utilising the B1285, however, construction traffic would utilise the B1285 irrespective of whether this construction access is utilised or that existing at Dalton Heights.
64. Public queries raise whether it can be guaranteed that should the applicant seek permanent use of the access for residential purposes that this would be refused. There is further concern that the acceptance of the access could lead to additional housing development. The applicant has sought temporary use of the access only for the construction period and in the event of approval this would be controlled via a planning condition. Should the applicant seek a permanent access to serve the housing development then a further planning permission would be required and the decision would be taken on its own merits at that juncture. Similarly, should any proposal be sought to build an additional estate then this would also be required to go through the planning permission process.

65. The representations received consider that the application should be determined by the Planning Inspectorate at Inquiry given that it was under such a process that the housing development gained planning permission. However, it falls for the Local Planning Authority to determine this application. Should the application be refused then the applicant would have the right to submit an appeal to the Planning Inspectorate.
66. Representations also consider that the submitted plans do not correctly identify the context of the site including the surroundings and gradients. However, the plans are considered acceptable for determination processes and officer assessment is informed by site visits not just the plans submitted by the applicant.

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## **CONCLUSION**

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67. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
68. The NPPF advises that weight to local plan/development plan policies adopted prior to the publication of the NPPF (in its revised form) should be attributed - according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Equally, however, where evidence which has informed the content of the policy is out of date this can also be a reason to conclude the policy is out of date.
69. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development and this is detailed at paragraph 11.
70. In this instance policies within the EDLP most important for determining the application are out-of-date and it is paragraph 11(d) of the NPPF applies which states;  
  
where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
  
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
71. In respects to limb i, there are no NPPF policies which protect assets of particular importance which apply in this case. Therefore, in regard to limb ii, there is the requirement to consider whether any adverse impacts overall would significantly and demonstrably outweigh the benefits.
72. The key planning consideration is considered to be highway safety and the Highway Authority consider the temporary access arrangements to be safe. Officers therefore consider that the adverse impact resulting from the development principally relates to the loss of the section of hedgerow. A replacement scheme can mitigate the impact.

73. Whilst the access to construct the housing coming through the Dalton Heights estate was established under the planning permission it has clearly caused some amenity and safety concerns for occupiers demonstrated through the letters of support on this application and separately through complaints received. With the proposed access deemed safe, officers consider there is merit in the construction access route avoiding passing through the existing housing estate.
74. Overall, it is considered that the identified adverse impact from the development (loss of section of hedgerow) would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.
75. As a result, and having regard to the content of the EDLP, and on the balance of all material planning considerations, including comments raised in the public consultation exercise, it is considered that the proposals are acceptable.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the following conditions:

### **Temporary Permission**

1. This permission is granted for a temporary period only and only for the purposes of construction access to facilitate the development of the adjacent residential development approved under planning application DM/15/03487/FPA. The use of the access must cease once all dwellings approved under that planning permission have been substantially completed.

Upon the cessation of the use of the access the application site must be reinstated in accordance with a scheme which has been approved by the Local Planning Authority. This reinstatement scheme must be submitted to and approved in writing within a period of no later than 6 months from the date of this permission. The scheme to reinstate the land must include a landscaping scheme to compensate for the loss of the hedgerow required to facilitate the access and reinstatement of the land required to develop the access. These details must include the following;

- Confirmation of the removal of all stone/hard surfacing material and de-compacted ground
- a dimensioned cross section showing topsoil profiles
- detailed planting scheme including, species, planting procedures and specification, densities and numbers
- the establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting and details of the
- Timescales for the implementation and completion of the all works
- Details of the management and maintenance of the landscaping scheme in perpetuity

The reinstatement scheme must be completed in full accordance with the approved details.

*Reason: To define the consent as the proposed access is for a temporary period only for the duration of construction works.*

## Plans

2. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents:

### Plans:

Site Location Plan 900 Revision B

Layout Plan 901 Revision C

### Documents:

Hedgerow Assessment Dalton Heights, County Durham Dated October 2019

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 1, 18, 35, 36 and 38 of the EDLP and Parts 2, 4, 8, 9, 12 and 15 of the NPPF.*

## Construction Management Plan

3. No development on the temporary construction access hereby approved shall take place until a Construction Management Plan, covering the construction management of the development hereby approved together with the residential development approved under planning permission DM/15/03487/FPA has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site) including those providing warning of the access including for pedestrians;
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with policies 1, 35 and 36 of the EDLP and Part 15 of the NPPF. Required to be pre-commencement as construction management measures must be agreed before development commences.*

### **Lighting Column**

4. The use of the temporary construction access hereby approved must not commence until a functioning replacement lighting column required to replace the one required to be removed to facilitate the access has been erected and installed.

*Reason: In the interests of highway safety having regards to EDLP Policy 1 and 36 and Part 9 of the NPPF.*

### **Working Hours and Deliveries**

5. Construction activities including the use of plant and equipment and site deliveries shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 on a Saturday with no working on any Sunday or Bank Holiday.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with policies 1, 35 and 36 of the EDLP and Part 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

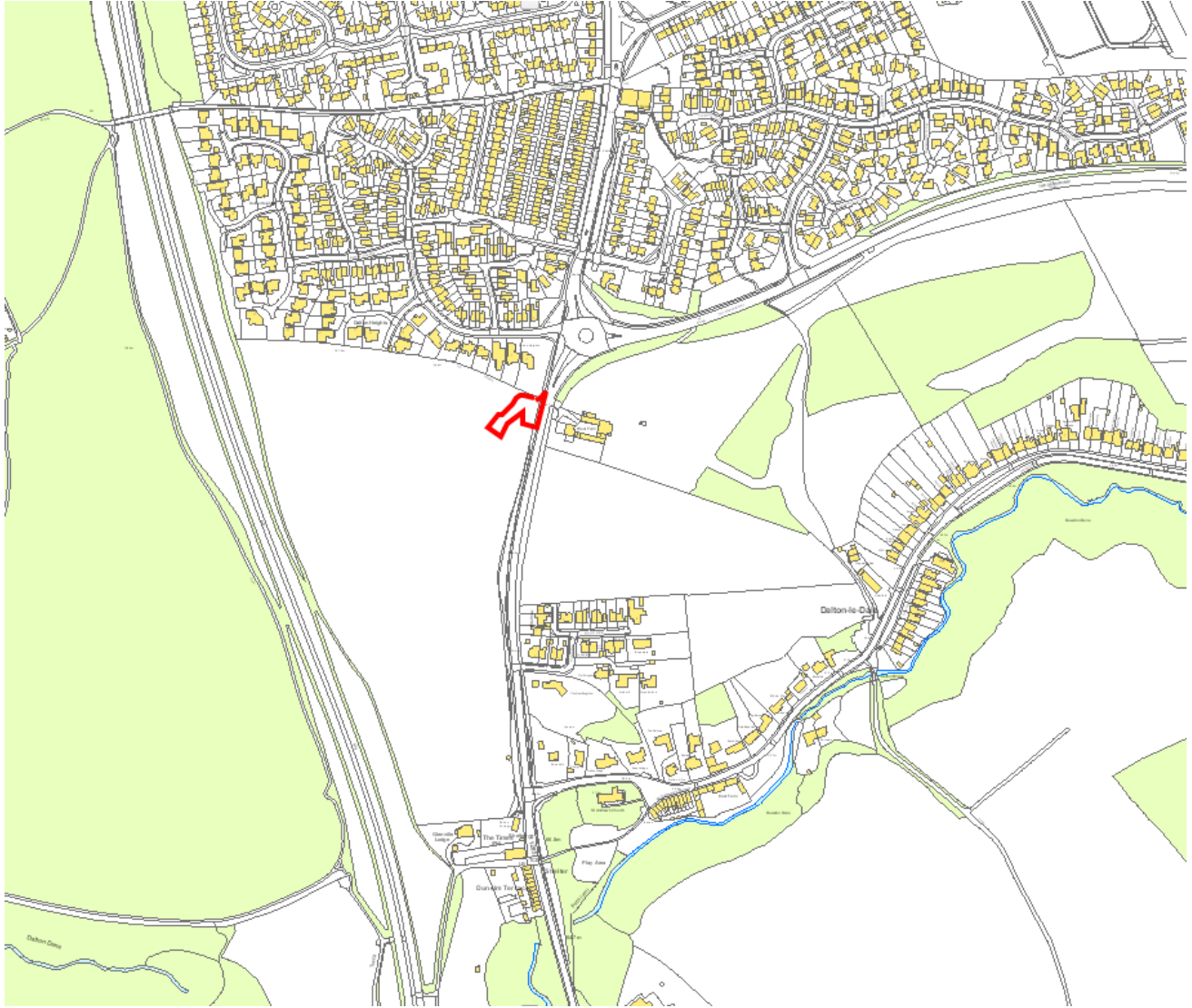
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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents
- District of Easington Local Plan
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Statutory, internal and public consultation responses





**Planning Services**

DM/19/01281/FPA

Formation of temporary construction access onto B1285 in association with housing development (DM/15/03487/FPA)

Land To The East Of A19 And South Of Dalton Heights Seaham

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**Comments**

**Date** 15 October 2019

**Scale** Not to Scale