



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/01771/FPA
Full Application Description:	Construction of 37no. dwellings (amended 24.11.2023)
Name of Applicant:	Believe Developments Ltd & Mr Gregson
Address:	The Horseboxes, The Village, Seaton, Seaham, SR7 0NA
Electoral Division:	Seaham
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the south west of Seaton, in the north east of the County. Seaton is a small village comprising approximately 165 dwellings located outside and to the western edge of Seaham and approximately 3km to the south of Ryhope, Sunderland. Murton lies 2.4km to the south and Houghton-Le-Spring 4.8km to the west. The site itself comprises a parcel of land that measures approximately 2.16ha in area, of which approximately 1.65ha is undeveloped greenfield land, with the remaining 0.51ha comprising previously developed land comprising various structures associated with a horse trailer dealership including two large barn buildings and a number of smaller outbuildings. A line of trees to the north and west of this area divides this part of the site from the greenfield land beyond. Two detached dwellings are sited to the south of the barns. The site slopes down from the north towards the south.
2. The site is framed by the Hawthorn to Ryhope railway path along its western perimeter, positioned on a higher level. Beyond this lies the residential development of 25no. dwellings at the site of the former Seaton Garden Centre

(now known as Poppyfield Court) which is nearing completion. Beyond the application site and to the north west of the village lies agricultural land designated as Green Belt.

3. Bungalows at Seaton Grove are located adjacent to the northern boundary of the site, divided from the site by timber fencing. The road Hillrise Crescent lies to the east and the historic core of the village beyond. To the south lies open countryside and woodland. The site is located within 6km of a European Protected Site in the form of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA).
4. Properties in the area predominantly consist of large two storey semi-detached and detached dwellings, with a broad material palette and range of architectural styles present. This is particularly true of the more recent developments at The Meadows and the Poppyfield Court site. To the south of the village, more traditional properties are prevalent at Seaton Grove, which is formed from semi-detached bungalows, and at Hillrise Crescent. The settlement has grown over time with each development representing the style of its time but with the running theme of generous plots and a low density layout forming an intrinsic part of the overall character of the village.

The Proposal

5. The application seeks full planning permission for the erection of 37 dwellings, reduced from the initially proposed 46 dwellings. Access is proposed to be taken from Hillrise Crescent, an adopted unclassified numbered road with a width of approximately 4.65m for much of its length. The road increases to 6.5m wide outside of the application site before reducing to 4.5m wide to the south where it serves three farms and a water supply company before connecting to Murton.
6. The proposed layout comprises dwellings sited along a central spine road which terminates in two cul-de-sacs. These would comprise 4no. 2 bed bungalows, 2no. 3 bed dwellings, 15no. 4 bed dwellings, and 16no. 5 bed dwellings across 11 house types. The dwellings would be constructed from a limited palette of materials comprising a mix of red and buff brick and white render, and red and grey roof tiles.
7. 6no. affordable houses are proposed in the form of 2no. discounted market sale properties, 2no. first homes, and 2no. properties for affordable rent. Each dwelling would be served by its own private rear garden and in-curtilage car parking spaces, with 10no. visitor bays spread throughout the site.
8. Open space is proposed at the entrance to the site with a combination of roadside swales and green spaces to the south of the central spine road to carry through the village green from the west of the site entrance. A SUDs basin is proposed to the south of the site.
9. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development.

RELEVANT PLANNING HISTORY

The Application Site

10. Outline planning permission for residential development on part of the site measuring 0.98ha was refused in October 1989 and subsequently dismissed at appeal in July 1990, due to concerns that the site was located outside of the village boundary and would adversely affect the rural character and setting of the village.
11. Outline planning permission for up to 10 dwellings on part of the application site measuring 0.49ha was refused under application 5/91/83 and subsequently dismissed at appeal. Concerns were raised that the proposed development would not consolidate the settlement, would adversely affect the rural character and setting of the village by weakening the visual link between the village green and the open countryside, and that it had not been demonstrated that the required junction visibility splay could be achieved.

Elsewhere in Seaton

12. A full planning application for the erection of 75 dwellings on land to the east of The Meadows was refused by the committee in September 2023 due to concerns over the inappropriate scale and overly dense layout that was considered to adversely affect the character of the village of Seaton and to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document; the lack of a direct connection from the site to Seaton Lane for access to the bus stops present here; and highway safety concerns over the proposed layout and the dimensions of various parking bays. An appeal has been submitted and is currently awaiting determination by the Planning Inspectorate.
13. Outline planning permission for the erection of 25 self-build dwellings was granted under application DM/16/03710/OUT on the 21st of December 2018. The reserved matters were subsequently approved for each dwelling on an individual basis.
14. The 21 dwellings that make up The Meadows estate were granted outline planning permission under application 5/HIST/2002/1715 on the 17th of October 2002. The reserved matters were subsequently approved for each dwelling on an individual basis.

PLANNING POLICY

National Policy

15. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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.

16. *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.
17. *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.
18. *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.
19. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
20. *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.
21. *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.
22. *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.

23. *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.
24. *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.
25. *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.

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

National Planning Practice Guidance:

26. 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; historic environment; 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)

27. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.

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

34. *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.
35. *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.
36. *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.
37. *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.
38. *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.
39. *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.

40. *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
41. *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.
42. *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.

43. *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.
44. *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.

45. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
46. Parking and Accessibility SPD (2023 Adopted Version) – Provides guidance on parking requirements and standards.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

48. *Seaton and Slingey Parish Council* – Object to the application on the grounds that the site was not considered suitable for residential development when assessed under the Strategic Housing Land Availability Assessment; the generation of additional traffic, introduction of a mini roundabout, and the narrow width of Hillrise Crescent adversely affecting highway safety; the presence of a sinkhole at Seaton Lane; the impact on wildlife; existing schools and medical facilities are already at capacity; the site is only served by one bus service which is unreliable and unable to meet demand at peak times; and the existing sewerage system is unable to meet demand during periods of heavy rainfall.
49. *Environment Agency* – No response received.
50. *Highways Authority* – Advise that the application demonstrates that sufficient visibility splays can be achieved, that sufficient car parking would be provided, and that the level of additional vehicular trips generated from the proposed development would not adversely affect highway safety. Recommend several conditions, including those to secure further details regarding the design of the estate road and a scheme of traffic calming measures. Subject to these conditions, they raise no objections to the application on highway safety grounds.
51. *Lead Local Flood Authority* – Confirm the proposed surface water management strategy is acceptable in principle and recommend a condition to secure details of construction details of permeable paving and the hydraulic calculations in

digital format together with the engineering layout identifying all cover, invert and floor levels.

Non-Statutory Responses:

52. *Spatial Policy* – Advise that the key issues are regarding whether the form of development is appropriate, taking account of how well the site relates to the built form, settlement pattern and existing properties, and whether development would result in harm to the character of the local area.
53. *Design and Conservation* – Advise that the amended proposals have addressed initial concerns, with the response to the village green improved and the built form reflective of the architecture and material palette of the village.
54. *Landscape Section* – Advise that the proposed development would result in localised landscape harm which should be considered in the wider planning balance, with views of the site are limited to close range views from the site entrance and from the elevated Hawthorn to Ryhope railway path.
55. *Tree Section* – Advise that the proposed layout requires the removal of a large tree group adjacent to the existing farm building which they consider would adversely impact on tree cover and the local landscape. Whilst tree planting is proposed, they recommend further details to demonstrate that proposed tree planting within the site would be integrated into the layout to ensure their long term retention. Following these comments, a detailed Landscape Plan was submitted showing the extent of tree planting proposed to public open spaces rather than private gardens.
56. *Public Rights of Way Section* – Advise that a link to the Hawthorn to Ryhope railway path would be desirable.
57. *Ecology* – Advise that the proposed development would result in net losses in biodiversity on site and so a strategy to offset these losses and provide a net gain offsite is required. Advise that a financial contribution of £756.61 per dwelling (totalling £27,994.57) to go towards Coastal Access Management Measures is also required. These would be secured via a legal agreement.
58. *Environmental Health Nuisance* – Raise no objections subject to conditions to secure the implementation of the sound attenuation measures recommended within the Noise Impact Assessment and to secure a final Construction Management Plan.
59. *Environmental Health Air Quality* – Recommend that the Construction Management Plan is updated to make reference to the mitigation measures within the latest Air Quality Assessment.
60. *Environmental Health Contamination* – Advise that a Phase 2 Site Investigation Report is required, to be secured via a suitably worded condition.

61. *Archaeology* – Following the submission of a trial trench evaluation no objections are raised.
62. *School Places Manager* – Advise that 37 dwellings would be expected to produce five additional secondary pupils and so financial contributions of £82,770 would be required to mitigate the impact of the development and provide additional teaching accommodation.
63. *Affordable Housing Team* – Support the application advising that there is a need for bungalows and three bed affordable homes in the local area, with the proposed affordable units pepper potted across the site in two small clusters to provide a mixed and balanced community.

External Consultees

64. *Sunderland City Council* – Raise no objections.
65. *Police Architectural Liaison Officer* – Provide advice on principles to design out crime.
66. *NHS North East and North Cumbria Integrated Care Board* – Confirm the requirement for financial contributions of £17,871 to mitigate the impact of the development and provide additional capacity for Local GP's.
67. *Northumbrian Water Ltd* – No response received.
68. *National Grid* – Confirm they have no assets in this area that would be affected by the proposed development.

Public Responses:

69. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
70. Letters of objection from 202 individuals have been received, including from MP Grahame Morris, Councillor McKenna, and the Campaign for the Protection of Rural England, raising the following concerns:

Principle

- There is no need for more housing in Seaton or Seaham,
- The Council is able to demonstrate a 5 year supply of deliverable housing land,
- The CDP allocates 335 units at Seaham Colliery and 95 units at Seaham School which should be developed before windfall sites,
- The site was considered to be unsuitable for residential development when assessed under the SHLAA,
- Reference is made to outline planning application 5/91/83 which sought consent for residential development on the application site and was refused and dismissed at appeal.

Locational Sustainability

- There is only one bus serving Seaton which runs hourly and finishes at 6:00pm, with the next nearest stop operated by a different service located 1.3km away,
- Services at the train station 2 miles away are limited to hourly intervals and are unreliable,
- There are no traffic calming or crossing measures along Seaton Lane,
- Cycling is not realistic due to busy roads which don't have cycle lanes and back lanes are not lit,
- The old railway line cycling route is for leisure not commuting,
- Future residents would be car reliant,
- There is a lack of amenities within the village and immediate surrounding area.

Highway Issues

- Hillrise Crescent is a narrow street with existing on street car parking that is not suitable for the number of dwellings proposed,
- Larger vehicles travelling along Hillrise Crescent frequently need to mount the pavement to pass parked cars,
- Cars parked on-street on Hillside Crescent already obstruct the road and pedestrians with prams and wheelchairs,
- Hillrise Crescent serves dwellings, farms, a water supply company, and is frequently used by horse riders and joy riders,
- Hillrise Crescent is in a poor state of repair,
- There would be insufficient visibility for drivers when pulling out onto Hillrise Crescent due to the slope down to the south and the curve of the road to the west,
- The existing dwellings on Hillrise Crescent would restrict visibility for drivers egressing from the site,
- There is insufficient visibility for drivers when pulling out from Hillrise Crescent onto Seaton Lane at the crossroads,
- The proposed development will generate additional traffic which will worsen congestion at the crossroads. Reference is made to traffic queuing from the crossroads at Byron Terrace back to Seaton at peak times,
- Vehicles travelling along Seaton Lane regularly exceed the 30mph speed limit,
- The introduction of a mini roundabout at the crossroads would cause difficulties for nearby residents egressing from their driveways and have insufficient visibility and stopping distances on the approach,
- Consider the submitted traffic surveys to be unrepresentative having been undertaken in July 2021 when some Covid restriction were still in place resulting in the roads being quieter, as well as due to the short periods of time the surveys were undertaken for,
- Reference is made to multiple car accidents where the A19 joins Seaton Lane,
- Planned improvements to the A19 would not alleviate congestion resulting from additional traffic generated by the proposed development, particularly for drivers travelling from Houghton and between Seaton and Seaham,
- A copy of the objection submitted in response to application DM/22/00039/FPA (Land to the East of The Meadows, to the north east side of the village) by ADL Traffic and Highways Engineering has been provided.

Design

- The proposed dwellings are of a smaller scale resulting in a greater density than is typical in the village,
- The proposed dwellings would further erode the rural and historic character of Seaton,
- The proposed scale is not appropriate for the site and would substantially increase the size of the village,
- The site has a natural beauty and the development would impose on 'village life',
- The proposals do not reflect priorities for urban regeneration given the location of the site within a rural village,
- The modern house types proposed are out of keeping with the rural surroundings,
- The landscape buffer at the site entrance is unimaginative,
- Loss of mature trees and insufficient replacement planting,
- The lack of protection measures proposed for hedgerow H3,
- The slope of the site makes it unsuitable for development,
- Views of the site from the Hawthorn to Ryhope railway path would be adversely affected,
- A request is made to provide north – south sections from either end of Seaton Grove across the development site to show the change in site levels, to clarify the boundary treatments for Plots 45 and 46, and the specifications for retaining walls.

Residential Amenity

- Additional traffic generated from the proposed development would lead to air and noise pollution,
- Loss of light,
- Loss of privacy for the residents of the bungalows at Seaton Grove to the north of the site due to difference in levels, particularly the relationship between Plots 32-46 and Seaton Grove,
- Reference is made to Article 1 and 8 of the Human Rights Act which relate to the peaceful enjoyment of possessions and the right to a private and family life,
- Construction would overlap with the planned improvements to the A19 and the Power Grid Project planned to start in 2023 with works ongoing until 2027. The proposed development would add to disruption caused by the erection of a new power substation (approved under outline application DM/22/01663/OUT).

Drainage

- The sewage system does not have capacity to deal with waste generated from an increased population, with reference made to sewage being discharged into the sea during periods of heavy rainfall,
- Surface water discharged to Seaton Burn would contain chemicals from car wash detergents adversely affecting wildlife.

Ecology

- The proposed development would adversely impact upon wildlife, including the presence of bats at the bottom of site and in farm buildings, Grey Partridge and Woodcock birds which are included on the RSPB red list, and badgers,

- It has been questioned whether the presence of Great Crested Newts has conclusively been ruled out,
- The proposed development would result in biodiversity net losses.

Infrastructure

- Services such as doctors, dentists and schools in the village are already at capacity and not capable of supporting new residents,
- There are no schools within a reasonable and safe walking distance of the application site,
- The increasing scale and complexities of delivering health care cannot be solved through Section 106 money,
- The residents of the Seaham Garden Village, 335 units at Seaham Colliery, and 95 units at Seaham School would further increase demand for services in the area.

Ground Conditions

- Concerns over ground stability and subsidence from past coal mining activities and underground streams

Other Matters

- It is requested that a condition be imposed to require the affordable dwellings to be constructed first,
- The proposed development would result in the loss of agricultural land,
- There is poor broadband connection in the village,
- The village suffers from regular power cuts and the proposed dwellings would generate additional demand for electricity,
- No asbestos management plan has been submitted in relation to the buildings to be demolished,
- Residents' concerns raised during the applicant's public consultation have not been addressed.

Concerns Raised That Are Not Material Planning Considerations or are of Limited Weight

- Reference is made to a settlement boundary shown in the District of Easington Local Plan, however this plan has been replaced by the County Durham Plan and so does not carry any weight in the determination of this application.
- Reference is made to the loss of Green Belt land, however it is noted that the application site lies entirely outside of the Green Belt.
- Concerns are raised that the weight limit for vehicles travelling along Seaton Lane has been ignored in the past, including by construction/delivery vehicles during the development of the Poppyfield Court site. However, this is a matter for the Police to enforce.
- Reference is made to a sink hole underneath Seaton Lane which has led to the closure of the road for several weeks on two different occasions, and the impact of the development upon neighbouring dwellings and home insurance.
- Residents have raised concerns that the proposed development would devalue existing properties, result in the loss of pleasant view over the field, and set a precedent for the adjacent land to the south west to be developed, none of which are material planning considerations.

71. MP Grahame Morris objects to the application sharing the concerns raised by residents.
72. Councillor McKenna objects to the application sharing the concerns raised by residents and adding that the proposed development will negate any benefits arising from the improvements to the A19, and that the rail service is unreliable and unable to meet demand at peak times.
73. A petition objecting to the application with 283 signatories has also been received.
74. Following the receipt of amended plans letters of objection from 363 individuals, including one each from Seaton and Slingey Parish Council and Councillor McKenna, have been received. These have repeated previous concerns and raised the additional issues below:

Design

- The impact of the proposed development on the nearby Grade II listed Seaton Hall,
- The site lies outside of the historic developed core of Seaton which is characterised by a 'U' shape that is unusual in the County,
- Loss of the open view westwards from the village green towards the countryside beyond, with the undeveloped part of the site linking the village to the countryside and the agricultural buildings forming part of the rural scene,
- The village has a linear character with the south and west remaining largely unchanged,
- The site has recreational value as children played on it at the coronation party in 1953,
- The dwellings remain of a small scale out of character with those in the village and the adjacent bungalows at Seaton Grove,
- A development for 37 dwellings is larger than others that have come forward in the village which have comprised around 20 dwellings,
- 31 of the dwellings are 4 or 5 bedroom properties which is out of character with the adjacent dwellings.

Highway Issues

- Hillrise Crescent is below the width of 5.5m required for estate roads by the Council's Parking and Accessibility Standards 2023, averaging a width of 4.65m, with parked cars requiring passing vehicles to mount the kerb,
- 125 car parking spaces are proposed which equates to a minimum of 250 trips a day,
- Whilst the number of dwellings have been reduced they are now proposed to be larger resulting in a similar increase in residents,
- The amount of car parking provision proposed is contrary to the Council's carbon reduction emissions.

Applicants Statement:

75. Through extensive discussions with Planning Officers and the Local Planning Authority, the scheme has been significantly amended since its original submission in order to comprehensively respond to both consultee and public comments. Working closely with Officers has resulted in a sustainable scheme that provides much needed housing of different tenures within East Durham, including bungalows for affordable rent.
76. In working closely with urban design officers, the proposed number of units has been reduced to 37 and the site layout has been significantly rearranged in order to respond positively to the village green, which will be a significant improvement to this part of the village. Reducing the density has allowed for the provision of enhanced landscaping throughout the site, providing a landscaped buffer along the eastern boundary with Hillrise Crescent and extending west through the development, along the main avenue.
77. A mixture of front and side parking has been utilised to provide more landscaping at the front of units, to enhance the streetscape and to offer a positive continuation of the existing village green to the east. The amended layout and rearranging of units has also created improved areas of both private and public space, which are clearly defined and continue through the site.
78. The revised scheme is policy compliant with the current Durham Parking Standards, and also meets Spatial Policy requirements through the provision of 2no. First Homes, 2no. units for affordable rent and 2no. units for shared ownership. Within the proposed affordable homes, 4no. bungalows are provided to meet the housing needs of older people. In addition to this, the scheme provides a total of 3,015m² of open space, exceeding the policy requirement.
79. As a result of discussions with the LLFA, roadside swales and permeable paving have been introduced into the site's drainage strategy to ensure that surface water flooding does not harm neither the proposed dwellings nor existing properties in the area.
80. In order to integrate positively into the site's surroundings, appropriate extensions to existing pedestrian routes have been provided which form a continuation of Hillrise Crescent and the existing village green to the east, as well as improving pedestrian connectivity through the site and wider Seaton Village.
81. Working alongside Planning Officers, this scheme will deliver a proposal which is sustainable and fully addresses the concerns of the Local Authority and the Public. As a result, it is considered that the scheme is fully compliant with Policy 6 and other relevant policies of the County Durham Plan.

PLANNING CONSIDERATION AND ASSESSMENT

82. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies,

relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Highway Safety, Design / Layout, Landscape and Visual Impact, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Archaeology, Open Space and Infrastructure, Affordable Accessible and Adaptable Housing, Carbon Emissions, Best and Most Versatile Agricultural Land, and Other Matters.

Principle of Development

83. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
84. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
85. The site is not allocated for housing by CDP Policy 4 but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 5/SE/29. This assessment considered that the site is visually relatively well contained and that development would incur some adverse landscape impacts but that these would be unlikely to be significant. The assessment concluded that the site extends beyond the main built up area of Seaton and does not relate well to its settlement form, and raised concerns over the feasibility of achieving a safe and suitable access. Consequently, the site scored a suitability rating of amber which indicates that a site (or an element of the site) is considered potentially unsuitable for housing. This is different to a red score which is given to all sites which are affected by a significant physical site specific constraint, or parcels of land which are clearly physically disconnected from an existing settlement, where it is highly unlikely that the constraint can ever be overcome.
86. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. As the site is not specifically allocated for development it is necessary to assess the proposals against CDP Policy 6. This policy recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall

housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

87. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.

88. In this respect, the site comprises 1.65ha of greenfield land and 0.51ha of previously developed land towards the south western edge of the village of Seaton. The site lies outside of the village but is physically contained by presence of existing residential development on three sides: Poppyfield Court

to the west, Seaton Grove to the north, and Hillrise Crescent and the historic core of the village to the east. The proposed development would not extend south beyond the dwellings at Poppyfield Court or the historic core of the village, with three detached dwellings (Seaton West Farm, West Farm Cottage, and Burnbrae) located to the south of the application site. Given the position of the site and distance away from neighbouring settlements, it would not result in coalescence with Seaham to the east or Murton to the south. Therefore, the site is physically well related to the settlement and it is considered that a development of a suitable scale, layout and density can be considered to represent an appropriate extension to the village. The site is also visually well contained by the embankment serving the Hawthorn to Ryhope railway path to the west and the woodland to the south. Further discussion on the visual impacts of the development is undertaken under the Landscape/Visual Impact heading below.

89. As the site lies outside of the settlement, in planning terms it is considered to occupy a position within the open countryside. Therefore, CDP Policy 10 is also relevant which advises that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. The proposed development is considered to be one of these forms of development as it is allowed for by Policy 6.
90. Residents have put forward that if the proposed development were to go ahead it would equate to a 75% increase in the number of dwellings in the village over the last 20 years, which they suggest would represent a significant and disproportionate addition to a village with severely limited facilities. Consequently, they conclude that the proposed development cannot be considered to be well related to the settlement. However, as discussed above, the site is considered to be physically well related to the village as although it is an edge of settlement site that extends into open countryside, there is existing development to three sides. The site is also visually well contained. Therefore, the proposed development is considered to be well related to the village and so can draw in principle support from CDP Policy 6, subject to consideration of the detailed criteria within this policy. Whether the scale of the development proposed is appropriate to the character of the settlement is covered by criterion d) which will be discussed in further detail under the Design / Layout and Landscape and Visual Impact headings below. Whether the proposed development reflects the size of the settlement and the level of service provision within that settlement is covered by criterion f) of Policy 6 which will be discussed in greater detail under the Locational Sustainability heading below.
91. The development would not result in the loss of any facilities or services and so there is no conflict with criterion g).
92. In terms of criterion i), a number of objectors raised concerns over the loss of a greenfield site, commenting that development should be located on brownfield sites. Whilst it is accepted that the majority of the site comprises undeveloped greenfield land, approximately 0.51ha of the site comprises previously developed land in the form of two large barns and various smaller outbuildings which would be demolished and redeveloped with new housing and associated

infrastructure. Notwithstanding this, the policy does not provide a moratorium against development upon any greenfield site and so an application would not warrant refusal solely on this basis.

93. In terms of criterion j), residents have raised concerns that the proposed development does not reflect any priorities for urban regeneration as there is no need for more housing in Seaton or Seaham, noting that the Council is able to demonstrate a 5 year supply of deliverable housing land and that the CDP allocates 335 units at Seaham Colliery and 95 units at Seaham School which should be developed before windfall sites.
94. At the current time, no planning applications have come forward to develop the Seaham Colliery or former Seaham School site. The presence of undeveloped allocated housing sites does not prevent housing development coming forward on alternative sites and this planning application must be judged on its own merits. Whilst it is acknowledged that the Council is able to demonstrate a four year supply of deliverable housing land this is a minimum target and not a cap on the delivery of housing development.
95. The proposed development would primarily see the development of greenfield land on the edge of a rural village, although a parcel of previously developed land would also be developed involving the demolition of several dilapidated buildings. Therefore, it is considered that the application does not conflict with criterion j).
96. A more detailed analysis of the impacts of the development, including against the remaining criteria of Policy 6 and the general design principles of Policy 10, is undertaken under the relevant headings below.

Locational Sustainability

97. 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.
98. 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.
99. 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.

100. NPPF Paragraph 109 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.
101. In addition, NPPF Paragraph 114 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst NPPF Paragraph 116 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.
102. 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. Seaton is a relatively small village rated as having a settlement score of 6.1 (110th out of 230), reflecting the limited number of services within it. These comprise a community centre, the Dun Cow Inn, and the Seaton Lane Inn. As such, residents would need to travel beyond the village for access to everyday services and facilities, education and employment opportunities.
103. 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).*” In this regard, the community centre, the Dun Cow Inn, and the Seaton Lane Inn all lie within 800m of the furthest dwelling to the west of the site. Seaton is a small village that does not contain any other services or facilities, or education or employment opportunities. Outside of Seaton, the closest services to the site are the hair salon and Seaton Supply Store which would be 1km away, or a 12 minute walk, from an indicative mid point of the site, which is towards the upper end of the walkability threshold. Using an indicative mid point is considered to be appropriate, accepting that on any scheme there will be some dwellings closer to some facilities and some further away.
104. The CIHT’s older Planning for Journeys (2000) document sets out a preferred maximum walking distance of 1650-2000m or a 20-minute walk, which represents the upper end of what future residents could be expected to walk to access services. Seaham Vets and a newsagent lie 1.2km away or an approximate 15 minute walk, with the Tesco Express at Eastlea approximately 2km away from a mid point of the site. The entrance to Seaham Grange Industrial Estate would be approximately 1.7km away. New Seaham Medical

Centre is the closest health service to the west of the application site and lies 2.4km away in Eastlea. However, since 2000 the thrust of guidance on walkability has moved on and it is considered more appropriate to use the more up to date guidance contained in Planning for Walking (2015) relating to an 800m distance or 10 minute walk time.

105. It is not only distance that influences transport choice, as the CIHT planning for walking advises that *“the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating”*.
106. The most direct route to access the above amenities is via a continuous lit footpath along the southern side of Seaton Lane and then along both sides of the B1285, which slopes steeply up towards the south on the approach to Eastlea. The route over the A19 flyover is not considered to be particularly attractive or desirable to prospective walkers and may deter some residents from walking to access these services, although it is acknowledged that this is limited to a distance of approximately 200m which is relatively short in the context of the overall route. Objectors have noted that there are no existing pedestrian crossing points along Seaton Lane, with none proposed by the application, however the future residents of the proposed development would not need to cross the road to access the continuous footpath to its southern side. Whilst a traffic survey provided by the applicant undertaken in October 2022 recorded the 85th percentile speeds as 35.1mph eastbound and 36.8mph westbound, traffic calming measures are proposed which will be considered in more detail under the Highway Safety heading.
107. Objectors have also raised concerns that New Seaham Primary School and Seaham High School are already oversubscribed with the next nearest schools all over 2km away and so beyond a reasonable walking distance. As will be discussed later in the report, the School Places Manager has advised that there is sufficient space to accommodate the pupils of primary school age generated by the development in existing local primary schools, with a financial contribution recommended to secure the provision of additional / expanded secondary school teaching accommodation.
108. The School Places Manager has advised that in relation to primary schools the site lies within the Seaham local school place planning area of which Westlea Primary (2.6km away) and Seaview Primary (3.1km away) would serve the new dwellings. Whilst these primary schools are within the statutory safe walking distance of 2 miles (3.2km) between home and school for primary school age children, which if exceeded would entitle the child to help with transport, the distance to these schools would exceed the upper threshold of 2km recommended by the CIHT.
109. In relation to secondary schools, the site is located within the East Durham local school place planning area. One secondary school (Seaham High School) lies within the recommended 3 miles (4.8km) distance from home to school for secondary age children, however at 1.8km away from the site entrance, and

over 2km from the dwellings to the west of the site, it is towards or in excess of the upper threshold of what could be considered a reasonable walking distance.

110. Overall, there are some services within an approximate 10 minute walk of the proposed dwellings, although given the small number and range of services available to future residents within an approximate 10 minute walk, as well as the route to these services over the A19 flyover not being particularly attractive or stimulating, it is accepted that not all residents will choose to walk to access these.
111. In terms of cycling, the site lies within close proximity of a National Cycle Network (NCN) which provides access into Seaham town centre, Murton, and Sunderland. A National Travel Survey undertaken by the Department for Transport found that the average person in England cycled 91km in 2022, with an average trip length of 5.8km, and with leisure and commuting most commonly responsible for the purpose of the trip. The older National Travel Survey undertaken as part of the CIHT 'Guidelines for Providing for Journeys on Foot' (2000) document identified that the average cycle distance people in England but outside of London was lower at 4.3km.
112. Seaham town centre and the range of services and employment opportunities available here lies within the 4.3km figure, accessed along a combination of traffic free and on road sections of the NCN which is considered to provide an attractive route to prospective cyclists. A Tesco Express, New Seaham Medical Centre, Seaham Grange Industrial Estate, Seaham Park Cricket Club, Seaham Train Station, and the aforementioned schools also all lie within the average cycling distance. Services at Grangetown in Sunderland, including a Lidl and B&M, lie 5.1km away from a midpoint of the site and can be accessed along the NCN. However, it is acknowledged that the average person in England in 2022 made only 15 cycling trips and 16 cycling stages (where cycling formed one part of the journey) which is consistent with pre-pandemic levels and represented just 2% of the total number of trips made.
113. In terms of public transport, there are bus stops located on Seaton Lane which are within 400m of the site entrance. This distance is recommended by the CIHT's Planning for Walking document and is reflected in the Council's Building for Life SPD. 24 Plots are located within 400m of a bus stop (64.9%), with a further 4 Plots within 450m and the remaining 9 Plots within 470m.
114. The applicant has explored the feasibility of creating a link to the Hawthorn to Ryhope railway path, which would result in all 37 Plots being within 400m of a bus stop. However, their structural engineer has advised that given the significantly higher land level of the path (approximately 7m) such a link would require a substantial section of the embankment to be removed and rebuilt. This is not considered to be practicable or proportional given the relatively limited distance above the recommended 400m for a minority of Plots.
115. CDP Policy 21 seeks to provide direct routes for bus access for the convenience of users and it is acknowledged that some of the dwellings would be beyond the recommended 400m distance of a bus stop. However, given the

costs and impracticalities involved in creating a connection to the railway path to overcome this, that the majority of dwellings would be within the recommended 400m, and that the dwellings that would not be within the recommended distance would only be located an additional 70m further away at most, it is considered that this arrangement can be accepted in this instance. In addition, noting guidance from the CIHT that people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating, with the public open space along the south of the tree lined central spine road considered to provide a pleasant walking route to bus stops in this instance.

116. It should be noted that this differs from the refused planning application relating to the erection of 75 dwellings on Land to the East of The Meadows to the north east of Seaton, where only 14 of the proposed dwellings were within 400m of the eastbound bus stop on Seaton Lane, with the furthest dwelling located 560m away, and no direct walking route to Seaton Lane.
117. One bus service, the no.71 operated by Gateshead Central Taxis, runs from Chester-Le-Street to Seaham via Seaton and provides 12no. hourly eastbound buses a day Monday to Friday from 7:10am to 6:30pm, with a similar westbound service running from 7:55am to 6:15pm. 10no. buses run on Saturdays until 5:20pm, with no buses operating on Sundays. Whilst objectors concern regarding the frequency of buses are acknowledged, the buses available would provide access into Seaham town centre where there are a range of shops and employment opportunities via an approximate 11 minute journey. Seaham is identified as a large town centre by CDP Policy 9 and is ranked 7th in the Council's Settlement Study. Objectors make reference to the bus service having been threatened to be withdrawn in the past, however it is considered that the introduction of additional dwellings and potential users may help to secure its viability going forward.
118. In addition, Seaham train station is located 2.9km away from a mid point of the site and provides a sustainable transport option into Sunderland, Hexham and the Metro Centre to the north, and Middlesbrough to the south. As an example of the services available, trains to the Metro Centre run at approximately hourly intervals from 7am to 9:20pm Monday to Saturday and 9:20am to 8:20pm on Sundays, and journeys into Sunderland running from 7am to 10:20pm Monday to Saturday and 9:20am to 10:20pm on Sundays. Whilst the train station is located well in excess of the 800m distance from the site recommended by the CIHT's Planning for Walking and so is likely to deter walking to it, the train station is within the average cycle distance and has facilities to accommodate the parking of 4no. bicycles. Whilst the no.71 bus service stops on New Strangford Road within 300m of the train station, given the hourly frequency of the bus and train services the combined waiting times for users are likely to be excessive.
119. Residents have raised concerns that the application site does not fall within the definition of an 'accessible location' as set out by the Council's Parking and Accessibility SPD 2023. The SPD defines an 'accessible location' as one which

is within 400m of a bus stop or 800m of a train station and where public transport runs at a rate of two per hour or more at peak hours (6am-6pm).

120. This definition is in relation to maximum parking standards, as the Inspector at the examination in public of the now adopted County Durham Plan considered that maximum parking standards at destinations should be implemented in accessible locations to encourage people to use more sustainable transport. As such, the SPD sets out that where non-residential development is situated in an accessible location a lower level of car parking provision may be acceptable depending on the site-specific circumstances of the proposal.
121. It is acknowledged that the application site does not fall within the definition of an 'accessible location' as defined in the SPD as the bus service running through the village runs at hourly intervals rather than half hourly. However, this does not prevent the development of sites for residential uses that do not fall within this definition. Furthermore, Paragraph 2.16 of the SPD states that, "*It should also be noted that this definition of an accessible location does not define walking and cycling accessibility as walking and cycling accessibility it is too complex and site specific to set a countywide standard for.*" Therefore, each application must be judged on its own merits based on the range of amenities and transport options available to the future residents.
122. In summary, there would be few services within a distance of 800m or a 10 minute walk time available for the future residents, and no education or employment opportunities. Given the distances to the range of everyday amenities likely to be sought, it is unlikely that many residents would, particularly in winter or bad weather, choose to walk in preference to the private car.
123. Seaham town centre and the range of services and employment opportunities available lies within the average cycling distance and is accessed along a combination of traffic free and on road NCN, however the proportion of trips made by bicycle compared to other modes of transport is relatively low. As such, whilst cycling would be an option the majority of the future residents are more likely to choose the car.
124. Bus stops on Seaton Lane are within 400m from the mid point of the site and an hourly service operates during peak times Monday to Saturday providing access into Seaham in around 11 minutes where a range of shopping, leisure, and employment opportunities are available, although there are no services during the evenings or on Sundays. In addition, hourly trains connect Seaham to Sunderland via a 10 minute journey from Seaham train station which is itself a 14 minute bicycle ride away from the application site.
125. Residents have made reference to Census data from 2021 which indicates that 8.7% of people living in the village travel to work using public transport, or by cycling or walking, with 60% driving (which exceeds the national average of 44.5%).

126. Overall, there is a direct route from the site to the bus stops on Seaton Lane along the roadside footpath at Hillrise Crescent and the future residents of the proposed dwellings would not be solely reliant upon unsustainable modes of transport for access to services and employment opportunities due to the facilities within an average cycling distance and public transport options available.
127. Whilst the frequency of bus services is limited to hourly intervals during the daytime, the bus stops on Seaton Lane are available within a five minute walk along a direct route and the bus service would provide direct access into the nearby destination of Seaham town centre in around 11 minutes. Whilst this transport mode may not be taken up by all of the future residents, who would be unable to use it to access the leisure offer within the town centre in the evenings or on Sundays, it is considered to provide a reasonably good access and realistic opportunity for future residents to access shops and employment during the week and on Saturdays.
128. According to Census data from 2021 33% of residents, plus an additional 28.5% who work mainly from home, travel less than 10km to get to work which is in line with the national average and reflects the close proximity of Seaton to Seaham.
129. It is concluded that the future residents are more likely to choose the car over walking to meet their everyday shopping and employment needs, however they would have a genuine alternative choice in the form of cycling and using public transport. Whilst the scale of the proposed development for 37 dwellings does not fully reflect the small size of Seaton given the limited services and facilities it contains, on balance given its proximity to Seaham it is considered to be reflective of the range of services and employment opportunities available here, capable of being accessed by a short bus journey.
130. Therefore, on balance, 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/Access

131. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criteria e) and q) of Policy 6 and 10 do not permit development where it would be prejudicial to highway safety.
132. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 115 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Objectors have raised various concerns regarding the impact of the proposed development on highway safety.

Safety and Suitability of the Proposed Access

133. The site is to be accessed from the unclassified 14.13 Hillrise Crescent at a point opposite the road leading to the village green. The Local Highways Authority have agreed to this arrangement in order to locate the junction at the point of optimum visibility, with the probability of cross-vehicle movement at this junction arrangement considered to be minimal. The carriageway width at the site entrance has been increased to 6.75m to account for the recommended 6m entry radii.
134. Objectors have raised concerns that there would be insufficient visibility for drivers when pulling out of the site onto Hillrise Crescent due to the slope down to the south and the curve of the road to the west, and when pulling out from Hillrise Crescent onto Seaton Lane at the crossroads. It is also noted that the SHLAA previously raised concerns over “*reduced forward sight visibility over the brow of the hill*” in relation to drivers egressing from the site onto Hillrise Crescent. However, since this assessment was undertaken the applicant has provided a Transport Assessment as part of this application which has demonstrated to the satisfaction of the Local Highways Authority that the appropriate visibility splays would be met at each junction. It should also be noted that there have been no personal injury collisions relating to Hillrise Crescent or the junction with Seaton Lane in the last five years.
135. The Council’s Parking and Accessibility SPD 2023 sets out that all estate roads must be 5.5m wide regardless of the size of the development. This is reflective of the increase in the average vehicle size and the increase in delivery vehicles since the adoption of the former standards. A wider road helps to reduce the risk of collisions on occasions where two vehicles travelling in opposite directions are attempting to pass. The proposed development would be served by a 5.5m wide estate road. A pre-commencement condition is recommended to secure full engineering details of the proposed estate road.
136. Residents have raised concerns that the road leading to the application site, Hillrise Crescent, is below the width of 5.5m, averaging a width between 4.6m to 4.7m for a length of approximately 80m. Concerns are also raised that the road is often subject to on-street parking, with the dwellings on the eastern side of the road not benefitting from any in-curtilage car parking spaces, which further reduces the road width. Residents have raised significant concerns regarding the narrow width of the road restricting two way traffic if vehicles are parked on the street, as well as the manoeuvrability of larger vehicles which are stated to frequently require mounting the kerb to pass parked cars. Residents have also raised concerns over larger agricultural vehicles travelling along Hillrise Crescent conflicting with an increased amount of residential traffic.
137. The 5.5m width referenced in the SPD relates to estate roads, i.e. the road to be constructed within the development site. In this instance, Hillrise Crescent is an existing unclassified numbered road which is a through route from a rural road that links a number of areas and serves approximately 50 dwellings, three farms, and a water supply company. Leading from the application site to Seaton Lane, Hillrise Crescent is a straight road with a footpath on both sides.

Therefore, Hillrise Crescent carries a higher status than an estate road. It is also noted that there have been no records of accidents occurring along this road within the previous five years.

138. It is acknowledged that the proposed development would see additional vehicular trips generated along Hillrise Crescent, in the form of residents driving to work or to access amenities, as well as deliveries to the dwellings. However, the Local Highways Authority have advised that the scale of development proposed would generate a relatively small number of vehicular trips at peak times. As such, instances where two vehicles travelling in opposite directions are attempting to pass would be minimal. Consequently, this would not represent an unacceptable or severe impact upon highway safety in the context of NPPF Paragraph 115. The DCC refuse vehicle already serves the properties along Hillrise Crescent and those to the east, and this arrangement would continue following the development, with the Local Highways Authority confirming that the submitted swept path analysis indicates that the proposed layout can accommodate the refuse vehicle.
139. It is acknowledged that the dwellings along the eastern side of the road do not benefit from in-curtilage car parking spaces so park on street. However, this is an existing problem and in instances where vehicles presently obstruct the adopted highway this is subject to legislative control via the Highways Act so cannot be afforded weight in the determination of this application. The quantum of parking provision within the proposed layout is in compliance with the Council's Parking and Accessibility SPD 2023, including the provision of ten visitor parking bays distributed throughout the site, and so the proposed development would not be expected to increase on street parking in the vicinity. A condition is recommended to secure the car parking spaces and ensure they are constructed and made available for use prior to occupation.
140. The Local Highways Authority have requested that the position of the fence to the rear of the driveways to Plots 32 and 27 are brought forward to prevent a third car attempting to park on the drive and overhang the public footpath, thereby requiring pedestrians to walk in the carriageway and increasing the risk of collisions to the detriment of pedestrian and highway safety. A condition is recommended to secure details of means of enclosures prior to the first occupation of any dwelling. Such an application to discharge this condition would be expected to be supported by a plan showing the position of the fencing to these plots brought forward to prevent such a scenario from occurring.
141. Overall, the applicant has demonstrated that the required visibility splays would be met, and that sufficient car parking provision would be made. Whilst the proposed development would increase the number of vehicular trips along Hillrise Crescent, the number of trips at peak times would remain low so would not be considered to have an unacceptable or severe impact upon highway safety.

Traffic and Congestion

142. Objectors have raised concerns in relation to the proposed development generating additional traffic which would worsen existing congestion problems on Seaton Lane, citing regular instances of queues from the traffic lights at the Seaton Lane / B1285 / Lord Byron's Walk crossroads back into Seaton, a distance of approximately 800m, and difficulties over egressing from driveways onto Seaton Lane at peak times. Residents have raised concerns regarding the validity of the applicant's Transport Assessment and previously hired Sandersons and ADL Traffic and Highways Engineering Ltd to produce their own Transport Statements. The Local Highways Authority has reviewed the information submitted by the applicant and the residents.
143. It is acknowledged that there are existing congestion issues at the B1404/B1285 Seaton Lodge signals, however it is noted that a scheme which will relieve pressure on this junction is currently underway and is expected to be completed in 2024. This scheme will reduce the number of vehicles heading east on the B1404 from the A19 towards the signalised junction and vice-versa. Once opened, the traffic signal controller will self-adjust to the change in traffic patterns. This arrangement has been modelled as part of the road scheme and the Local Highways Authority therefore accepts that with these improvement works the proposed development would have a minimal material impact on the capacity of the surrounding highway network.
144. The Local Highways Authority previously recommended the introduction of a mini roundabout at the junction of the B1404 with The Meadows and Hillrise Crescent. They advised that the mini roundabout feature was not driven by junction capacity limitation but would provide benefits for existing road users and those generated by the development, whilst also assisting in reducing vehicle speeds on the B1404 Seaton Lane which has an historic speed related issue.
145. The applicant has since provided a document entitled Technical Response which proposes traffic calming measures, comprising dragons teeth on the approach to the 30mph zone and slow markings, instead of a mini roundabout. The Local Highways Authority has confirmed their agreement to the proposed traffic calming measures but has advised that these will require final ratification. Accordingly, a condition is recommended to secure final details of the traffic calming scheme and their implementation prior to the first occupation of the dwellings.

Construction Phase

146. Objectors have raised concerns over the lack of details regarding how the construction period would be managed and that the A19 flyover has a weight restriction of 18 tonnes so is not suitable to be used by HGV's. The application is supported by a comprehensive Construction Management Plan. The Local Highways Authority have indicated their satisfaction with most of the details contained within this document but have requested that Sections 7 and 8 are reinforced by requiring site operatives to park within the site and not on the public highway and that Section 9 includes reference to the 18 Tonne weight restriction on the B1404 which covers the A19 overbridges, to ensure deliveries

exceeding this weight are taken from the west only. Subject to condition to secure a final version of the Construction Management Plan addressing these comments, the application does not warrant refusal on this basis.

Summary

147. The applicant has demonstrated that the required visibility splays would be met, and that sufficient car provision would be made. Whilst residents' concerns regarding the width of Hillrise Crescent and the presence of parked cars on street are acknowledged, overall, the increase in traffic that would be generated by the proposed development at peak times would not represent an unacceptable or severe impact upon highway safety in the context of NPPF Paragraph 115. Instances where vehicles presently obstruct the adopted highway is subject to legislative control via the Highways Act.
148. The proposed development is not considered to have a material impact on the surrounding highway network in terms of generating additional vehicular movements given the scheme of improvement works currently underway. Conditions could also be imposed to secure details of a Construction Management Plan and various other matters as requested by the Local Highways Authority.
149. Overall, the proposed development is not considered to adversely affect pedestrian or highway safety, according with CDP Policy 6 f), 10 q) and 21, as well as Part 9 of the NPPF.

Design / Layout

150. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
151. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
152. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

153. The site comprises previously developed land to its east, comprising two barns which are visible from Hillrise Crescent and several smaller outbuildings. The larger western portion of the site comprises an undeveloped greenfield. The site occupies a position beyond the existing built up area of the village but is framed by housing to the north and east, with housing also present beyond the embankment to the west. Opposite the site to the east, is the village green.
154. The application has generated significant local interest and strong objections, highlighting concerns over the loss of the green field, as well as the scale and design of the proposed development adversely affecting the character of the village, which comprises approximately 165 dwellings. In particular, attention has been drawn to the Council's Strategic Housing Land Availability Assessment (SHLAA), undertaken to inform the County Durham Plan. The SHLAA assessed the site for its appropriateness for housing, scoring an amber classification, with it considered that the northern part of site affords a degree of connection between the historic village and village green with countryside to the west which would be lost unless open space was provided in that area.
155. The application has been amended to reduce the density of the scheme in line with Officer advice. Criterion p) of CDP Policy 29 requires all major new residential development be built to at least 30 dwellings per hectare (dph) net in and around town centres and locations where there is good access to facilities and frequent public transport services. The policy goes on to state that lower densities may be acceptable in other locations or where it is necessary to ensure good design and development that is compatible with its surroundings and character. NPPF Paragraph 128 d) advises that planning decisions should support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. The supporting text to this policy goes on to advise at Paragraph 5.301 that, "*Lower densities may be more appropriate in response to the prevailing existing character of a site, in smaller settlements, or to provide a range and choice of housing.*"
156. In this instance, Seaton is a small village with a low density that is typically characterised by larger houses set within more generous grounds and the site is not located in or around a town centre. Therefore, a lower density is considered appropriate and indeed necessary given the edge of settlement location, with housing density typically dispersing from the centre of the village and as it moves outwards towards the more landscaped and rural edges. The proposed development would have a density of 17.1dph dwellings per hectare (dph) or a net density of 20.9dph when accounting for the open space provision. Whilst the village average is 12.4dph, this is in line with the development at Seaton Grove directly to the north (20dph), Hillrise Crescent to the east (22dph), and marginally above that of Poppyfield Court to the west (14.7dph) which is less well related to the settlement than the application site. It should be noted that this is lower than the net density of the refused scheme for 75 dwellings on Land to the East of The Meadows (35dph), a site which is also less well related to the village.

157. The layout has been designed to continue the linear form of the historic village core to the west and to feature an area of public open space at the site entrance in response to the village green opposite. The reduction in density has allowed the provision of roadside swales along the south of the central spine road as well as street trees which help to carry the character of the village green through the site. Dwellings on Plots 1-3 have been sited to provide an active frontage onto Hillrise Crescent, replacing the existing barns, with the dwelling on Plot 37 designed as a corner turning unit to provide informal surveillance over the public open space at the site entrance. This is considered to be an appropriate response to the plan form of the village.
158. Residents have commented that the original village had a 'U' shaped footprint shaped around the attractive village green, with the open end of the 'U' facing west onto the application site. Residents have expressed concerns over the loss of the historic core of the village and make reference to two appeal decisions relating to residential development on parts of the current application site, dated from 1990 and 1991, which were dismissed due to concerns that an essential link between the village green and the countryside would be lost.
159. In response to the loss of the 'U' shape, it is considered that this has been weakened following the Seaton Grove development in the 1970's and is no longer clearly legible. The layout incorporates an area of public open space at the site entrance which would be carried along the southern side of the central spine road to continue the linear form of the village and extend the character of the village green through the site, helping to retain the link between the village green and the countryside. Overall, it is considered that the proposed development is appropriate to the character and form of the village, according with CDP Policy 6 d).
160. Boundary treatments to the rear of Plots 16-19 which back onto the countryside to the south are proposed to comprise 1.2m high timber fencing which is considered to be appropriate. A condition is recommended to secure final details of all means of enclosures which could include the staining of this fencing to help assimilate it with the countryside beyond. A condition is also recommended to remove permitted development rights for means of enclosures forward of elevations that face onto the highway to retain the green frontage along the central spine road.
161. In relation to the two appeal decisions, whilst residents contend that the character of the site has not changed in the intervening years, it should be emphasised that these decisions were made over 30 years ago and were assessed against a different planning policy context well before the introduction of the NPPF and the CDP which are now in place. Although it is acknowledged that the proposals would alter the character of the site through the introduction of residential development, public open space is included at the site entrance and continues through the site to help extend the village green and rural character of the village and its link to the countryside, so the impact of the development is not considered to cause significant landscape harm. This will be discussed in greater detail under the heading below.

162. The house types proposed are predominantly larger four or five bed dwellings, with six smaller two or three bed properties. The dwellings would predominantly feature two storeys, with four bungalows (Osprey house type) and nine 2.5 storey properties two storey and 2.5 storey (Dartmouth and Hereford house types) proposed. The dwellings in the vicinity are characterised by bungalows at Seaton Grove to the north, two storey properties to the east, and 2.5 storey dwellings at Poppyfield Court to the west. Overall, the housing mix proposed is considered to be appropriate.
163. The material palette is proposed to comprise a mix of red and buff brick with the use of sooth off-white render, red and grey roof tiles, and grey upvc windows. This is reflective of the surrounding area, with the use of buff brick and white render prevalent along the dwellings to either side of the central spine road to tie in with the properties running east to west along the historic core of the village. NPPF Paragraph 140 advises that Local Planning Authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. Accordingly, a condition is recommended to secure adherence to the details of materials contained within the submitted Design and Access Statement.
164. Residents have raised concerns that the large house types proposed, consisting of 31 four or five bedroom properties, would not integrate with the character or appearance of the village, and that they are of a standard appearance that could be observed on any housing estates constructed by volume house builder. Whilst it is accepted that the proposed dwellings would be larger than the bungalows at Seaton Grove, there are a variety of different sized properties in the village, including larger dwellings at Poppyfield Court to the west, as well as The Meadows to the north, and so the scale of those proposed are considered to be appropriate. The Council's Senior Design Officer has also advised that the built form proposed is reflective of the architecture in the village.
165. In addition, residents have raised concerns over the impact of the proposed development on the nearby Grade II listed Seaton Hall. This building is located 110m to the east of the application site with views from here obstructed by intervening dwellings and the rising land levels in this direction. Consequently, the proposed development is not considered to have any impact on Seaton Hall. There are no other designated heritage assets in the village.
166. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are

usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.

167. At the initial consideration of the application by the internal Design Review Panel, the scheme received 6 “reds”, 3 “amber” and 3 “green” scores. At the final consideration of the application by the internal Design Review Panel, the scheme received 0 “reds”, 2 “amber” and 10 “green” scores.
168. “Amber” scores were received in relation to public and private spaces due to the SUDs basin to the south of the site not being located to maximise usability and overlooking from the dwellings; and external storage as some Plots are not proposed to have garages with no details of external storage provided. Accordingly, a condition is recommended to secure further details in this regard prior to the first occupation of the dwellings on Plots 27-32 which do not benefit from a garage.
169. “Green” scores were received in relation to the following areas:
- Connections to the surrounding areas have been maximised,
 - The presence of bus stops and services, albeit limited, within a reasonable walking distance,
 - The provision of an appropriate mix of dwellings that have been designed to comply with the Nationally Described Space Standards,
 - In terms of character and working with the site and its context, it was considered that the plan form and landscape character of the village green has been continued through the site, with the proposed built form being reflective of the architecture and material palette of the village,
 - The provision of street trees along the central spine road through the site with buildings positioned with landscaping to define and enhance streets,
 - The site would be easy to navigate,
 - Streets have been designed to allow them to function as social spaces with open space provided to the front of dwellings,
 - Sufficient car parking spaces are to be provided and well integrated with dwellings and landscaping, with visitor parking bays well distributed through the site.
170. Given that the scheme scored a high number of green scores with no red scores, it is considered to represent a good standard of design and to be in accordance with CDP Policy 29 and Part 12 of the NPPF.

Landscaping and Visual Impact

171. CDP Policy 10 at part l) seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Part o) seeks to avoid development that would impact adversely upon the setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for.

172. 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.
173. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided, stating that proposals for new development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value will not be permitted unless the benefits of the proposal clearly outweigh the harm.
174. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
175. The proposed development would extend the settlement southwards and so a key issue in the determination of this application is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside.
176. The SHLAA considered that the development of the site would represent incursion into open countryside but that the site is visually relatively well contained and so whilst development would incur some adverse landscape impacts these were thought unlikely to be significant.
177. Whilst the site is not located within an Area of Higher Landscape Value, the western portion is nevertheless an attractive area of countryside and of local value, comprising a pleasant open field. Development of the site for residential use would remove the field from the landscape. Landscape Officers have advised that the proposed development of the site would result in adverse landscape effects through the loss of the open field and the introduction of urban development.
178. Visual effects would be adverse for users of the adjacent Hawthorn to Ryhope railway path as this route is elevated with open views across the site, albeit for a relatively short section. This would be unlikely to be mitigated by planting due to the significantly elevated level of the path relative to the site.
179. In terms of the wider landscape, PRoW no.4 leading to Dalton Dene offers views toward the site, but the site is filtered by a belt of mature trees immediately to the south. Therefore, the magnitude of change caused by the proposed development, even in the winter months, would not be much greater than the existing scenario.
180. There are also some close range views from the site entrance looking west. Current views are of the green field in between the dwelling known as Fairview and tree group G3, dilapidated barn buildings, and the trees along the eastern

site boundary. The proposed development would see the retention of a parcel of public green open space to the north east corner of the site as well as the trees along the eastern site boundary. G3 is a semi-mature group of Category B rated trees of moderate quality and value that make a positive contribution to the local landscape and would need to be removed to facilitate the development of the site. The dilapidated barn buildings would be demolished and replaced with three new dwellings of a high quality providing an active frontage onto Hillrise Crescent at the site entrance.

181. Whilst the loss of G3 is regrettable and would result in some harm to the local landscape, it is accepted that it would be impractical to incorporate these trees into the layout. In line with CDP Policy 39 and 40, adequate mitigation is required to outweigh this tree loss and local landscape harm.
182. To this effect, new tree planting is proposed to the open space at the site entrance and along the central spine road. This would help to carry the character of the village green to the east through the site and is considered to adequately mitigate against the loss of G3 from close range views.
183. The application is supported by an Arboricultural Impact Assessment (AIA) which identifies that the proposed layout requires the removal of five trees (4 Category B, 1 Category U), plus one entire tree group (Cat B) and sections of another seven tree groups (4 Category B, 3 Category C). The Assessment concludes that the proposed development would have a moderate arboricultural impact. The Assessment includes a plan showing the position of trees to be retained and their root protection areas and recommends that an Arboricultural Method Statement detailing protection measures for retained trees during the construction phase is undertaken prior to any works commencing on site. Accordingly, a condition is recommended to secure this. These details would include protection measures for hedgerow H3, located to the rear of Seaton Grove, which residents have expressed a desire to retain.
184. To mitigate against the tree loss, 47 trees are proposed to be planted within the site. The Council's Arborist has recommended that further details are provided to demonstrate that proposed tree planting within the site would be integrated into the layout to ensure their long term retention. In response, the applicant has provided a plan indicating the public and private areas of the site which shows the trees to be positioned within public areas which would be managed by a private company. Accordingly, a condition is recommended to secure details of the management of the public open space. A condition is also recommended to secure the implementation of the submitted landscaping scheme.
185. In summary, it is acknowledged that the proposed development would alter the character of the site and represent some harm to the local landscape through the loss of the green field and tree removal. The site is relatively well contained visually, although views of the site from the Hawthorn to Ryhope railway path available from a short stretch of the path would be adversely affected. Close range views from the east would be adversely affected by proposed tree loss, particularly that of G3. However, public green open space with replacement tree

planting is to be provided at the entrance to and carried through the site. This responds positively to the village green to the east and would help to extend it through the site providing a link to the rural setting and character of the village.

186. Overall, whilst the proposals would cause some localised landscape harm, the layout of the development and provision of open space is considered to be a suitable and appropriate response to the character of the village and the surrounding landscape, with this, alongside replacement tree planting, helping to mitigate against the resultant tree loss. Therefore, the proposed development is considered to accord with CDP Policy 6 d), 10 l) and o), 39 and 40, as well as Parts 12 and 15 of the NPPF.

Residential Amenity

187. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
188. CDP Policy 31 seeks to safeguard the amenity of existing and future occupants in terms of overlooking, visual intrusion, visual dominance, loss of light, noise, and privacy. Criterion a) of Policy 6 also seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land, whilst criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
189. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The applicant has confirmed that all of the proposed dwellings have been designed to comply with the NDSS.
190. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. This standard would generally be met, but it is noted that the rear garden of Plot 36 is 8m long, divided into 3.5m long and 4.5m long sections by a retaining wall which would restrict the useability of the space. However, on the whole, the gardens are of a sufficient size and the future residents would benefit from a sufficient amount of external amenity space.
191. The SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single

storey. Generally, these distances would be achieved although there are some instances where there is a shortfall. Further details are provided below.

192. The SPD advises that it is not intended to apply these distances rigidly and that there may be instance where these distances can be relaxed. One such example is within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place, but such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy, amenity and outlook. The SPD goes on to advise that greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances. In this regard, it is noted that Seaton is characterised by its relatively low density where the required separation distances are typically met or exceeded.
193. Some residents have raised concerns regarding the proposed development resulting in a loss of privacy and light, particularly for the occupants of the bungalows at Seaton Grove.
194. There is a distance of 10.6m between the side elevation of the dwelling on Plot 25 and the rear elevation of 7 Seaton Grove which is short of the typically required 13m. However, the proposed dwelling is sited so that it would only overlap the side of an existing conservatory serving this property, for which its primary outlook faces to the west rather than south onto the rear elevation of the proposed dwelling. The north elevation of the dwelling on Plot 25 would not comprise any habitable room windows, with only an en suite window proposed which could be obscurely glazed as a condition of planning approval. Therefore, the occupant of 7 Seaton Grove would continue to benefit from sufficient levels of outlook and privacy after the development.
195. There would be a distance of 18.7m from first floor bedroom window within the rear elevation of the dwelling on Plot 33 and the rear elevation of the ground floor extension to 13 Seaton Grove, short of the typically required 21m. However, there would be an angled relationship between the two properties so that the rear elevation of the proposed dwelling would not directly face onto that of the rear extension. There would be a distance of 19.5m between the ground floor kitchen window within the rear offshoot of the proposed dwelling and that of 15 Seaton Grove (in excess of the typically required 18m) and 21m from the new first floor bedroom windows (as required). Therefore, the occupants of 13 and 15 Seaton Grove would continue to benefit from sufficient levels of outlook and privacy after the development.
196. The rear elevations of the bungalows on Plot 29 and 10 Seaton Grove do not directly face onto each other and so the occupants of each property would benefit from sufficient levels of amenity.
197. There is an angled relationship between the dwelling on Plot 37 and Fairview and High Haven which would prevent views from the habitable room windows of the proposed dwelling into that of the existing properties.

198. The proposed development would meet the typically required 21m distance from existing dwellings in all other instances. A condition is recommended to remove permitted development rights for rear extensions to the dwellings along the northern Plots to ensure the separation distances from the bungalows at Seaton Grove to the north are maintained.
199. A planning consultant has provided a letter on behalf of the residents which acknowledges that the separation distances between the proposed development and the existing dwellings on the south of Seaton Grove (numbers 7-15) are met and comply with the SPD, but considers that greater distances should be provided in this instance due to the dwellings at Seaton Grove being bungalows with the majority of the dwellings proposed to be erected along the north of the site comprising two storeys, as well as the small size of their rear gardens and low boundary treatments to the existing properties.
200. The SPD advises that "*Where there is a significant change in levels, the minimum separation/privacy distance will increase by 1m for every full 1m that the floor level of the development would be above the affected floor level of the neighbouring property.*" As the floor level of the development would be below the affected floor level of the neighbouring property in this instance, there is no requirement for the separation distance to be increased and the typically required 21m is considered to provide sufficient levels of privacy and outlook for existing and future residents.
201. The submitted engineering layout indicates the erection of retaining walls in between the rear gardens of the bungalows at Seaton Grove and the proposed dwellings, ranging from a height of 0.3m (Plot 25) to 1.75m (Plot 33). Whilst the existing timber fencing along the boundaries of the rear gardens of the bungalows at Seaton Grove are relatively low, new boundary treatments are expected to be erected, with a condition recommended to secure further details in this regard in order to provide sufficient privacy levels.
202. In terms of the separation distances between the proposed dwellings, these would also generally be met. There would be a distance of 20m between the front elevations of the dwellings on Plot 10 and 32, 12 and 30, however given the limited shortfall below the typically required distance the future occupants are considered to benefit from sufficient levels of privacy.
203. There would be a distance of approximately 19m between the first floor bedroom window within the rear elevation of the dwelling on Plot 1 and the ground floor dining room window within that of the dwelling on Plot 6, short of the typically required 21m. However, according to the engineering layout the dwelling on Plot 1 sits approximately 0.7m lower than the dwelling on Plot 6, thereby reducing the extent of the view from the bedroom window, and so it is considered that the future occupants of these Plots would benefit from reasonable levels of amenity, with the prospective purchasers of Plot 6 having the opportunity to view the property beforehand.

204. Overall, the proposed development would not adversely affect existing residents in terms of loss of light, overlooking or visual dominance and would provide good standards of amenity for their future occupants.

Noise Pollution

205. The application is supported by a Noise Assessment which identifies road traffic noise as being the dominant noise source. Mitigation measures have been suggested to achieve acceptable noise levels.
206. The assessment concludes that noise audible from within external gardens would fall within acceptable parameters, but that noise audible from within the properties positioned to the east of the site would breach relevant guidance criteria without mitigation. To mitigate against these noise levels, the assessment recommends the installation of enhanced specification glazing to the ground floor living rooms of 7no. dwellings (Plots 1-3, 6-7, 11, and 37) and glazing to the first floor bedrooms of these dwellings plus those to Plots 15-16. Acoustic ventilation is recommended to be installed to the affected rooms of these Plots (total of 9no. dwellings).
207. Environmental Health have reviewed the Noise Assessment and concurred with its findings, recommending a condition to secure the implementation of the suggested mitigation measures prior to the first occupation of the affected dwellings.
208. Whilst not being able to open the windows of these habitable living and bedrooms would represent an adverse impact on their amenity that a mechanical ventilation system would not fully overcome, on balance given that the majority of the dwelling would not require such mitigation and with those that do featuring windows in other elevations that residents would be able to open without suffering from unduly high noise levels, it is considered that the future residents would on the whole benefit from sufficient levels of amenity.
209. Objectors have raised concerns that the proposed development would generate additional vehicles which would in turn generate additional noise and disturbances. Whilst the proposals would inevitably generate additional noise from vehicle movements above the current use of the site, given the vehicles travelling along Hillrise Crescent would be expected to do so at relatively low speeds due to its narrow width, whilst there would be some impact this is not considered to be so significant as to warrant the refusal of the application.

Light Pollution

210. CDP Policy 31 states that development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted.
211. The supporting text to Policy 31 advises that light pollution is artificial light that illuminates areas that are not intended to be lit. The intrusion of overly bright or poorly directed lights can cause glare, wasted energy, have impacts on nature

conservation, and affect people's right to enjoy their property. Development proposals with the potential to result in unacceptable levels of light pollution, either individually or cumulatively with other proposals, should be accompanied by an assessment of the likely impact to show that the lighting scheme is the minimum necessary for functional or security purposes and that it minimises potential pollution from glare and spillage.

212. Given the nature of the proposed development, the only external lighting to be installed would be in the form of lighting columns within the adopted highway which would not be considered to have an adverse impact. Whilst the proposals would see an increase in the amount of vehicle movements which would see car headlamps turned on after sunset, the light generated from this source would be fleeting and not considered to have a significant adverse impact on the living conditions of existing residents.

Air Quality

213. Objectors raised concerns regarding the proposed development generating additional traffic which would have the potential to adversely affect air quality. CDP Policy 31 states that development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. The supporting text to Policy 31 advises that the planning system can play an important role in the improvement of air quality. Whether or not air quality issues are relevant to a planning decision will depend on the proposed development and its location. In determining a planning application, the development's likely effect, either directly or indirectly (for example an increase in vehicular traffic), on air quality will be considered.
214. The application is supported by an Air Quality Assessment which states that the total number of two-way trips expected to be generated by the proposed development is below the 500 Annual Average Daily Traffic (AADT) in Light Goods Vehicles for which further assessment of air quality would be required.
215. The Assessment concludes that the residual effects of the proposed development on air quality are considered to be not significant for NO₂, PM₁₀ and PM_{2.5}, according to the EPUK/IAQM assessment criteria, with the residual effect of air quality on future occupants of the proposed development also judged to be not significant. Environmental Health Officers have reviewed this document and concurred with its findings.
216. It is understood that the Council's Traffic Management Section have received complaints following the installation of traffic lights further to the east on Seaton Lane at the crossroads with Byron Terrace and Lord Byron's Walk. Residents on Leechmere Crescent have complained in the past in relation to the queuing of traffic creating congestion and the resulting impact on air quality. Monitoring was carried out at three locations in the vicinity of this junction in 2019. However, the Highways Authority are satisfied that the surrounding highway

network is capable of accommodation the additional traffic that would be generated by the proposed development, noting the improvement works to the A19 that are expected to be completed in 2024 and so in this context the proposed development is thought to be unlikely to have a significant adverse impact on air quality.

Disruption during the Construction Phase

217. Objectors have raised concerns regarding disruptions during the construction phase and referenced the cumulative impact of these disruptions when considered alongside those caused during the highway improvements works to the A19. These works comprise the construction of a new roundabout and link road to connect the A19 southbound directly to the A1018 and Seaton Lane to divert traffic from Sunderland away from Seaton Lane to reduce congestion along Seaton Lane and the Byron's Walk junction. The Local Highways Authority have advised that this scheme is expected to be completed in early 2024. Residents also make reference to National Grids' Scotland to England Green Link SEGL1 project to lay 190km of electricity cables under the North Sea, which is due to start in Autumn 2024 with works expected to be underway until 2027. Reference is also made to outline planning permission (DM/22/01663/OUT) for the erection of a new 400 kilovolt electricity substation to the south of Jade Business Park in Murton in connection to this project, which was approved on the 27th of July 2023. Residents also make reference to construction works at Seaham Garden Village which are currently underway.
218. A condition is recommended to secure details of a final Construction and Environmental Management Plan (CEMP) which would be expected to include reference to the timing of other significant development in the surrounding area, to ensure this is taken into account when proposing measures to minimise disruption to acceptable levels during the construction phase. Ultimately however, the construction phase would be temporary and the application does not warrant refusal on these grounds, subject to a suitable CEMP coming forward.
219. A qualitative assessment of the risk of the impacts of dust impacting on existing receptors has been carried out in accordance with the Institute of Air Quality Management (IAQM) Guidance on Dust from Construction & Demolition. The assessment has determined a medium risk of dust impacting on surrounding existing receptors on the approach to and surrounding the site during the construction phase. The assessment at Section 6 includes a range of recommended mitigation measures to minimise the impact of dust emissions during the construction phase to acceptable levels. Environmental Health Officers have recommended that these details be included in a final CEMP.
220. An objection has been received raising concerns that no asbestos management plan has been submitted in relation to the buildings to be demolished. It would be expected that these details be provided as part of the final CEMP.

Summary

221. Overall, the proposed development is considered to afford sufficient levels of amenity to existing and future residents, according with CDP Policy 29 and 31, Parts 12 and 15 of the NPPF and the Residential Amenity Standards SPD.

Drainage

222. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
223. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
224. In addition, criterion h) of Policy 6 and s) of Policy 10 both require development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
225. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. The application is supported by a Flood Risk Assessment and Drainage Strategy.
226. The Assessment explains that British Geological Survey Data indicates that the site is underlain predominately by stiff clays which have low permeability and so infiltration has been discounted. The application proposes to discharge surface water to Seaton Burn watercourse which runs along the southern site boundary, via roadside swales and permeable paving to provide treatment of surface water. This approach is in line with the hierarchy or preference set out by Policy 35.
227. The Lead Local Flood Authority have indicated their satisfaction with the principle of the proposed drainage strategy, subject to the submission of construction details for permeable paving and hydraulic calculations in digital format together with the engineering layout identifying all cover, invert and floor levels. Accordingly, a condition is recommended to secure these details.
228. The application proposes to discharge foul water to the existing sewer network, which accords with the hierarchy of preference set out by CDP Policy 36.

229. It is noted that objectors have raised concerns that the existing drainage system overflows and discharges into the sea during periods of heavy rainfall and so cannot accommodate additional sewage from the proposed number of dwellings. The submitted Flood Risk Assessment identifies a low risk of sewer flooding, stating that records from Northumbrian Water NWL contained at Appendix D within the document show no records of flooding in the immediate vicinity of the development, with the proposed sewers to be designed to achieve a self-cleansing velocity to prevent blockages to prevent the main risk of flooding to the systems. The Assessment concluded that the risk of flooding as a result of failure to the drainage system can be deemed as low.
230. Ultimately, there is a separate regulatory regime managing water supply systems and it is the responsibility of Northumbrian Water (as the water and sewerage undertaker), to ensure that the network has sufficient capacity, that sewage is not discharged into the sea, and Ofwat (the Water Services Regulation Authority) to ensure that water companies such as Northumbrian Water properly carry out their statutory functions and to secure the long-term resilience of water companies' water supply and wastewater systems and that they take steps to enable them. With Northumbrian Water not having objected to the application, it is therefore considered to accord with CDP Policy 36 and so does not warrant refusal on these grounds. The homes have also been designed to meet the required water efficiency standards of 110 litres per person per day, which is the maximum set by Building Regulations.
231. Overall, subject to conditions the proposed development would not increase flood risk on site or elsewhere according with CDP Policy 35 and 36, and Part 14 of the NPPF.

Ecology

232. The application site lies within 6km of a coastal European Protected site and within 1.3km of Slingley Pond Local Wildlife Site. The Seaton Burn runs through the scrub on the south western boundary of the site.
233. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s) 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. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68. 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.

234. CDP Policy 25 states that developers will be required to enter into Planning Obligations which are 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.
235. This development is within the 6km Durham Coast Habitats Regulation Assessment (HRA) buffer and therefore Durham County Council (as a Competent Authority) are required to undertake a screening assessment to determine whether the development will have a significant effect on the integrity of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA).
236. Durham County Council has carried out initial screening (in conjunction with Natural England) in compliance with the Habitats Regulations for all housing allocations in the County. The 6km buffer allows development to proceed from 0.4-6km away from the coastal European Protected Sites provided certain mitigation measures are taken. This can include alternative green space that meets the Natural England Suitable Alternative Natural Greenspace (SANG) guidelines or a financial contribution of either £662.00 (for sites allocated in the County Durham Plan) or £756.61 per dwelling (for non-allocated sites) towards specific Coastal Access Management Measures identified in the Durham Heritage Coast Management Plan. The provision or enhancement of suitable natural greenspace should be funded by developer contributions unless adequate onsite provision is being made.
237. The proposed development would see the erection of 37 dwellings on an unallocated site. In this instance, the proposed layout would see the provision of approximately 2,506m² of natural green space within the site, however this is considered unlikely to provide an alternative of comparable quality to the coast, with new residents with dogs likely to travel to the coast for access to longer walks with greater space for dogs to run around off the lead, thereby leading to the potential for protected species to be disturbed and adversely affected. Consequently, it is considered appropriate to secure mitigation through a commuted sum to go towards the provision or enhancement of public open spaces within the locality to attract dog walkers and provide an alternative destination to the coast. This is necessary to avoid the occurrence of a significant effect on coastal European Protected sites. As the dwellings are proposed to be erected on an unallocated site, the required financial contribution for this development would be £27,994.57 and would need to be secured through a Section 106 Agreement. Subject to this, the proposed development is considered to accord with CDP Policy 42, The Habitats Regulations, and the Council's HRA Developer Guidance and Requirements.
238. NPPF Paragraph 186 d) 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. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally

protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

239. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.
240. The application is supported by an Ecology Report, which identified that the buildings and trees on site are of low to negligible suitability for roosting bats. This Report has been reviewed by the County Ecologist who has indicated their satisfaction with the details within.
241. The report includes a Bat Risk Assessment and a Dusk Emergence Survey. The Dusk Emergence Survey was completed on the 15th of June 2024 and did not identify any bats emerging from roosts within the site, although foraging activity was recorded within the large open sided shed to the north of the site. Surveys were completed over two nights in June 2024 which identified an intermittently used common pipistrelle day roost within the large open sided barn to the north of the site. Accordingly, the Report identifies a risk of harming/disturbing non-breeding bats during building demolition through the loss of a common pipistrelle day roost. Demolition of the large shed to the north of the site must therefore be undertaken under an appropriate Natural England licence and must adhere to the terms of the licence, which would include appropriate working methods, timing of works and provision of a compensation roost site.
242. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2017 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and where this is likely to be an interference with an EPS must consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions. EPS, such as bats, are afforded the highest level of protection under the Habitats Directive.
243. In this instance, the bat surveys submitted to the LPA recorded a single intermittently used day roost in the building of local value to bats. The Ecology Report confirms that the site is considered to be of low conservation value, and the loss of this roost would have a low level impact. However, regardless of this, the destruction of a roost constitutes an offence under current UK and European legislation and therefore a Bat Mitigation Licence is required from Natural England before works can commence.

244. In assessing case law on this matter, the Supreme Court ruling associated with R (Morge (FC)) v Hampshire County Council [2011] UKSC 2 comments that an LPA is not expected to duplicate the licensing role of Natural England. The ruling further states that an LPA should only refuse planning permission where a criminal offence relating to EPS is likely to result from the development and where a licence from Natural England is unlikely to be granted. In all other cases EPS should not present a bar to planning permission.
245. The applicants Ecology consultant assessed the nature of the roost and, based on the conditions within the barn, was satisfied it constituted a day roost rather than a hibernation or maternity roost. The Council's Ecology section have assessed the submitted information and are confident that appropriate survey effort has been undertaken to determine characterisation of the roost. They concur with the Ecology consultant that no further survey works is required prior to approval and that the loss of a roost of this type would not have a significant negative impact on the conservation status of the species population. Therefore, it is considered that the demolition of the building can be carried out without a significant negative impact on bats, provided that the demolition is carried out in a manner which minimises the risk of bats being killed or injured during the demolition and would be likely to be granted a license from Natural England.
246. Section 6 of the Ecology Report recommends that the works will be completed to a detailed Construction Environmental Management Plan (CEMP), to include a Bat Method Statement relating to the demolition of the buildings. This would form part of the mitigation strategy which would be required to inform the license application. The Ecologist has advised that the application is supported by sufficient details to give confidence that the licence application is likely to be successful and accordingly a condition is recommended to secure adherence to the recommendations within the Ecology Report.
247. In consideration of the above, the LPA, in consultation with the Council's Ecologist, is satisfied that a suitable assessment has been made by an appropriately experienced and licensed bat Ecologist. The Council's Ecologist has determined whether there would be a breach of article 12 of the Habitats Directive and whether a derogation from that provision should be permitted and a licence granted, deeming that it can. In this case, the proposal relates to the demolition of a barn to facilitate a housing development, which is a government priority, and the loss of this type of roost is not considered to have a significant negative impact on the conservation status of the species population. The mitigation strategy submitted is deemed acceptable.
248. Overall, the Council's Ecologist is satisfied that the developer will be able to obtain a license and accordingly the LPA has discharged its legal duty to consider the impact upon European Protected Species and have regard to the Habitats Directive in the exercise of its functions.
249. In terms of other species, the site was found to contain suitable foraging habitat for badgers, but there was no evidence of badgers on site. Areas of standing water to the south west of the site were found to be dry in May 2021 and

following a Habitat Suitability Indices were categorised as having a poor suitability for great crested newts. Overall, the report concluded that the site is considered to be of local value to bats, birds, hedgehogs, brown hares, and common toads, with the proposed development considered to have a low risk of impact.

250. The report recommends that a CEMP is provided confirming that works shall not be undertaken during bird nesting season (March to August) unless nests are confirmed to be absent beforehand; that a pre-commencement check for badgers will be undertaken within 3 months of the start date; any excavations left open overnight are to have a means of escape for mammals that may have become trapped; a bat method statement relating to the demolition of the farm buildings; provision of integrated bat roosting opportunities and an invasive species method statement. It is also recommended that a lighting strategy is agreed with the Local Planning Authority. Conditions are recommended to secure these details.
251. The application is also supported by a Biodiversity Net Gain Assessment, associated Defra metric, and Outline Biodiversity Management and Monitoring Plan relating to the proposed planting within the application site. The BNG Assessment identifies that the proposed development would result in a net loss in biodiversity units of 4.04 units (-52.14%), primarily due to the loss of other neutral grassland of a medium distinctiveness. To achieve a net gain and to satisfy the trading rules of the metric the proposals will need to deliver more than 4.04 units, including sufficient units within the medium distinctiveness grassland, native scrub and broadleaved woodland categories to satisfy the trading rules, or within higher distinctiveness habitats. Like for like replacement of the area of lowland mixed deciduous woodland will also be required.
252. To deliver biodiversity net gains in relation to the proposed development the applicant is proposing to purchase habitat units and has been in negotiations with the Local Planning Authority. It is recommended that financial contributions of £20,000 are secured via a legal agreement to go towards the provision of biodiversity enhancement offsite. A condition to secure the management and monitoring details for the on-site habitat creation is also recommended. The County Ecologist has reviewed the submitted information and has indicated their satisfaction with this approach.
253. Overall, the proposed development is not considered to adversely affect protected species and to be capable of achieving biodiversity net gains, according with CDP Policies 6 c), 41 and 43, and Part 15 of the NPPF.

Ground Conditions

254. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 189 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

255. The application is supported by a Phase 1 Geo-Environmental Site Assessment which has been reviewed by the Council's Contaminated Land Officer. They have indicated their satisfaction with the findings of the report and the conclusions drawn. The Phase 1 report recommends that further site investigation is required and so a condition to secure this is recommended.
256. Objectors have raised concerns regarding the presence of a sinkhole underneath Seaton Lane which has caused the road to be closed for repair works on two occasions in recent years, causing disruption to residents in the village. Reference is made to the presence of former coal mines and underground streams which may have contributed to this. Concerns relate to the proposed development generating additional traffic which could exacerbate the instability of the land.
257. The Council's Highway Inspection and Maintenance team have confirmed that a section of Seaton Lane opposite Hall Close has collapsed on two occasions, with the most recent having been in June 2019. A full carriageway construction was undertaken to repair the highway, however no former coal mining workings or drainage leaks were identified despite extensive excavation taking place during the repair works. The application site lies within the defined Coalfield Development Low Risk Area. The area affected by the sinkhole lies 1.1km away from the closest Groundwater Protection Zone identified by the Environment Agency. The road is being monitored by Council's Highway Inspection and Maintenance team to identify further signs of failure.
258. In this instance, whilst it is acknowledged that there are issues regarding the presence of a sinkhole underneath Seaton Lane, this is an existing problem on the highway and the development cannot reasonably be required to solve an existing problem on land outside of the application site. Therefore, whilst some additional traffic generated from the proposed development would inevitably use this road, it is not a material planning consideration in the determination of this application. Consequently, the application could not be refused on this basis.
259. Residents have also raised concerns regarding the potential for heavier construction vehicles travelling along Seaton Lane and adversely affecting its stability, however it is noted that vehicles over 18 tonnes would be prevented from using this route due to the weight restriction on the A19 flyover. It would be possible to impose a condition to secure details of construction traffic routing prior to the commencement of development. Whilst some objectors make reference to construction vehicles not adhering to weight restriction during the construction phase of the dwellings at Poppyfield Court to the west of the village, this is a matter for the Police to enforce and is not a material consideration in the determination of this application. Consequently, the application could not be refused on this basis.
260. Subject to such a condition, the proposed development is not expected to adversely affect the stability of surrounding land, according with to CDP Policy 32 and NPPF Paragraphs 189.

Archaeology

261. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ or if justified appropriately excavated and recorded with the results fully analysed and made publicly available.
262. The application is supported by an Archaeological Evaluation report which after undertaking a trial trenching exercise that identified the remains of medieval or post-medieval ploughing (furrows) in three areas and no other archaeological features or deposits, recommended that no further survey work is necessary. The County Archaeologist has reviewed this document and confirmed that no further archaeological mitigation is required. On this basis, the proposed development accords with CDP Policy 44 and Part 16 of the NPPF.

Open Space and Other Infrastructure

263. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst other things that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
264. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
265. The site layout demonstrates that large areas of green space (equating to around 2,506m²) would be provided on site fulfilling and significantly exceeding the amenity / natural green space requirement (the policy requirement is for 2,000m²). A condition is recommended to secure details of the maintenance and management of the areas of public open space provided on site.
266. The OSNA identifies a shortfall in the amount of open space falling within the parks and recreation and youth play space typologies in the East Durham area in which the application site lies. The closest children's and youth play space

lies approximately 1.2km to the east in the form of Seaham Town Hall Play Park and Seaham Skate Park, which is in excess of the recommended 600m and 720m. In terms of allotments, whilst there is a sufficient supply within the surrounding area the closest to the application site are located 1.2km away at Ambleside Avenue which exceeds the distance of 480m recommended by the OSNA. Based on the current proposed layout, it would be undesirable to provide allotments on site. There appears to be limited scope for the provision of new public open spaces in or closer to Seaton and so it is considered appropriate and necessary to secure financial contributions of £58,241.70 as part of a Section 106 agreement to go towards the improvement and/or expansion of existing local public open spaces in these typologies to mitigate the impacts of use by additional residents.

267. Subject to a Section 106 agreement and a condition, the proposed development would be capable of providing a sufficient quantity and quality of public open space for existing and future residents, according with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Education

268. In terms of other infrastructure, a number of objectors have raised concerns that existing schools, GP's and dentists do not have the capacity to accommodate additional residents moving into the new development. Concerns are also raised regarding the suitability of securing financial contributions in mitigating the impact of an increased number of school pupils and patients.
269. NPPF Paragraph 97 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 99 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. In addition, Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services, including the provision of education and health facilities, where a deficit would result or be exacerbated by the proposed development.
270. In terms of education infrastructure, the School Places Manager has advised that the development is located within the Seaham local school place planning area of which Westlea Primary, Seaview Primary, and Seaham Trinity Primary 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 Seaham High School which has a capacity for 1200 pupils and is located 1.2 miles (1.9km) away.

271. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would be sufficient space to accommodate the pupils of primary school age generated by the development in existing local primary schools whilst maintaining a 5% surplus. Therefore, no contributions are required for additional primary teaching accommodation.
272. However, there would not be sufficient space to accommodate pupils of secondary school age generated by the development in local secondary schools whilst maintaining a 5% surplus. A development of 75 dwellings would be expected to generate 9no. additional secondary school pupils and so in order to mitigate the impact a financial contribution of £82,770 would be required to facilitate the provision of additional teaching accommodation.

Health Care

273. The closest GP practice to the site is the New Seaham Medical Group in Westlea, 2.4km away from the entrance to the site from The Meadows. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the North Easington Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £17,871 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.

Summary

274. The NHS North East and North Cumbria Integrated Care Board have confirmed that local GP surgeries are part of wide plans to improve GP access and would be the likely beneficiaries of any Section 106 funds secured and are satisfied that monies secured would be capable of satisfactorily mitigating the impacts of the development. Likewise, the School Places Manager is satisfied that the impacts of the development of education facilities would be satisfactorily mitigated by funds secured to provide additional teaching accommodation. Therefore, whilst the concerns of objectors regarding existing capacity issues and waiting lists are acknowledged, subject to a Section 106 agreement to secure these financial contributions the proposed development would provide mitigation for the increase in population it would generate and so would not warrant refusal on these grounds.
275. Overall, subject to a Section 106 agreement to secure financial contributions of £58,241.70 to go towards the provision of public open space off site, £82,770 to go towards the provision of additional secondary school teaching accommodation, and £17,871 to go towards the provision of additional GP surgery capacity, and a condition to secure details of the management and maintenance of the open place to be provided on site, the proposed development accords with CDP Policy 25 and 26, and Part 8 of the NPPF.

Affordable, Accessible and Adaptable Homes

276. CDP Policy 15 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 and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a medium value area, this development would require a total of 6no. affordable units in the form of 4no. Discounted Market Value homes (including 2no. First Homes), plus 2no. affordable homes for rent. The application proposes the provision of 2no. two bed shared ownership bungalows, 2no. two bed First Homes, and 2no. three bed homes for affordable rent. This meets the requirement of CDP Policy 15.
277. CDP Policy 15 also states that in order 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 Standard M4(2) (accessible and adaptable dwellings) standard. The applicant confirms in their Planning Statement that 25no. dwellings have been designed to comply with Building Regulations Standard M4(2), in line with the requirements of Policy 15. A condition is recommended to secure details of a verification report to ensure that at least 66% of the dwellings are built to the M4(2) standard.
278. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, 4no. bungalows are proposed in the form of the Osprey house type which would also be offered as affordable units. This meets the requirements of Policy 15.
279. A resident has requested that a condition be imposed to require the affordable dwellings to be constructed first. It is recommended that the affordable homes are secured through a Section 106 legal agreement, with the trigger for their construction and substantial completion to be before the first occupation of 50% of the market dwellings.
280. Overall, the proposed development accords with the requirements of CDP Policy 15, subject to a Section 106 agreement to secure the delivery of the affordable homes and a condition to secure the required number of properties are built to Building Regulations Standard M4(2).

Carbon Emissions

281. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
282. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission

Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.

283. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
284. In addition, NPPF Paragraph 164 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
285. The submitted Design and Access Statement advises that all dwellings will be fitted with photovoltaics on pitched roofs facing south, west or east depending on orientation, with the majority of the properties are orientated with either their main living room space or kitchen / dining/ living space facing south to maximise solar gain. SAP calculations for all properties are also being calculated to ensure each property complies with Building Regulations Part L.
286. Since the submission of this application and the adoption of the CDP, the Building Regulations have been updated and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations. There have also been changes to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as this is covered under separate legislation there is no need for a condition to reflect this. However, a condition is recommended to secure further details regarding the specification and location of the PV panels.
287. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Best and Most Versatile Agricultural Land

288. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
289. The site exceeds 1ha in size and so is supported by an Agricultural Land Classification Assessment contained within the Planning and Meeting Housing Needs Statement. This considers the site to have a classification of grade 3 land, with soil quality of 3b quality given the existing built structures on the site. Therefore, the site is not considered to represent the best and most versatile

(BMV) agricultural land and this matter is not a decisive factor in determining the application given that the site is not in a productive agricultural use.

Other Matters

290. CDP Policy 27 states that all new residential 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. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, however Ofcom's mobile and broadband checker indicates that standard speeds of up to 30 megabits per second are available in the area. A condition is recommended to secure further details of how the applicant proposes to provide broadband connection to the new dwellings, which should include options explored to provide higher broadband speeds.
291. Residents have raised concerns that the village suffers from regular power cuts and that the proposed dwelling would generate additional demand for electricity. In this regard, National Grid have been consulted on the application and have raised no objections.
292. Objectors have made reference to the proposed development potentially devaluing their properties; however, this is not a material planning consideration and so cannot be afforded any weight in the determination of the application.
293. A resident considered that the press notice included in the Northern Echo was insufficient to advertise a development of this size. The application has been publicised in the manner required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Local Planning Authority has fulfilled its statutory responsibilities in this regard.

CONCLUSION

294. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
295. In this instance, it is concluded that the application site occupies a position on the edge of Seaton in a position physically well related to the settlement by virtue of the presence of existing residential development on three sides. The site is also visually contained by the embankment to the west and the woodland to the south. Therefore, the proposed housing development can draw support from CDP Policy 6.

296. There are few amenities within an approximate 10 minute walking distance of the site so the future residents are more likely to choose the car over walking to meet their everyday shopping and employment needs, however they would have a genuine alternative choice of transport modes in the form of cycling and using public transport.
297. Whilst the frequency of bus services is limited, the bus stops on Seaton Lane are available within a five minute walk along a direct route and the bus service would provide direct access into the nearby destination of Seaham town centre in around 11 minutes. Whilst this transport mode may not be taken up by all of the future residents, who would be unable to use it to access the leisure offer within the town centre in the evenings or on Sundays, it is considered to provide a reasonably good access and realistic opportunity for future residents to access shops and employment during the week and on Saturdays. Therefore, the future residents of the proposed dwellings would not be solely reliant upon unsustainable modes of transport for access to services and employment opportunities due to the facilities within an average cycling distance and public transport options available.
298. Whilst the scale of the proposed development does not fully reflect the small size of Seaton given the limited services and facilities it contains, on balance given its proximity to Seaham it is considered to be reflective of the range of services and employment opportunities available here, capable of being accessed by a short bus journey.
299. Overall, there is considered to be reasonably good access by sustainable modes of transport to relevant services and facilities given the small number of services available within an approximate 10 minute walk, and the available bus service nearby combined with the proximity of the village to Seaham, which is within a reasonable cycling distance and has a train station to provide access further afield, where a larger range of everyday amenities are available. Therefore, on balance, the proposed development is considered to accord with CDP Policy 6 f), 10 p) and 21, as well as Part 9 of the NPPF.
300. It is acknowledged that residents have raised highway safety concerns, particularly regarding the width of Hillrise Crescent and the presence of parked cars on street. However, following the proposed development the number of vehicular trips along this road at peak times would remain low overall so would not be considered to have an unacceptable or severe impact upon highway safety. There are no records of personal injury collisions relating to Hillrise Crescent in the last five years. In addition, instances where vehicles presently obstruct the adopted highway is subject to legislative control via the Highways Act. The applicant has also demonstrated that the required visibility splays would be met, and that sufficient car provision would be made. Overall, the proposed development is not considered to adversely affect pedestrian or highway safety, according with CDP Policy 6 f), 10 q) and 21, as well as Part 9 of the NPPF.

301. The layout has been designed to continue the linear form of the historic village core to the west and to feature an area of public open space at the site entrance in response to the village green opposite, with public open space, roadside swales and street trees carried through the site. The density of the layout is considered to be appropriate for the edge of settlement location in the context of the surrounding residential developments, with the house types proposed considered to be reflective of the architecture in the village. The proposed development is considered to represent high quality design, achieving 10 “greens” and 2 “ambers” during the Design Review process when assessed against the Building for Life 12 (BfL 12) Standards. Overall, the proposed development is considered to represent an appropriate response to the form and character of the village, according with CDP Policy 6 d) and 29, and Part 12 of the NPPF.
302. Whilst the proposed development would alter the character of the site and represent harm to the local landscape through the loss of the green field and some tree removal, the site is relatively well contained visually, the layout of the development with provision of open space and street trees is considered to be a suitable and appropriate response to the character of the village, according with CDP Policy 10 l) and o), 39 and 40, as well as Part 15 of the NPPF.
303. It is noted that the distances between the front elevations of the dwellings on Plot 10 and 32, 12 and 30, and the first floor bedroom window within the rear elevation of the dwelling on Plot 1 and the ground floor dining room window within that of the dwelling on Plot 6, are below the typically required separation distance of 21m, however the future residents of these dwellings are still considered to benefit from sufficient levels of privacy and outlook given the plot specific circumstances and relatively limited shortfall. Overall, the proposed development would afford good levels of amenity for existing and future residents in terms of privacy, light, and outlook.
304. The proposed development is considered to be acceptable in terms of Drainage, Ecology, Affordable Accessible and Adaptable Homes, Open Space and Other Infrastructure, Archaeology, Ground Conditions, Carbon Emissions, and in accordance with Policies 15, 25, 26, 29, 32, 35, 36 and 44, and Parts 14 and 16 of the NPPF, in this respect.
305. With no material considerations to indicate otherwise, the application is therefore recommended for approval, subject to the completion of a Section 106 legal agreement and conditions.

Public Sector Equality Duty

306. 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.

307. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement(s) to secure the following:

- Financial contributions of £27,994.57 to go towards the provision or enhancement of public open space to coastal areas within the Durham Heritage Coast Management Plan the Durham Heritage Coast Management Plan,
- Financial contributions of £58,241.70 to go towards the improvement of offsite open space and recreational provision within Seaham Electoral Division,
- Financial contributions of £82,770 to facilitate the provision of additional secondary school teaching accommodation within Seaham Electoral Division,
- Financial contributions of £17,871 to go towards increasing GP surgery capacity in the North Easington Primary Care Network,
- Financial contributions of £20,000 to be paid to the LPA to go towards the provision of offsite biodiversity net gain and its long term management and maintenance,
- The provision of 15% affordable housing equating to 2no. First Homes, 2no.units for affordable rent, and 2no. units for shared ownership.

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:

Site Location Plan 4011-10-00 Rev 2
Proposed Block Plan 4011-10-02 Rev 8
Proposed Site Plan 4011 Rev 34
Detailed Planting Plan N1125-ONE-ZZ-XX-DR-L-0201 Rev P08
Detailed Planting Plan N1125-ONE-ZZ-XX-DR-L-0202 Rev P08
Public and Private Open Space 4011-10-04 Rev 2
Chelmsford House Type A - Part Render 4011-20-07 Rev 1
Chelmsford House Type B - Brick Version 4011-20-08 Rev 1
Bromley House Type A - Blank Gable 4011-20-09 Rev 1
Bromley House Type B - Window Gable 4011-20-10 Rev 1
Guildford House Type A - Part Render 4011-20-11 Rev 1
Guildford House Type B - Brick Version 4011-20-12 Rev 1
Juniper House Type A - Part Render 4011-20-13 Rev 1

Juniper House Type B - Brick Version 4011-20-14 Rev 1
Winchester House Type A - Part Render 4011-20-15 Rev 1
Winchester House Type B - Brick Version 4011-20-16 Rev 1
Hereford House Type A - Part Render 4011-20-17 Rev 1
Hereford House Type B - Brick Version 4011-20-18 Rev 1
Dartmouth House Type A - Part Render 4011-20-19 Rev 1
Dartmouth House Type B – Brick 4011-20-20 Rev 1
Dartmouth House Type C - Gable Windows 4011-20-21 Rev 1
Epsom House Type A - Part Render 4011-20-03 Rev 1
Epsom House Type B - Brick Version 4011-20-04 Rev 1
Osprey House Type 4011-20-01 Rev 1
Shrewsbury House Type - Part Render 4011-20-02 Rev 1
Gainford House Type A - Gable Window 4011-20-05 Rev 1
Gainford House Type B - Blank Gable 4011-20-06 Rev 1
Proposed Site Sections 4011-40-10 Rev 2
Single and Double Garage 4011-20-22
Swept Path Assessment Refuse Vehicle JN2061-DWG-006B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 11, 12, 14, and 15 of the National Planning Policy Framework.

3. The development shall be undertaken in accordance with Section 6 Recommendations of the submitted Ecology Report undertaken by OS Ecology dated June 2024. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

A bat method statement relating to the demolition of the farm buildings,
Details of 10 integrated bird boxes and 10 bat boxes to be installed to the dwellings within the application site,
An invasive species method statement relating to the removal of Cotoneaster and Himalayan Balsam from the site, and
A lighting strategy to confirm that key areas of habitat within the site will remain unlit.

Reason: In the interest of conserving protected species and their habitats in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the conservation of protected species.

4. No development shall commence until a Biodiversity Management and Monitoring Plan (BMMP) has been submitted to and approved in writing by the Local Planning Authority. The BMMP shall demonstrate how the specific on-site Biodiversity Net Gain units that are to be created on site (as detailed within the Biodiversity Net Gain Assessment report) will be achieved, managed and maintained on site, and will include a mechanism for reporting to DCC in years 2, 5, 10, 15, 20, and 30 following habitat creation. The works

shall be carried out in accordance with this Plan and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the Net Gain can be satisfactorily achieved.

5. No development shall commence until a final Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
 15. A plan detailing how any asbestos found in the buildings to be demolished is to be managed.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

6. No development shall commence until an Arboricultural Method Statement detailing protective measures for trees and hedging within and adjacent to the application site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the approved protection measures.

The protection shall include but not be limited to the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Arboricultural Impact Plan contained within Appendix 3 of the submitted Arboricultural Impact Assessment.

Reason: As recommended by the submitted Arboricultural Impact Assessment in the interests of the visual amenity of the area and to comply with Policies 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre commencement to ensure the retention of trees and hedging that make a positive contribution to the visual amenity of the surrounding area.

7. No development other than demolition, ground clearance or remediation shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation including ground gas monitoring and a Phase 3 remediation strategy to include gas protection measures and method of verification where necessary.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. All remediation works shall be carried out in accordance with the approved remediation strategy. If a Phase 4 Verification report is required, the development shall not be brought into use until such time as a Phase 4 Verification report relating to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

9. No development other than demolition, ground clearance and remediation shall commence until plans showing full engineering details of the proposed estate road and private shared driveways, to demonstrate that it has been designed to meet current highway design standards, and a phasing plan for the implementation of these works, have been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the phases of highway construction to serve relevant dwellings, along with detailed measures of how the highway will be maintained and managed. Thereafter, the estate road and private shared driveways shall be constructed in accordance with the approved details and timescales.

Reason: To ensure the development is served by a safe and suitable estate road in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

10. No development other than demolition, ground clearance and remediation shall commence until details of a scheme of traffic calming measures building on those indicated on drawing JN2061Dwg0008, including details of the signing and road marking works, to include materials and dimensions, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented prior to the first occupation of any of the proposed dwellings.

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

11. No development other than demolition, ground clearance and remediation works shall commence until a scheme for the provision of surface water drainage works in accordance with the principles established in the submitted Flood Risk Assessment and Drainage Strategy Report Revision A by Portland Consulting Engineers reference 2020051 and dated

November 2023 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to a Construction Phase Surface Water Management Plan, Construction Details for permeable paved driveways, and hydraulic calculations in digital format together with the engineering layout identifying all cover, invert and floor levels. The development thereafter shall be completed in accordance with the details and timetable agreed.

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

12. No development other than demolition, ground clearance or remediation works shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. Thereafter, the development shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.

13. 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. Thereafter, the photovoltaic panels shall be installed in accordance with the approved details.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in Policy 29 c) of the County Durham Plan.

14. Prior to the commencement of the development of the dwellings above damp proof course, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

15. Prior to the first occupation of any of the dwellings, details of all hardsurfaced areas shall be 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: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

16. Prior to the first occupation of any of the dwellings, details of all means of enclosure of the site, including retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enclosures serving each dwelling shall be constructed in accordance with the approved details prior to the first occupation of that dwelling.

Reason: In the interests of the visual amenity of the area and highway safety, to comply with Policies 6 e), 10 q), and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

17. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development, as shown on Public and Private Open Space plan 4011-10-04 Rev 2, has been 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 and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

18. A minimum of 25 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 that dwelling.

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.

19. The dwellings on Plots 27-32 shall not be occupied until details of cycle storage compliant with the Council's Parking and Accessibility Standards SPD 2023, have been submitted to and agreed in writing by the Local

Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan, the Council's Parking and Accessibility Standards SPD 2023, and Part 9 of the National Planning Policy Framework.

20. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

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

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

21. All sound attenuation measures detailed at Section 7 of the submitted Noise Assessment NJD Environmental Associates, reference NJD21-0102-001R dated November 2023 shall be fully implemented prior to the first occupation of the dwellings to which they relate and permanently retained thereafter.

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

22. The dwellings shall be constructed in accordance with the external materials detailed on page 13 of the Design and Access Statement dated November 2023.

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

23. The car parking spaces serving each dwelling detailed on Proposed Site Plan 4011 10 01 Rev 33 shall be constructed and made available for use prior to the first occupation of that dwelling and thereafter retained for the lifetime of the development. The visitor parking bays detailed on Proposed Site Plan 4011 10 01 Rev 33 shall be constructed and made available for use prior to the first occupation of the final dwelling.

Reason: To ensure the development is served by a sufficient amount of car parking spaces in the interests of highway safety and in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

24. The development shall take place in accordance with the landscaping details shown on Detailed Planting Plan Sheet 1 and 2 N1125-ONE-ZZ-XX-DR-L-0201 and N1125-ONE-ZZ-XX-DR-L-0202 Rev P08.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) any windows to be installed to the north side elevation of the dwellings on Plot 25 shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no development under Schedule 2 Part 1 Class AA shall take place without the grant of further specific planning permission from the Local Planning Authority. No rear extensions to the dwellings on Plots 1 and 26-37 shall take place without the grant of further specific planning permission from the Local Planning Authority. No fences, gates, walls, or other means of enclosure shall be erected forward of an elevation of any dwelling that faces onto a highway.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Plan Strategic Housing Land Availability Assessment 2019
County Durham Plan Settlement Study 2018
Durham County Council Highways Design Guide for Residential Development 2014
County Durham Parking and Accessibility Standards 2023
County Durham Building for Life SPD 2019
Residential Amenity Standards Supplementary Planning Document 2023
Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Construction of 37no. dwellings (amended 24.11.2023)</p>	
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	<p>Date: 1st July 2024</p>	