APPLICATION DETAILS

APPLICATION NO: DM/14/02017/FPA

FULL APPLICATION DESCRIPTION: Residential development of 134 no. dwellings (C3 use class) with associated access and landscaping works

NAME OF APPLICANT: Bellway Homes Ltd

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

ELECTORAL DIVISION: Murton

CASE OFFICER: Henry Jones, Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the immediate south of Dalton Heights, a residential estate at the south-western edge of Seaham. The A19 road and adjacent landscaping borders the site to the west with the B1285 to the east. On the opposite side of the B1285 the site lies parallel to West Farm at its northern edge and the Overdene Estate within Dalton-le-Dale at its southern edge.

2. The application site itself comprises of 9.5ha of greenfield, agricultural land. A mixture of hedgerows and fencing form the boundaries to the site. The site contains no buildings or structures aside from a World War II pillbox which is situated within the southern half of the site.

3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site. No recorded public rights of way are contained within the application site. The application site contains no watercourses, though the Dawdon Dene within approximately 120m of the southern boundary of the site.

The Proposal

4. The application seeks a residential development of 134 dwellings. Proposed are 8 two bed properties, 76 three bed properties and 50 four bed properties with a total of 18 housetypes. The vast majority of dwellings would be two storey with 3 properties (the Oak housetype) being two and a half storey with accommodation in the roofspace. Five Aidan house type properties are proposed which are split level properties, appearing as a bungalow from the front but as a two storey dwelling to
the rear with accommodation across two storeys. A range of garaging buildings and one electricity substation building are also proposed. Final details of external materials are not included within the application though illustrative detail within the submitted design and access statement suggest a mixture of brick and render elevations with tiled roofs.

5. The proposal seeks to divide the application site into two with the dwellings and associated roads and garaging located on the northern half with the southern half predominantly reserved for landscaped parkland. Amendments to the layout of the dwellings and housing mix have occurred during the course of the application. The most up to date masterplan layout does not show the full extent of the landscaped parkland. However, the accompanying landscape plans and design and access statement are clear in proposing this parkland which would include a pedestrian/cycle route. Whilst drainage solutions for the site are not in a finalised engineered form the submitted plans and accompanying documentation also propose sustainable urban drainage system (SUDS) infrastructure within this southern half of the site including water attenuation areas.

6. Vehicular access for the development would be taken from the B1285 to the east at a point approximately 95m from the boundary of the site with Dalton Heights. This is the only vehicular access to the site proposed. A further pedestrian link is proposed through to the residential properties to the north adjacent to no. 11 Dalton Heights.

7. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

**PLANNING HISTORY**

8. In July 1997 Easington District Council refused a planning application for the development of 80 dwellings and associated works on the application site.

9. The applicant appealed this decision and a public inquiry was held. The planning Inspectorate dismissed the appeal in May 1998. In her decision the Inspector considered that the three main issues for consideration were; the impact upon the character and appearance of the locality; housing supply; and highway safety.

10. On the first issue the Inspector considered that the development would represent a significant intrusion into the open countryside which forms a fine setting for the southern part of Seaham. The proposal would erode separation of the urban area from the village of Dalton-le-Dale.

11. On the second issue the Inspector considered that the proposal would be likely to have a materially harmful effect upon the housing supply of Seaham, in conflict with planning policy guidance. With regards to the third issue the Inspector considered that the proposal would not be likely to have a materially harmful effect upon highway safety.

12. The applicant had also submitted the application site as a housing allocation for inclusion in the emerging Easington Local Plan. This was also dismissed by the Planning Inspectorate in 1998.
The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.

In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

* NPPF Part 1 – *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 of a low carbon future.

* NPPF Part 4 – *Promoting Sustainable Transport*. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

* NPPF Part 6 - *Delivering a Wide Choice of High Quality Homes*. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

* NPPF Part 7 – *Requiring Good Design*. 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

* NPPF Part 8 – *Promoting Healthy Communities*. Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
20. **NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

21. **NPPF Part 11 – Conserving and Enhancing the Natural Environment.** The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

22. **NPPF Part 12 – Conserving and Enhancing the Historic Environment.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.


23. 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; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

http://planningguidance.planningportal.gov.uk/

**LOCAL PLAN POLICY:**

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

24. **Policy 1 – General Principles of Development.** Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.

25. **Policy 3 – Protection of the Countryside.** Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.

26. **Policy 14 – Protection of Special Areas of Conservation.** Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.

27. **Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.** Development which is likely to adversely affect these designated sites will only be approved where there is no alternative solution and the development is in the national interest.
28. **Policy 18 – Species and Habitat Protection.** Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

29. **Policy 24 – Protection of Listed Buildings.** Development which affects the character, appearance, special architectural features or setting of a listed building should not be approved.

30. **Policy 35 – Design and Layout of Development.** The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

31. **Policy 36 – Design for Access and the Means of Travel.** The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

32. Policy 37 – Design for Parking. The design and layout of parking should seek to minimise the level of parking provision.

33. **Policy 38 – Designing out Crime.** The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.

34. **Policy 66 – Provision of Outdoor Play Space.** This policy requires developers to provide adequate provision for children’s play space and outdoor recreation space in new major housing developments.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

35. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector’s Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at:

http://www.durham.gov.uk/article/3269/Easington-Local-Plan (City of Durham of Durham Local Plan)

http://durhamcc-consult.limehouse.co.uk/portal/planning/ (County Durham Plan)
CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. **Dalton-le-Dale Parish Council** – Object to the development. Objection is raised to the loss of the greenfield, agricultural land for the development. The location of the development is considered to be in conflict with both the Easington District Local Plan and the emerging County Durham Plan. Concerns are expressed over highway safety for vehicular, pedestrian and cycle traffic. Concerns are expressed over the impacts of the development upon ecological assets. Flooding and drainage is cited as a major concern with existing drainage infrastructure considered to be at capacity. Reference to the planning history of the site is also made.

37. **Seaham Town Council** – Object to the development. Objection is raised to the principle of the development on greenfield land and other more suitable sites for housing are considered to be available. Site specific objections are also raised. Concerns are raised over the potential for flooding and the potential for sink holes has not been thoroughly considered. Concerns over highway safety due to traffic increases and the access junction arrangements are raised. Services and infrastructure is already considered at capacity. Harm to heritage assets and impacts on ecological assets, a local wildlife site and the Heritage Coast and the Site of Special Scientific Interest also raised. Landscape mitigation measures are considered insignificant in comparison to the loss of the site to the development. Reference is made to the assessment of the site within the County Council’s Strategic Housing Land Availability Assessment (SHLAA) which considered the site unacceptable for development. Reference is made to the refusal of housing development on the site previously.

38. **Highway Authority** – Consider that a scheme for the improvement of traffic signs and road markings on the B1285 is necessary. The junction to provide access to the site from the B1285 is considered acceptable. The junction would require the formation of a protected right turn lane and this would be necessary prior to significant works commencing on site. The submitted transport assessment is considered to be deficient in assessing the cumulative impacts of the development together with committed development particularly with regards to Dalton Park Phase 2. The Highway Authority requested a number of amendments to the layout of the development. Amended plans have been submitted and the Highway Authority has stated that these resolve the majority of these requests from the Highway Authority. However, the absence of a secondary vehicular access to Dalton Heights is considered regrettable. Conditions are recommended in the event of an approval.

39. **Highways Agency** – Raise no objections though recommend the implementation of a travel plan.

40. **Northumbrian Water** – Raise no objections to the development provided that the development is implemented in accordance with the submitted flood risk assessment which states that surface water will not discharge to the public sewerage network.

41. **Environment Agency** – Raise no objections. Discussions with the Council so as to devise a suitable final surface water drainage solution should continue. The sewerage undertaker should be consulted with regards to foul water disposal. The mitigation recommendations within the submitted Extended Phase 1 survey should be undertaken.
INTERNAL CONSULTEE RESPONSES:

42. **Spatial Policy** – Object to the development. The proposed development would not consolidate the existing settlement form and would erode the physical separation between Seaham and Dalton-le Dale.

43. With regards to matters of green infrastructure the large area of public open space is welcomed. Pedestrian and cycle links to Dalton Heights are recommended and the design of new open space should include park-like features and be attractive to dog walkers.

44. **Landscape** – State that the key landscape related matters are the visual impact on the open countryside and the perception of sufficient separation space between Seaham and Dalton-le-Dale. The submitted landscape and visual impact assessment is considered a thorough document and conclusions are broadly agreed with namely that a minor-moderate change to landscape character would occur with moderate visual effects in identified views close to the development. Should the principle of the development be considered acceptable support for the proposals on landscape grounds are offered. Further points of detail are made on the detailed landscape proposals.

45. **Design and Conservation** – Raise no objections to the development with no harm considered to occur upon any heritage assets with particular reference made to the Grade II* listed St Andrews Church in Dalton-le-Dale. The large public open space is referenced and this is considered to provide mitigation against coalescence. No objections to the layout or other elements of the development are raised.

46. **Drainage and Coastal Protection** – The proposal to incorporate a sustainable urban drainage system is welcomed and complies with the Council’s requirements. Full details on the design, construction and maintenance regime for such a system would be required.

47. **School Organisation Manager** – Raise no objections stating that sufficient school places are available to accommodate the additional pupils from the development.

48. **Employability** – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.

49. **Environment, Health and Consumer Protection (Contaminated Land)** – Raise no objections to the development with no need for a contaminated land condition on any approval.

50. **Environment, Health and Consumer Protection (Noise, Dust and Odour)** – Raise no objections. Officers agree with the methodology of the submitted noise report and most findings. A reservation is made with regards to the predicted external noise levels within some of the proposed properties. However, these predicted noise levels relate to only four of the properties proposed and the degree to which the noise level is predicted to be above recommended levels is marginal and can be accepted. Mitigation measures within the submitted report should be conditioned. Conditions are also recommended with regards to external lighting, noise, dust and smoke suppression and working hours.

51. **Environment Health and Consumer Protection (Air Quality)** – Raise no objections. The application is accompanied by an air quality assessment and impacts on air quality from the residential development are shown as insignificant. A condition to ensure that a dust control management plan is implemented is recommended.
52. *Ecology* – Raise no objections. No objections are raised with regards to the submitted Extended Phase 1 Habitats Survey (amended during the course of the application). The Local Planning Authority has considered whether the application requires an appropriate assessment under The Conservation of Habitats and Species Regulations 2010 (as amended). The development is not considered to have any significant effects with no requirement for appropriate assessment.

53. *Sustainability* – In terms of locational sustainability the application site is considered to score averagely in terms of the economic, social and environmental determinants of sustainable development. Further advice is required on site specific matters from specialist consultees. In regards to embedded sustainability whilst the principles of the approach to reducing energy demand can be accepted more detail and evidence is required before the approach can be accepted.

54. *Archaeology* – State that the submitted desk-based assessment is well researched and comprehensive. The recommendations detailed for the retention of the World War II pillbox should be implemented. Noting the concerns raised by public respondents, careful consideration of drainage implications on Church of St Andrews is recommended. The geophysical survey undertaken covered a small area of the site and no invasive evaluation has been undertaken. As a result a condition is recommended for the implementation of a program of archaeological investigation.

55. *Neighbourhood Services (Streetscene)* – Provide advice on adoption procedures should public spaces within the development be sought for adoption.

56. *Access and Public Rights of Way* – Confirm that there are no recorded public rights of way within the site.

57. *Travel Planning Team* – Have assessed the submitted travel plan accompanying the application and some requests for amendments so as to accord with Council requirements are made.

**PUBLIC RESPONSES:**

58. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 83 letters of representation have been received. Of these responses 82 raise objections and concerns with regard to the application. No letters of support have been received though 1 letter raises points of support and objection to the scheme. The matters raised are summarised below.

Objection

- The houses are not considered to be needed with many properties for sale.
- There are alternative sites more suitable for development with objection raised to the loss of greenfield, agricultural land and loss of agricultural heritage.
- Objections are raised to the applicant’s arguments within the application that the Council’s preferred housing allocations are undeliverable.
- The development would set a precedent for development on other greenfield sites.
- East Durham has a high number of empty properties and such properties should be brought back into use.
- Removal of the separation between Seaham and Dalton-le-Dale with subsequent loss of identity and harm to their character and heritage.
- Objection to the visual impact including with regards to the acoustic barrier proposed adjacent to the A19.
• Objection to the design of the housing.
• Concerns whether local services and facilities such as schools, nurseries and doctors can cope with the additional population.
• Requests are made for extensions of time on the consultation period with resident due to delays in arrival of these letters.
• Concerns over highway safety (including pedestrian safety), parking provision and traffic implications. Elements of the submitted Transport Assessment supporting the application are contested.
• Construction works could cause delays on the roads and hamper emergency service vehicles travelling in the area.
• Concerns over the potential for flooding are raised with reference made to previous flood events in the area. Drainage infrastructure is considered to be at capacity. The listed Church of St Andrew in Dalton-le-Dale could be at risk of structural damage from flood waters.
• Concerns regarding the future maintenance and management of affordable, rented homes.
• Loss of views.
• Devaluing of property and impact upon the ability of residents to sell their homes.
• The proposal fails to provide adequate social/affordable housing and housing for the elderly.
• Harm to ecological assets and wildlife including through the loss of hedgerow (considered an important hedgerow) due to road widening.
• Harm to the residential amenity of neighbouring properties from the proximity of the housing and the parkland and vehicles passing property. Further concerns are expressed with regards to landscaping that future occupiers will place in garden spaces blocking light.
• The development would increase noise levels for local residents which are already affected by the noise emanating from the A19 traffic. Further concerns are raised with the content of the submitted noise assessment.
• Increase in dog fouling.
• The proposed pedestrian access route to Dalton Heights would leave properties vulnerable to theft.
• Increase in light spillage with resultant impact on hobby of astrology.
• SUDs water attenuation features could pose a health and safety risk for children.
• Concerns raised that this development would compromise the ability for new business enterprises in the form of diversification to occur at neighbouring West Farm.
• The New Homes Bonus, cited by the applicant as a benefit of the development is objected to as other more alternative development sites would also deliver this bonus.
• Concerns are expressed with regards to the impact of the development upon air quality.
• Concerns are raised that the applicants confirmation that they would be willing to provide monies for necessary off-site highway improvements is a form of inducement of the Council to grant planning permission.
• Concerns over future maintenance and management of features such as the parkland and the SUDs attenuation features.

Support

• The development will bring investment and jobs to the area.
• The development would involve the cutting back of a roadside hedge which has been requested for some time.
• Traffic calming measures will be introduced as a result of the development.
• The proposed parkland will be beneficial to the community and wildlife.

59. **Campaign to Protect Rural England (CPRE)** – Object to the application. Concern is raised with the proposed development of a greenfield site which is not proposed for allocation within the emerging County Durham Plan. CPRE challenge the number of houses proposed for development under the emerging County Durham Plan and furthermore alternative sites are available in Seaham that are proposed for allocation within the emerging County Durham Plan. The need for this proposed housing is therefore questioned. The application is considered deficient in the manner in which it addresses meaningful proposals for cycling. Concern is raised with regards to the potential for flood risk. The shallow ponds to the south of the site are welcomed, however.

60. **Durham Constabulary Architectural Liaison Officer** – Originally raised objection to the pedestrian link proposed to the rear of Dalton Heights considering that the link could become a crime generator by providing easy access to the rear of the existing and proposed properties. No comments have been raised to amended plans which remove this link.

61. **Graeme Morris MP** - Objects to the development. The development is considered unacceptable in principle contrary to the existing and emerging Local Plans. A strategic gap and greenfield site between Seaham, Murton and Dalton-le-Dale would be removed. Objection is raised on the grounds of highway safety and the potential for an increase in flood risk including potential impacts on the structural integrity of St Andrews Church, Dalton-le-Dale. The loss of a green corridor, ancient hedgerow and harm to wildlife is also cited. Graeme Morris MP also provides copies of letters and correspondence that he has received directly from his constituents raising objections to the development.

62. **Cllr Napier and Cllr Maitland** – Both object to the proposals. Joint comments are submitted raising objections in regards to; flooding/drainage; highways and traffic implications; impact on neighbouring settlements and loss of identity of Dalton-le-Dale; impacts upon ecological grounds; and conflict with the emerging County Durham Plan and the existing Easington District Local Plan.

**APPLICANTS STATEMENT:**

63. None received.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: [http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application](http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application)

**PLANNING CONSIDERATIONS AND ASSESSMENT**

64. 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 considerations including representations received it is considered that the main planning issues in this instance relate to the principle of development, the layout and design of the development, residential amenity, highways issues, flood risk and drainage, ecology and impacts on heritage assets.
The Principle of the Development

The Case for Housing

65. At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, unless material planning considerations indicate otherwise, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in this Framework indicate development should be restricted.

66. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to identify and update annually, a supply of specific deliverable housing sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing this buffer should be increased to 20%.

67. Paragraph 49 of the NPPF states that development plan policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

68. Following the first stage of the Examination in Public (EiP) into the County Durham Plan (CDP) the Inspector concluded that an appropriate Objectively Assessed Need (OAN) figure for County Durham would be 1,435 dwelling per annum (dpa). Durham County Council has commenced Judicial Review proceedings with regards the Inspectors interim views.

69. However, taking this approach to the OAN, over the next 5 year period the housing requirement would be 7,175 units. As County Durham has not reached its housing target in any of the last four years it is considered that the 20% buffer should apply. This results in a 9,912 dwelling requirement over next 5 year period.

70. On the basis of the above housing requirement the Council has produced a statement to establish that there is sufficient land supply for the five year period from 1 April 2015 to 31 March 2020 across County Durham. This document updates the five-year supply information which was submitted to the EiP of the CDP in recognition that the housing completions data for 2014/15 are now known, and the supply position is constantly evolving in terms of new schemes receiving permission, and other permissions lapsing during the last financial year.

71. This statement demonstrates that the LPA has 5.80 years supply of deliverable sites as required by the NPPF, and confirms that there is sufficient potential capacity within the County to maintain a 5-year supply of deliverable sites. Therefore, having regards to paragraph 49 of the NPPF relevant policies for the supply of housing can be considered up to date. An assessment of the consistency of those relevant policies with the content of the NPPF must still be made in assessing the weight to be attributed to Local Plan Policies.

72. ELP Policy 3 seeks to protect the countryside from inappropriate development and unless other ELP policies specify otherwise, development beyond established settlement boundaries will not be permitted. ELP Policy 1 supports Policy 3 in this regard.
73. The ELP establishes settlement boundaries for both Seaham and Dalton-le-Dale. The application site is located beyond the limits identified for both settlements, and is therefore, within the countryside. The justification to Policy 3 identifies housing for rural workers as an exceptional case whereby housing in the countryside can be considered acceptable in principle. The policy (Policy 69) relating to such development is, however, not “saved” under the Planning and Compulsory Purchase Act 2004. There are no saved ELP policies which accept the principle of the development of a major housing development beyond a settlement boundary and as a result the development is contrary to the ELP in this regard.

74. The NPPF does not specifically advocate settlement boundaries. However, the twelve core planning principles within the NPPF recognise the intrinsic character and beauty of the countryside and encourage the re-use of previously developed land. Paragraph 111 of the NPPF reinforces this encouragement of the re-use of previously developed land. Furthermore, NPPF paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. ELP Policy 1 equally seeks to protect the best and most versatile agricultural land. Natural England have provided details of an agricultural land assessment dated September 1998 and Ministry of Agriculture, Fisheries and Food (now superseded by Department for Environment Food and Rural Affairs) land classification map. The application site is identified as a mixture of Grade 2, 3a and 3b agricultural land. Grade 2 and 3a is defined within the NPPF as being best and most versatile agricultural land and this is the land upon which the residential development is proposed. Approximately 6.3ha of the application site is defined on the land classification map as best and most versatile land.

75. In regards to housing development on agricultural land beyond settlement boundaries, ELP Policies 1 and 3 are considered to remain largely consistent with the provisions of the NPPF.

76. In accordance with Paragraph 215 of the NPPF significant weight should therefore be given to ELP Policy 3 and the supportive element of Policy 1.

77. At this stage Policy 15 of the County Durham Plan (CDP) carries very limited weight. However, the Policy provides guidance on development on unallocated sites within the built up area. Development, including housing, can be compliant with CDP Policy 15 where it meets a number of criteria and where it is considered to be located within the “built up area”. The built up area is defined within the CDP and this definition includes reference to land on the edge of a settlement. The definition explains that land on the edge of a settlement can be considered to be part of the built up area where it is physically very well contained by existing built development and its development would not result in coalescence with neighbouring settlements or encroachment into the countryside such that it would cause significant adverse landscape or townscape impact.

78. The application site is not very well contained by existing built development and is considered to gain no support from CDP Policy 15 in this regard (whilst accepting that only limited weight could be attributed to any degree of compliance). Further consideration of matters surrounding coalescence is provided in a sub-section below.

79. As a result, the proposed development represents an unacceptable encroachment into the countryside beyond the settlement limit of Seaham with subsequent loss of best and most versatile agricultural land. The LPA can demonstrate a 5 year
housing land supply (plus 20% buffer) and relevant ELP Policies are therefore considered not to be out-of-date, absent or silent. It is considered that there is no justification to attribute such an amount of weight to the site’s potential contribution to the housing land supply in respect to the next 5 years supply that warrants significantly reducing the weight to the attributed to relevant greenfield land and rural restraint policies and guidance.

80. Application documentation seeks to demonstrate support for housing on the site. Within the applicant’s case reference is made to what are considered to be obstacles to the delivery of the proposed housing allocations for the Seaham area within the CDP. Whilst only very limited weight can be attributed to proposed housing allocations within the CDP the identified sites are considered deliverable.

81. Reference is made to CDP Policy 4 and the applicant considers that there is an identified shortfall in the housing requirement for Seaham, strengthening the case for development on the application site. CDP Policy 4 is intended to present a distribution of the housing requirement based principally upon the role and function of the settlement in relation to the Plan's Spatial Approach. The figures are an indication of distribution and are neither a minimum nor a ceiling. Furthermore CDP Policy 4 has been subject to adverse comment in the Inspectors Interim Report and can be attributed no weight. The Inspector’s Interim views on the CDP suggest that an adjustment to the spatial distribution of development across the County proposed under CDP Policy 4 should be made and this includes a suggestion to redistribute some development allocation to Seaham. Despite this it does not follow that this site or quantum of development at this site is appropriate.

82. Many public and Town and Parish Council respondents raise objections with regards to the principle of development. With regards to the concerns raised over the ability of services and infrastructure to cater for the development, Seaham is identified as a “main town” within the CDP and supporting evidence base document – County Durham Settlement Study 2012. Seaham has a range of services and facilities within a short distance of the site. Specifically regarding matters of education, the School Organisation Manager has raised no objections stating that sufficient school places are available to accommodate the additional pupils from the development. Officers raise no objections to the development specifically on matters surrounding availability of services and facilities.

83. Public opposition to the development contends that more housing is simply not needed with references made to a considered excess of housing development sought within the CDP and reference to the number of houses for sale or vacant in Seaham and the east Durham area.

84. Officers consideration that there is no justification to attribute significant weight to the site’s potential contribution to the housing land supply in respect to the next 5 years has been outlined above. Officers disagree that on a wider and more general basis housing within the Seaham or East Durham area are simply not required.

85. Public opposition to the development considers that a precedent could be established for the development of other similar greenfield sites should planning permission be granted for the development. The greenfield nature of the site contributes to officers’ objection to the principle of the development in this case. However, notwithstanding this, each application is assessed on its merits and as a result it is not considered that the decision made on this application establishes any precedent for other sites.
86. Public objection is raised to the absence of an appropriate mix of housing including affordable housing and housing for the elderly. The application proposes 10% affordable housing provision which accords with the requirements of the Strategic Housing Market Assessment (SHMA) for the housing delivery area. Two, three and four bed properties are all proposed and officers raise no objections to the proposed mix.

*Impact of the Development upon the Character and Appearance of the Area and the Potential for Coalescence*

87. The settlements of Seaham and Dalton-le-Dale, as defined by their settlement boundaries within the ELP, are separated by a relatively narrow area of countryside. The application site is considered to comprise one section of this countryside that preserves the separation of Seaham from Dalton-le-Dale.

88. The justification to ELP Policy 3 states that boundaries have been drawn around all settlements in the District to delineate the limits to development of the existing urban areas. The twelve core planning principles of the NPPF advise that planning should take into account the different roles and character of different areas.

89. The application site is considered to perform an important role in maintaining a physical and visual separation between Seaham and Dalton-le-Dale and in contributing to provide a fine setting to the settlements. NPPF paragraph 109 states that valued landscapes should be protected and enhanced.

90. Whilst only very limited weight can be attributed to CDP Policy 15, the definition of the “built up area” within CDP clearly excludes land that, if developed, would result in coalescence with neighbouring settlements.

91. It is acknowledged that the proposal includes elements that in part seek to prevent a harmful coalescent impact. The proposed housing does not quite extend so far south as to physically meet properties within the Overdene Estate at Dalton-le-Dale. The proposed estate has also been designed so that the elements that extend farthest south are located slightly more towards the western boundary of the site rather than the eastern boundary and are therefore farther from the Overdene Estate which marks the closest point of Dalton-le-Dale. Most significantly, the southern section of the site is proposed to be reserved as landscaped parkland. The submitted landscape and visual impact assessment considers that such an approach will allow the existing visual separation between the urban areas of Seaham and Dalton-le-Dale to be retained.

92. It is acknowledged that Landscape and Design and Conservation Officers both reference the parkland proposed within the southern half of the site and the beneficial impacts upon reducing the potential for coalescence.

93. However, it is considered that the mitigation measures proposed would not suffice and that a harmful coalescent effect would occur as a result of the development.

94. The most southerly plots proposed within the residential development are located approximately 50m north of the curtilages of the dwelling houses located at the Overdene Estate. In comparison, the rear curtilage of No. 2 Dalton Heights is located approximately 210m from the curtilage of the nearest property at the Overdene Estate. The development would result in a significant reduction in the undeveloped land which currently and decisively separates Seaham and Dalton-le-Dale.
95. From Falcon Point, an elevated vantage point within the recreational space at Dalton Park, the significant degree to which this area of countryside between Seaham and Dalton-le-Dale would be eroded would be clear to see. This view is assessed within the submitted landscape and visual impact assessment (LVIA). The LVIA considers that the visual effect of the development would be minor. The LVIA considers that the housing area within the proposed site would represent a low level of change within the view considering the adjacent residential backdrop and the many other urban elements in the view. Officers consider that this assessment fails to recognise how clearly properties at Dalton Heights, the southern limit of Seaham, and the Overdene estate at neighbouring Dalton-le-Dale can be viewed and in turn that in this view the development would effectively infill this green wedge of land between the settlements.

96. The view from the roadbridge over the A19 within the LVIA presents a similar view towards the site from the south though the coalescent impact would be less pronounced from this viewpoint.

97. The A19 is to the immediate west of the application site and provides a location where many passing motorists can view the site. The open nature of the field providing the separation between Dalton Heights and the Overdene Estate can be clearly viewed. There are a number of informal paths and pedestrian routes to the west of the site where similar views of the site can be gained and the submitted LVIA provide examples. Whilst landscaping proposals and an acoustic fence to the western boundary of the site would help in filtering views to the housing itself the proposed residential development would still be apparent in these views and in turn the erosion of the open countryside between the settlements of Seaham and Dalton-le-Dale.

98. A significant section of the mature hedge that currently forms a boundary of the site from the B1285 would be removed to facilitate the necessary road widening and access formation. Whilst compensatory planting could be undertaken to screen the development to an extent when travelling on the B1285 the extension of the built area of Seaham towards Dalton-le-Dale would be apparent.

99. The development would result in a significant intrusion into the countryside to the south of Seaham and erode the separation of Seaham from the village of Dalton-le-Dale.

Conclusion on the Principle of the Development

100. The proposed development represents an unacceptable encroachment into the countryside beyond the settlement limit of Seaham with subsequent loss of best and most versatile agricultural land. This area of countryside plays a vital role in preserving the physical and visual separation between the settlements of Seaham and Dalton-le-Dale. The proposed development would result in a coalescent impact where the distinction and separation between the settlements would be eroded to the point at which a detrimental impact upon the character of those settlements would occur.

101. The development is considered contrary to ELP Policies 1 and 3 and contrary to the advice contained within the twelve core planning principles and Part 11 of the NPPF.

102. A number of benefits of the development at the site are presented by the applicant in support of the application including the provision of 10% affordable housing, job creation and construction value, New Homes Bonus and Council Tax revenues and a contribution to an increase in spending in the area. Council Tax revenues are not
material planning considerations and neither is the New Homes Bonus revenue unless it is known how the monies would be spent and that this is directly related to the development. None of these stated benefits are considered to be so significant or bespoke to the site and development as to outweigh the aforementioned objections to the principle of the development.

Layout and Design

103. Part 7 of the NPPF advocates good design and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

104. Amongst other criteria, paragraph 58 of the NPPF states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

105. This advocacy of good design principles is reflected in ELP Policies 1 and 35 (and supporting appendix 6) and these policies are considered NPPF compliant in this regard.

106. It is considered that the development does not represent good design. Officers’ objection relates to the weakness of the design vernacular that would result from the range ofhousetypes proposed within the layout proposed.

107. Officers raise no significant objections to the design and appearance of the individual dwellings themselves.

108. However, there are a wide range ofhousetypes proposed (18 in total) within the development and some of thesehousetypes show a disparity in design vernacular between one another. Not allhousetypes proposed lack this common design vernacular with one another. To provide an example the design ofhousetypes the Alder, Oak, Hawthorn and Willow present a distinctive design vernacular.

109. Otherhousetypes, however, incorporate design features which differ significantly such as the approach to fenestration detailing and use of flat and pitched roof elements.

110. The layout of the dwellings would not result in clearly defined and identifiable character areas. Housetypes of a design and appearance lacking commonality are located in close proximity to one another and in several areas across the site. An example is the proposedhousetypes at plots 42 to 48 inclusive. In this streetscape the disparity in design between, for instance, the Juniper adjacent to the Oak and the Acadia adjacent to the Hawthorn that turns the corner would be clearly apparent and result in a streetscape that fails to establish a strong sense of place and distinctive character. This provides an example streetscape within the proposed development with design deficiencies but there are other areas within the layout where similar streetscapes would result.

111. Officers acknowledge that approaches to design should not prevent or discourage appropriate innovation. It is also acknowledged that having too many similar or identicalhousetypes that results in repetition without benefit to architectural integrity can be just as inappropriate as a disparity in design vernacular. ELP Policy 35 is supported by Appendix 6 which amongst other guidance encourages complimentary but variedhousetypes.
However, officers conclude that the range of housetypes proposed within this development and in the layout proposed would result in areas and streetscapes being created that would fail to create an appropriate sense of place and fail to create a development that is appropriately designed and attractive.

Accordingly, it is considered that the development fails to adhere to the principles of requiring good design in development within Part 7 of the NPPF and would be contrary to ELP Policies 1 and 35. NPPF paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

As the proposal seeks to provide a large landscaped parkland area within the southern section of the site the development provides a substantial amount of public open space within its bounds. The Open Space Needs Assessment (OSNA) shows that the Seaham, Dawdon and Deneside Electoral Divisions do show an under-supply of park and garden spaces and the development would contribute towards to the provision of such space. The OSNA also identifies that the Electoral Division has an under-supply of children’s play space, which is not indicated as being provided within the landscaped parkland. The matter could be addressed by way of a financial contribution secured by way of a S106 legal agreement in the event permission is granted having regards to ELP Policy 66.

Public responses include specific objection to the inclusion of a bund and acoustic fence on the western boundary of the site. Officers consider that once the landscaping scheme had established and matured this particular feature would not be harmful to the character and appearance of the area.

Public responses raise concern over the potential loss of an important and ancient section of hedgerow. An important hedgerow is defined by The Hedgerow Regulations 1997 and must firstly have existed for 30 years or more and secondly must meet at least one further criterion within schedule 1 of those regulations which determine the value of the hedge having regards to its archaeological and historic and ecological and landscape attributes. A site specific assessment of the hedge to determine whether it can be defined as an important hedgerow is not included within the application though potentially the hedge in question does meet the necessary criteria. The Hedgerow Regulations make it clear that where removal of a hedge to which the Hedgerow Regulations apply is permitted by works approved under a planning permission then the notification procedures within those Regulations do not apply. Though the loss of the hedge would contribute to the impact of the development beyond the settlement boundary of Seaham officers raise no significant objections to the specific impact of the loss of the section of hedge as a result of the development.

ELP Policy 35 requires that the design and layout of development would have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. Appendix 6 supports this policy further and specific space and amenity guidance and advice on security and crime prevention within residential layouts are provided. ELP Policies 1 and 38 (supported by Appendix 11) provide further support and guidance with regards to matters of amenity and security. These Policies are considered NPPF compliant with a core planning principle at paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the
NPPF amongst other guidance advices on the need to create safe and accessible environments where crime and disorder and the fear of such are considered.

118. With regards to the relationships within the proposed development itself, in many instances the siting of the dwellings meets or exceeds the separation distance requirements required by ELP Appendix 6. There are instances where this is not the case and distances between windows in facing elevations or distances between windows and flanking gables do fall short of the necessary standards. In the majority of these instances distances are slightly below the guidance contained within ELP Appendix 6 for instance distances between main elevations of between 19m and 20m rather than 21m and distances between habitable room window and flanking gables of between 12m and 13m rather than 13.5m

119. There are some instances where specific relationships are more significantly below the recommended standards in ELP Appendix 6. This includes a 17m separation distance between habitable room windows between plots 61 and 77 and 18m separation between plots 30 and 59. Verandas on the rear of the Aidan housetype come to within 17m and 18m of the rear elevation of the Chesterton housetypes at plots 74 and 75.

120. All these relationships relate to those between proposed dwellings within the residential development itself and to a degree future occupiers of the development can judge for themselves whether the space between dwellings is acceptable to them. Overall across the 134 no. dwellings proposed relationships between properties are considered satisfactory and would provide adequate privacy and amenity for prospective occupiers.

121. Public responses include concerns over the impact of the development upon their levels of amenity and privacy.

122. Properties on Dalton Heights are adjacent to the site to the north. Those properties on Dalton Heights closest to the flanking B1285 are considered to be provided with adequate privacy and amenity with distances exceeding guidance contained within ELP Appendix 6. It is noted that some of these properties at Dalton Heights have feature rear windows, conservatory extensions and balcony areas. Despite this, officers consider that taking into account the separation distances involved that the development would preserve the amenity and privacy of the occupiers of properties 2-8 Dalton Heights.

123. Farther from the B1258 the relationship between the development site and some properties on Dalton Heights becomes more intimate. Officers consider that the development would result in a serious adverse effect on the amenity of those living within Nos. 11 and 14 and 25 Dalton Heights.

124. No. 11 Dalton Heights has a conservatory extension located immediately adjacent to the proposed rear curtilages of plots 22 and 23. Final details of the finished levels of dwellings and the curtilages within the development have not been provided. At present the land rises up to meet the boundary fence of 11 Dalton Heights and when stood adjacent to 11 Dalton Heights within the development site the conservatory extension is overlooked. Officers consider that when the rear curtilages of the plot 22 and 23 dwellings are utilised there is significant potential for the invasion of privacy of the occupiers 11 Dalton Heights by reason of the proximity of the garden spaces to the existing habitable room and the potential ease at which views over a boundary fence could occur.
No. 14 Dalton Heights is an L-shaped bungalow. The bungalow is orientated so that a side elevation including windows, a veranda area and a gable end elevation including windows to habitable rooms are located adjacent to and at close proximity to the development site boundary. A vehicular turning area and access to garage for the plot 68 dwelling and areas of front curtilage for plots 66 and 67 are proposed adjacent to 14 Dalton Heights.

The use of the vehicular turning areas and curtilages within the proposed development would lead to disturbance and loss of privacy for the occupiers of 14 Dalton Heights. It is considered that the relationship between these elements of the development and the south facing elements of 14 Dalton Heights would result in a relationship too intimate with a detrimental impact on the amenity of the occupiers of 14 Dalton Heights.

No. 25 Dalton Heights has a conservatory extension located immediately adjacent to the proposed rear curtilage of the plot 69 dwelling. When within this conservatory a clear open outlook across the development site over the existing boundary fence can be gained. Final details of the finished levels of dwellings and the curtilages within the development have not been provided. At present the land rises up to meet the boundary fence of 25 Dalton Heights and when stood adjacent to 25 Dalton Heights within the development site a clear view into the conservatory extension is gained. The relationship is similar to the concerns expressed regarding No. 11 Dalton Heights though officers consider the potential for an invasion of privacy is greater still. It is considered that when the rear curtilage of the plot 69 dwelling is utilised there is significant potential for the invasion of privacy of the occupiers of no. 25 Dalton Heights by reason of the proximity of the garden space to the existing habitable room and the potential ease at which views over a boundary fence could occur. The feeling of an invasion of privacy for the occupiers of No. 25 Dalton Heights would be exacerbated by plot 69 dwelling incorporating a first floor veranda. This veranda is wide enough to provide a sitting area and in this particular relationship the distance of 21m from the conservatory of no. 25 Dalton Heights is considered to be insufficient to prevent a harmful invasion of privacy.

Public responses raise further concerns regarding the loss of outlook that could occur through occupiers of the proposed development undertaking planting within garden spaces. If the application was approved officers consider it would be unreasonable and unnecessary to control future landscape works by occupiers of the properties in perpetuity.

Harm to the residential amenity of neighbouring properties from the proximity of the parkland is also cited in public responses. Glenville Lodge and Dalton Cottage would be in particularly close proximity to the southern edge of the proposed parkland. However, officers consider that final landscape proposals could ensure a suitable boundary solution that would allow for adequate privacy and amenity for occupiers.

Further public objection relates to the potential for the number of vehicles that could pass properties on Dalton Heights. However, the link shown on plan between 11 and 12 Dalton Heights is not a vehicular route.

The application is accompanied by a noise assessment report the scope of which was to assess existing noise levels and mitigation strategies in order to achieve acceptable noise levels for the proposed residential development. The report identifies that the A19 and surrounding road network are the principal noise sources that would affect the development and mitigation measures are required. Acoustic fencing and an earth bund are proposed adjacent to the A19 and glazing and
ventilation requirements for the properties are recommended for the dwellings themselves.

132. Environment, Health and Consumer Protection Officers have assessed the submitted report agree with the methodology of the submitted noise report. Environment, Health and Consumer Protection Officers have raised some reservation with the development as 4 no. properties are predicted to experience external noise levels above the World Health Organisation guidance limit of 55dB LAeq (despite the mitigation measures proposed). However, Environment, Health and Consumer Protection Officers conclude that the predicated noise levels are marginally above the guidance limits and these noise levels relate to a minority of properties within the site. As a result Environment, Health and Consumer Protection Officers do not raise objections to the development. It should be noted that these comments relate to the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990. However, with regards to residential amenity officers concur with these views and it is considered that adequate amenity would be retained for the occupiers of the proposed development.

133. With regards to the impacts of the construction phase of the development Environment, Health and Consumer Protection Officers consider that there is potential for noise disturbance throughout the construction phase and conditions are therefore recommended on any approval.

134. Within the public concerns raised with regards to noise, a specific concern is raised that the development would increase noise levels for local residents which are already affected by the noise emanating from the A19 traffic. It is considered that the level of noise from the occupancy of the development would not result in noise levels that are significantly altered from the existing situation where the A19 and road network are the principal noise sources and officers do not object on these grounds.

135. Environment, Health and Consumer Protection Officers also recommend conditions with regards to agreeing an external lighting scheme, dust and smoke suppression and working hours. In the event of an approval conditions to agree best methods of dust and smoke suppression can be attached and a condition regarding working hours. A condition regarding lighting is not considered necessary as standard street lighting to adoptable standard is considered to be acceptable.

136. During the course of the application amended plans have been received removing a previously proposed narrow pedestrian link between the rear of the properties on Dalton Heights and proposed properties within the development. This route attracted safety and security concerns from local residents and the Durham Constabulary Police Architectural Liaison Officer. The removal of the link is welcomed by officers.

137. Public respondents contend the submissions within the application with regards to the impacts of the development upon air quality. The application is accompanied by an air quality assessment and Environment, Health and Consumer Protection Officers consider that this does demonstrate that impacts on air quality as a result of the development would be insignificant. A condition to ensure that a dust control management plan is implemented is recommended, however.

138. Public objections reference a loss of a view due to the development. However, weight should not be attached to the impact of the loss of a private view.

139. Public concerns over a potential increase in dog fouling and an increase in light spillage with resultant impact on hobby of astrology are noted. It is not considered that these impacts would be significantly harmful and warrant officer objection.
140. Officers raise no objections to the development on the grounds of any adverse impact upon the amenity of those living or working in the vicinity of the development site. The development is considered compliant with ELP Policies 1, 35 and 38 and having regards to Parts 8 and 11 of the NPPF.

Highways Issues

141. Concerns over highway safety, parking provision and the traffic implications of the development are amongst the most significant concerns of public and Town and Parish Council respondents.

142. The application is accompanied by a transport assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes highways matters such as the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.

143. In order to facilitate safe access for the development a 5.5m wide access road from the B1285 is proposed. This would be served by a 1.8m wide footway along both sides. A section of the B1285 itself would be widened from its present 6.7m wide carriageway so as to include a 3.25m wide northbound lane, 3.25m southbound lane and a 3.5m wide right turning lane. Two traffic islands on the B1285 are proposed, one north and one south of the right turning lane. To provide adequate visibility for the new access a 2.4m x 120m visibility splay is proposed.

144. The Highway Authority has assessed the submitted TA and the predicted hour trip generation is considered to be acceptable as is the assignment of the predicted trip generation to the local road network. Impact on local network junctions is considered to be acceptable. An accident analysis has demonstrated that the increased risk of collision would not be significant as a result of the development traffic and no specific mitigation measures are considered necessary to reduce accident risk.

145. The Highway Authority considers that the site access junction is acceptable. In the event of an approval it is considered necessary that this junction be constructed at an initial phase before works on the housing development occurs in the interests of highway safety. This could be conditioned.

146. Traffic calming measures are considered within the TA and the Highway Authority confirms that a scheme of signage and highway marking works on the B1285 from the junction of the B1432 at Cold Hesledon to the Graham Way roundabout (inclusive) should be undertaken.

147. During the course of the application it was noted that the submitted TA failed to recognise committed developments that should be considered due to the potential for cumulative impact. Most notably a second phase of the Dalton Park development, a significant mixed use development.

148. The applicant has not provided an amended TA to incorporate an assessment of the implications of the committed development at Dalton Park. However, despite the absence of this information the Highway Authority have advised that they can make an informed enough assessment of the cumulative impact and that determination of the application can occur despite the deficiencies in the TA in this regard. The Highway Authority considers that the cumulative impacts of the development
proposal and the committed development in the area would not result in a severe impact.

149. With regards to the layout of the development. Originally the Highway Authority raised a number of amendment requests. This included but was not restricted to, requests to amend visitor parking provision and an amendment of a hard strip so as to meet adoptable standards.

150. Amended plans have been received which have addressed the majority of the requests of the Highway Authority. The exception to this is that the Highway Authority made a request for secondary and emergency vehicle access to Dalton Heights which is not proposed on the most up to date plans. The absence of such a link to provide increased permeability of the site and an alternative site access in the event of emergency is considered disappointing by the Highway Authority though not ultimately considered a reason to raise substantial objection to the development as a whole.

151. The Highways Agency has raised no objections to the development though do recommend that a travel plan is implemented.

152. Travel Planning Officers have assessed the submitted travel plan accompanying the application and some requests for amendments so as to accord with Council requirements are made. A revised travel plan could be resolved under a condition attached to any approval.

153. With regards to sustainable transport the application site is considered to be in a locality with acceptable access to sustainable transport modes. The nearest bus stop is identified as being approximately 380m from the centre of the site.

154. Concerns expressed by public respondents include concerns that construction works could cause delays on the roads and hamper emergency service vehicles travelling in the area. Officers consider that any development of this nature would require construction vehicles to attend. Officers consider that there are no specific issues with the local highway network that would result in the attendance of construction vehicles being particularly problematic. However, the Highway Authority do consider that the access junction should be formed as part of an initial phase of works so as to ensure the safe access and egress of construction vehicles.

155. Public concerns are expressed that the applicants’ confirmation that they would be willing to provide monies for necessary off-site highway improvements is a form of inducement of the Council to grant planning permission. This is not the case. Where off-site highway works are necessary for a development to be acceptable in highways terms it is the developer that is required to pay for said works.

156. In conclusion, despite the significant concern that has emerged out of the consultation process regarding matters of highway safety, sustainable transport and the adequacy of documentation in support of the application relating to highways issues, officers consider that the development is acceptable from a highway safety and sustainable transport perspective. The development is considered to comply with ELP Policies 1, 36 and 37 and Part 4 of the NPPF.

Flood Risk and Drainage

157. Concerns over the potential for flooding and drainage issues are amongst the most significant concerns of public and Town and Parish Council respondents.
158. The application is accompanied by a flood risk assessment (FRA). The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.

159. The FRA considers the risk of the site to suffer from groundwater flooding. The assessment is desk-based without a detailed ground survey being utilised for the assessment. However, from an analysis of bedrock and superficial geology and soil types the FRA considers the risk of groundwater flooding to be low.

160. The FRA identifies some history of sewer flooding to the south of the application site in the vicinity of the Times Inn Public House. Disposal of foul drainage is proposed to the public sewer. Northumbrian Water has raised no objections to this.

161. Durham County Council is the Lead Local Flood Authority and the SUDS Approval Body (SAB). Drainage and Coastal Protection Officers have been consulted on the application and objections are not raised to the development in principle and the use of SUDS is welcomed. Drainage and Coastal Protection Officers advise that full details on the design, construction and maintenance regime for such a system would be required.

162. Developments should follow an established hierarchy of preference regarding surface water disposal and this requires that surface water is disposed of in the following order of preference; i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

163. With regards to surface water disposal and the potential for flooding from overland flows the FRA does not incorporate final engineered solutions. The FRA proposes a preferred solution involving the discharge to the Dawdon Dene via an existing culvert to a small tributary watercourse travelling between the existing properties of Dalton Lodge and Rose Cottage.

164. In order to control the rate at which water would be discharged, means of attenuating water are indicated this may involve ponds, swales and storage tanks, however, details provided are at a preliminary rather than final engineered stage.

165. The submitted FRA considers that disposal via infiltration will unlikely be appropriate on the site due to the nature of the soils. The FRA therefore proposes disposal via the watercourse. However, in the absence of permeability tests to demonstrate the unsuitability of the sequentially preferable use of infiltration or soak away techniques, officers cannot at this stage fully accept the preferred preliminary surface water disposal proposals. Despite this officers consider that a final solution to surface water disposal could be agreed under a condition.

166. The development would result in the loss of approximately 2.7ha of greenfield land to a predominantly hard-surfaced residential development. However, at the moment the surface water run-off from the field is essentially uncontrolled. A fully engineered surface water drainage solution for the site would permit for control and attenuation measures.

167. Officers consider that a suitable final solution could be devised under a condition to ensure a final engineered solution involving appropriate SUDS and/or blue and green infrastructure techniques. Objections have not been raised from the key consultees of Drainage and Coastal Protection Officers, Environment Agency and Northumbrian Water.
168. Public responses to the application reference concerns regarding health and safety risks posed by the SUDS water attenuation features and further concerns over their maintenance and management. The final engineered drainage solution for the development is not complete and in the event of any approval conditions/planning obligations would be required to finalise the proposals and their management/maintenance. CIRIA have published guidance with regards to SUDS features and this includes with regards to health and safety. CIRIA are an independent construction and industry research and information association who work collaboratively across the construction industry to identify best practice. Such guidance presents principles so as to ensure that SUDS features are designed with health and safety in mind but also advices that there is a need for a balancing exercise between the risk and benefits of SUDS features. Blue and green infrastructure (water and landscape features) as a means to manage the drainage of sites through mimicking natural drainage features are likely to become more and more commonplace with a reduction in the less sustainable use of pipes and the like (grey infrastructure). Officers raise no objection to the incorporation of SUDS features in principle due to health and safety concerns.

169. Despite the significant public concerns regarding matters surrounding flood risk, drainage capacity and related land stability issues officers consider that a solution to provide adequate and controlled drainage of the site can be devised and as a result objections to the development are not raised as a result. The development is considered acceptable and compliant with Part 10 of the NPPF in this regard.

170. The Local Planning Authority has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving a listed building and its setting. Public concern includes that related to the potential impact of the water discharges from the development detrimentally affecting the Grade II* Listed Church of St Andrew. However, with the controls that a finally engineered drainage solution of the site can devise officers consider that the development can be undertaken without increasing the risk to the Church of St Andrew in this regard and in compliance with ELP Policies 1 and 24 and Part 12 of the NPPF as a result.

Ecology

171. The application is accompanied by an Extended Phase 1 Habitats Survey report, which has been updated during the course of the application, and in addition, a Habitat Regulations Assessment Scoping Opinion.

172. Durham County Council is the competent authority who must decide whether the application requires an appropriate assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted. Such an appropriate assessment would consist of a robust assessment of the implications of the proposed development upon a European site.

173. The submitted Habitat Regulations Assessment Scoping Opinion identifies a number of European Protected Sites within a 15km radius of the application site. These sites are the Castle Eden Dene Special Area of Conservation (SAC), Durham Coast SAC, Northumbria Coast Special Protection Area (SPA), European Marine Site and Ramsar Site and Teessmouth and Cleveland Coast SPA and Ramsar site. These sites vary in distance from the site from between 2.6km to 7.9km.
In considering whether the application requires an appropriate assessment under The Habitats Regulations an assessment for the potential for significant effects on the relevant sites is made. In this instance those relevant sites are the abovementioned SACs and SPAs. The Habitats Regulations assessment also applies to the special features of the Ramsar sites identified above.

Key potential effects of the development proposal upon these sites are; the degree of habitat and species disturbance through an increase in recreational pressure; potential for detrimental impacts on air quality; potential for detrimental impacts on water quality; and potential hydrology impacts.

The judgement of Durham County Council as competent authority is that the effects of the development will not be significant upon the potentially affected sites and as a result an appropriate assessment under The Habitats Regulations is not required.

The submitted Extended Phase 1 Survey Report considers the potential for the development to affect protected species and Biodiversity Action Plan (BAP) Species.

The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Part 11 of the NPPF. In addition with regards to European Protected Species (EPS) under the requirements of The Habitats Regulations it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of The Habitats Directive requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions.

The submitted Extended Phase 1 Survey Report considers that the potential for the development site to be supporting roosting bats, badgers, great crested newts, otters, water voles, reptiles and red squirrels is considered to be low. There is potential for habitats on site to provide opportunities for nesting birds and the hedgehog is also more likely to be resident on the site and forage on the site.

However, it is considered that the development would not adversely affect any EPS with no requirement to consider whether an EPS licence would granted.

Suitable mitigation and enhancement measures could be implemented on site so that impacts on species are minimised. The proposed landscape parkland would provide valued habitat whilst other mitigation and enhancement measures are proposed within the submitted Extended Phase 1 Habitats Survey Report.

Sites of Special Scientific Interest (SSSI) within relative close proximity of the site include the Durham Coast approximately 2.6km to the east, Hesledon Moor East approximately 1.5km to the south and Hawthorn Quarry approximately 3km to the south-east. Non-statutory designated ecological sites are also located within relative close proximity of the site, notably Noses Point Local Nature Reserve (LNR) approximately 2.6km to the east, Dawdon Dene and Murton Meadows Local Wildlife Sites approximately 0.2km and 0.8km to the south.

Ecology Officers have considered the submitted ecological reports and ecological implications of the development and no objections are raised.
184. As a result officers raise no objections to the development on the grounds of impacts upon ecological assets and the development is considered compliant with ELP Policies 1, 14, 15 and 18 and Part 11 of the NPPF.

Impacts upon Heritage Assets

185. The application is accompanied by a historic environment desk-based assessment and an archaeological geophysical survey.

186. The historic environment report seeks to identify designated and non-designated heritage assets within a defined study area within the vicinity of the site.

187. The study area identified a total of 16 heritage assets comprising of three listed buildings, one scheduled monument and the remainder a variety of archaeological sites and archaeological find spots. The listed buildings identified are Church of St Andrew (Grade II*), Dalton Bridge (Grade II) and the Lodge to Dalton Pumping Station (Grade II). Church of St Andrew is located approximately 80m from the application site boundary, Dalton Bridge 370m from the site and the Lodge to Dalton Pumping Station 1km from the site. The Grade II* listed Dalton Pumping Station is located just outside the study area approximately 1.2km south of the site. The scheduled monument identified is Dalden Tower and this is located approximately 1.4km to the east of the site. The application site itself contains one heritage asset (non-designated) of archaeological value, a World War II pillbox located towards the south-east corner of the site.

188. The Local Planning Authority has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving a listed building and its setting.

189. The public concerns expressed over the impact of drainage and flooding risk emerging from the development upon the Church of St Andrew have been considered within the “Flood Risk and Drainage” section of this report.

190. Design and Conservation Officers have considered the submitted historic environment assessment and the development proposals. Detailed consideration is focused only on the potential impacts of the development upon the Church of St Andrew which is located approximately 80m from the application site boundary and approximately 330m from the nearest proposed dwelling within the development.

191. Given the combination of the topography, landscape screening and physical separation from the site no concerns are raised with regards to the impact of the development upon the listed building or its setting.

192. Archaeology officers consider that that the submitted desk-based assessment is well researched and comprehensive and the recommendations for the retention of the World War II pillbox should be implemented. The geophysical survey undertaken covered a small area of the site and no invasive evaluation has been undertaken. As a result a condition is recommended for attachment on any approval to ensure the implementation of a program of archaeological investigation. However, no objections are raised to the development with regards to archaeological assets.

193. Officers raise no objections to the development on the grounds of impact upon heritage assets with the development considered compliant with ELP Policies 1 and 24 and Part 12 of the NPPF.
Other Issues

194. Environment, Health and Consumer Protection officers have assessed the submitted geoenvironmental appraisal accompanying the application which includes details of soil sampling from the site. The report demonstrates that there is no made ground on the site. No concerns are raised with regards to the potential for the site to be contaminated with no requirement for a contaminated land condition on any approval having regards to Part 11 of the NPPF.

195. Public responses include requests for extensions of time on the consultation period with residents due to delays in arrival of these letters. The application has been pending consideration for a significant period of time, well beyond the statutory consultation period and the concern in this regard is no longer considered relevant.

196. Public concerns are raised regarding the future maintenance and management of affordable, rented homes and the proposed parkland. Any affordable rented homes would be maintained and managed by a registered provider. It is understood that the applicant proposes the management of the parkland by a private management company. Alternatively the Council has procedures in place to adopt land should the developer wish to apply for adoption.

197. Public concerns are raised over the potential devaluing of property and harmful impact upon the ability of residents to sell their homes as a result of the development. However, such matters are not material planning considerations to be attributed weight.

198. Occupiers of neighbouring West Farm raise the concerns that this development would compromise the ability for new business enterprises in the form of diversification to occur. Officers consider that very limited weight could be attributed to the potential impacts of the development upon any diversification scheme which is uncommitted and the specifics of the diversification unknown.

CONCLUSION

199. The proposed development represents an unacceptable encroachment into the countryside beyond the settlement limit of Seaham on land identified as best and most versatile agricultural land. This area of countryside plays a vital role in preserving the physical and visual separation between the settlements of Seaham and Dalton-le-Dale. The proposed development would result in a coalescent impact where the distinction and separation between the settlements would be eroded to the point at which a detrimental impact upon the character of those settlements would occur.

200. The LPA can demonstrate a 5 year housing land supply (plus 20% buffer) and relevant ELP Policies are therefore considered not to be out-of-date, absent or silent. It is considered that there is no justification to attribute such an amount of weight to the site’s potential contribution to the housing land supply in respect to the next 5 years supply that warrants significantly reducing the weight to the attributed to relevant greenfield land and rural restraint policies and guidance.

201. Officers therefore object to the development on the grounds of this incursion into the countryside and resultant harm to the character of Seaham and Dalton-le-Dale.
202. The NPPF explains that good design is indivisible from good planning. Developments should function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

203. The layout proposed would result in areas lacking defined and identifiable character and create streetscapes that would fail to establish a strong sense of place and distinctive character. Officers therefore object to the development in this regard.

204. The layout proposed would result in an unacceptable adverse impact upon the occupiers of Nos. 11, 14 and 25 Dalton Heights through the creation of relationships with the proposed dwellings that would be too intimate and result in a loss of privacy and creation of disturbance.

205. With regards to other key material planning considerations namely residential amenity, highways issues, flood risk and drainage, ecology and impacts on heritage assets officers consider that the development is acceptable and in compliance with relevant Development Plan and NPPF guidance.

**RECOMMENDATION**

That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale. This would result in an unacceptable coalescent effect contrary to Policies 1 and 3 of the District of Easington Local Plan and advice contained within the “Twelve Core Planning Principles” of the NPPF at paragraph 17 and paragraphs 109 and 111 at Part 11 of the NPPF.

2. The Local Planning Authority considers that the proposed development would result in the layout and arrangement of dwellings that would lack defined and identifiable character and create streetscapes that would fail to establish a strong sense of place and distinctive character. The development is therefore considered unacceptable in design terms and contrary to the requirements of Policies 1 and 35 (and accompanying Appendix 6) of the District of Easington Local Plan and having regard to paragraphs 56-60 and 64 at Part 7 of the NPPF.

3. The Local Planning Authority considers that the proposed development would result in a serious adverse impact upon the residential amenity of the occupiers of Nos. 11, 14 and 25 Dalton Heights. The proximity of the curtilages of proposed plots 22, 23, 66, 67 and 69 to the identified properties on Dalton Heights would result in an unacceptable loss of privacy for the existing residents. This impact would be exacerbated in the case of No. 25 Dalton Heights by the proximity and overlooking impact of a veranda proposed at the plot 69 dwelling. The drive and turning area adjacent to the plot 66 and 67 dwellings would also create harmful disturbance to the occupiers of No. 14 Dalton Heights. The development is therefore considered contrary to ELP Policies 1 and 35 and the associated Appendix 6 and having regards to advice contained within the “Twelve Core Planning Principles” of the NPPF at paragraph 17.
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- National Planning Practice Guidance
- District of Easington Local Plan
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses
DM/14/02017/FPA
Land To The East Of A19 And South Of Dalton Heights Seaham
Residential development of 134 no. dwellings (C3 use class) with associated access and landscaping works

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Comments

Date June 2015
Scale Not to scale