

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/01554/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 48 affordable dwellings (30 houses and 18 bungalows) with associated works including highway widening
<b>NAME OF APPLICANT:</b>	County Durham Housing Group
<b>ADDRESS:</b>	Land To West Of Laburnum Crescent, Parkside, Seaham
<b>ELECTORAL DIVISION:</b>	Dawdon
<b>CASE OFFICER:</b>	Graham Blakey, Senior Planning Officer 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located at Heathway, within the Parkside estate in south Seaham, and is formed by land once occupied by Local Authority housing of the post-war era of same style as the adjacent streets of Laburnum and Jasmine Crescents, and Heathway. The site extends to 1.29 hectares (ha) in size and is focused around the existing highway network which once served the previous housing development on the site. Currently, the application site is grassed open space that is accessible to the public, with defensive planting and timber birds mouth fencing to the highway turning heads to prevent access 'short cutting' across the open space by vehicles. Sporadic trees are dotted across the application site that were mainly planted following the demolition of previous housing. Housing development borders the south west (Heathway), south (Laburnum Crescent) and north (Jasmine Crescent) and is formed primarily of Local Authority housing stock dating from the 1960s. Within the site the ground levels drop from the south to north, with rear gardens of the surrounding houses formed the majority of the application site boundary. These pre-existing boundary treatments vary in type and height but are for the whole part timber boarded fencing.
2. Beyond to the north and west is Dawdon Dene, the watercourse of the same name, and one of its tributaries, which are steep-sided in places and heavily wooded. An extensive network of informal footpaths cross the area to the vicinity of the site, linking the former wagon way to the south of Parkside to Dawdon Dene and the surrounding area. Access to the application site is via Heathway and the wider Parkside estate which joins Princess Road to the east, with access to the town centre (1.5 miles) and train station (1.6 miles).

3. The site lies 1.5km from the Heritage Coastline, a European Protected Site, and therefore within the 6km buffer for the Durham Coast Special Area of Conservation (SAC). The woodland to Dawdon Dene and its tributary are considered ancient woodland and in parts subject to a Tree Preservation Order away from the application site. The Dene is also designated as a Local Wildlife Site. No recorded public rights of way are contained within the application site itself. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is the remains of the grade II\* listed Dalden Tower, which lies 650 metres north via Dawdon Dene.

## The Proposal

4. The application seeks planning permission for the erection of 48 dwellings on a site of 1.29ha. The development would include the area of land previously occupied by housing constructed at the time of the original estate in the 1960s, but since demolished. The development would take the form of frontage development along Heathway (18 units) with use of historic cul-de-sac arrangements to Laburnum and Jasmine Crescents with proposed new link road between the two Crescents proposed. Dwellings would take the form of two-storey buildings to Heathway, with some bungalows (18 units, 37.5%) also proposed within the centre of the site. Houses would front on to Heathway with the bungalows centrally and accessed from Laburnum/Jasmine Crescents. The proposed development would feature three-bedroomed houses accounting for 30 of the 48 homes proposed, with the bungalows all proposed as two-bedroomed. Properties would all feature off-street parking and rear enclosed gardens.
5. The scheme would offer all properties on either an affordable rented bungalows (18 units, 37.5%) or 'Rent to Buy' houses (30 units, 62.5%).
6. The development would utilise the existing road network, with requisite upgrades to the infrastructure where required to widen the estate roads. A footpath link is proposed to link the inner part of the site to Heathway towards the northern part of the application site. This would then link into the proposed footpath links from Heathway out to the Dawdon Dene area that were secured as part of a recent planning approval to the former Parkside School site. The scheme would also tie into an adjacent Sustainable Urban Drainage System (SuDs) proposed as part of the same scheme; however some subterranean storage would be required to manage the discharge from this site. Open space would be focused primarily around the formal footpath link as well as two small pockets of open space adjacent to both 37 Laburnum Crescent and 37 Heathway.
7. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

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## **PLANNING HISTORY**

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8. DM/17/01164/FPA - Erection of 116 dwellings inc. associated infrastructure and landscaping at Land at Former Parkside School, Heathway, Seaham (approved by members 11<sup>th</sup> July 2017 and subject to agreement of s106).

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# PLANNING POLICY

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## NATIONAL POLICY

9. 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’.
10. 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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *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.

16. *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.
17. *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, minimizing 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.
18. *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.

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

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; 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.

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

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

The Easington District Local Plan (2001) (ELP)

20. *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.
21. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
22. *Policy 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.
23. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.

24. *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.
25. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
26. *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.
27. *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.
28. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
29. *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.
30. *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.
31. *Policy 90 – Protection and Provision of Outdoor Sports Facilities.* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

32. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*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/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

33. *Highway Authority* – Raise no objection. The proposed development would produce increased traffic flows through the Parkside estate to the junction with Princess Road to the east. Modelling has indicated that the development, and these increased traffic flows, would not have a significant impact upon the network. The proposed layout is considered to be acceptable.
34. *Northumbrian Water* – Concerns are raised that the nearby sewer network does not have capacity to accommodate additional foul water flows at present. Therefore, upon further certainty that the development would proceed, a request for full details of the foul water drainage strategy for the development be required by way of condition.
35. *Drainage and Coastal Protection* – Raise no objection. Source controls are preferable for inclusion, but are omitted for land ownership reasons.

### INTERNAL CONSULTEE RESPONSES:

36. *Spatial Policy* – The statutory development plan comprises the ‘saved’ elements of the Easington District Local Plan 2001 (EDLP). Paragraph 14 of the NPPF makes clear that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. Paragraph 7 of the framework defines three dimensions of sustainability: economic, social and environmental. Having regard to NPPF and recent case law, it is considered that policies can be considered to be ‘out of date’ where a Local Planning Authority is unable to demonstrate a 5 year Housing Land Supply (Paragraph 49 of NPPF). The Council cannot currently demonstrate a 5 year Housing Land Supply and so Policies associated with the delivery of housing have to be weighted accordingly. Policies 1 and 3 of the EDLP are considered consistent with the NPPF; however, they carry limited weight as a result of a lack of 5 year Housing Land Supply. As a result, the two ‘limbed’ test set out in the ‘Decision Taking’ section of paragraph 14 of NPPF should be engaged in this instance.
37. The saved local plan policies can be considered as part of the planning balance assessment of the Paragraph 14 ‘first limb’ test where they relate to any identified harm and benefits. Therefore, Saved Policies 1, 14, 16, 18, 35, 36, 37, 38, 66 and 90 remain relevant when considering those aspects of the scheme.
38. *Design and Conservation* – Raise no objection in principle. Specific comments are made regarding the proposed layout and parking provision, with works to space out the parking on to Heathway recommended. Linkages between the inner development and the wider area should be promoted, with a physical link recommended.
39. *Landscape* – Raises no objection to wider landscape impacts. Concerns are raised over poor integration of the public open space, leading to unrewarding visual inclusion or likely future use.
40. *Landscape (Arboriculture)* – Raise no objections, although note the regrettable loss of most trees on site. The trees are in varying condition but make a good contribution to the visual amenity of the site. Replacements should be sought if retention is not possible.

41. *School Places and Admissions Manager* – Raise no objections noting that there are sufficient primary and secondary school places to accommodate pupils from this development.
42. *Ecology* – Raise no objections. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with Section H of the report being conditioned as part of any planning approval. It is noted that the proposal is within the 6km Habitats Regulations Coastal Buffer and a Habitat Regulations Assessment (HRA) Screening Opinion has been submitted with the application. The Screening Opinion acknowledges that there may be indirect impacts on the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation. Officers however consider that the impacts can be minimal with appropriate mitigation. It is considered that the site is ideally located to take advantage of the Parkside Community Woodland for HRA mitigation purposes.
43. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted Phase 1 Geo-technical appraisal confirms some remediation is required to made ground and so fuller Site Investigation and Risk Assessment is required.
44. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. The development complies with the Technical Advice Note (TAN) on Noise.
45. *Environment, Health and Consumer Protection (Air Quality)* – Concerns are raised over the cumulative impact upon air quality at the construction phase. Further details should be provided as part of a Construction Management Strategy and Dust Action Plan.
46. *Sustainability* – Raise no objections. Site has good access to community services, facilities on foot and employment opportunities. School access would be more problematic however good public transport links exist. The development should provide sustainability embedded into the development, adhering to Part L (2013) of the Building Regulations.
47. *Access and Public Rights of Way* – Raise no objections. The site has links to a promoted and well used cycle and pedestrian route close to the site (south east).

**PUBLIC RESPONSES:**

48. The application was advertised within the press, on site and letters were sent to neighbouring properties. No representations from the public have been received.

**APPLICANTS STATEMENT:**

49. The site is located to the south west of Seaham, County Durham, in the Parkside residential suburb. The proposed development site is located to the south east of Heathway, south of Jasmine Crescent and around existing turning head of Laburnum Crescent. The brownfield development site previously contained social housing units which were demolished a number of years ago. The site was subsequently grass seeded following demolition, forming an informal green area. The site is in close proximity to the Parkside Community Forest located to the west.

50. Parkside has local facilities including community centre, social club, convenience shop/district post office and take-away. The area is served by public bus routes. Recreational facilities in the surrounding area include: allotments, tennis courts, golf course, football pitch and children's play area.
51. The proposed development will provide 48 dwellings accessed off the existing adopted highway, with 2 dedicated in curtilage parking spaces per plot. The siting and orientation of the units will have no impact on the amenity of surrounding residents. Units comply with national and local authority guidance on space separation and aspect distance requirements. The brownfield site has established residential use. As a result it is considered that the layout, form and design of the proposal accords with the District of Easington Local Plan.

*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>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received insofar as they raise planning matters. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape impact, layout and design, affordable housing, residential amenity, ecology, public open space, highway safety and access, flood risk and drainage, heritage impacts and other issues.

### The Principle of the Development

#### *The Development Plan*

53. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
54. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

#### *The NPPF*

55. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - ii) specific policies in this Framework indicate development should be restricted.

56. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
57. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the EDLP are out-of-date where outlined below.
58. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield sites. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach. This site has previously seen housing development which has been demolished and remediated to amenity grassland. While not sitting within the current definition of previously developed land, the history of the site is a material consideration in this case.

#### *Five Year Housing Land Supply*

59. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
60. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
  - 1,629 houses per year (30,951 houses by 2033)
  - 1,717 houses per year (32,623 houses by 2033)

61. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
62. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
63. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

#### *Assessment having regards to Development Plan Policies*

64. Given the age of the EDLP and housing supply figures that informed it, the housing supply policies (Policies 1 and 3) therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
65. EDLP Policy 3 supports the principle of housing development to non-allocated housing sites within the settlement limits of Seaham and, as such, the proposals would accord with the development plan in this regard. EDLP Policy 1 supports new development which is considered sustainable. The re-use of the once developed land at Heathway and Laburnum Crescent would, in part, be considered consistent with policy, with the locational suitability of the site assessed below.
66. Consequently, and as there are no restrictive policies which would indicate that the development should be restricted, it is considered in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF, and specifically, whether any adverse effects would significant and demonstrably outweigh the benefits.

#### *Locational Sustainability of the Site*

67. The County Durham Settlement Study (2012) is an evidence based document which categorises Seaham as one of the "Main Towns" in the County. These larger towns have access to all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.
68. The application site is considered to be in a sustainable location, with Seaham having a good range of facilities and services, including schools, shops, some community facilities, and good access to public transport. The site is well related to the settlement, being framed to all sides by residential development.

69. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. EDLP Policy 36 encourages alternative means of travel to the private car, and is consistent with the NPPF in this respect. From the application site, Seaham Trinity Primary School is located at a walking distance of approximately 1.3km, with Seaham Town Centre and its range of services some 1.5km away. A regular bus service, operating every 10 minutes during daytime hours, links Heathway and Parkside with Dawdon, Seaham Town Centre and onto Sunderland City Centre. As a result, it is considered that prospective residents would have good access to an array of services and facilities, more than adequate to serve the development proposed, and that these are within relatively easy reach of the site. No objections are therefore raised having regards to the locational sustainability of the site.
70. Remaining policies within the EDLP that are of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
71. Overall, it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with the NPPFs core principles and Paragraph 61, which encourages the integration of new development into the existing environment; and EDLP Policies 1, 3 and 36, which are considered consistent the NPPF in this respect.

#### Landscape Impact, Layout and Design

72. EDLP Policy 35 requires that the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. Parts 7 and 11 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
73. Paragraph 58 of the NPPF also 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. EDLP Policy 35 is consistent with this approach and builds upon the NPPF and NPPG requirements. Therefore the key policy consideration in this matter is whether the site is read together well with the surrounding built environment and landscape features, and represents good design.
74. Concerns are raised by Landscape officers over the amount and position of open space proposed by the development. They consider that the open space does not contribute effectively to the surrounding built environment and would as a result be unrewarding both visually and of little practical use. The proposed dwellings would follow the original built form pattern prior to the demolition of the older housing stock and so provide more open space than that which was originally constructed in the 1960s. The provision of a footpath link from the centre of the development to Heathway, and subsequently the wider area, would offset the practical use aspect of the concerns. The combination of the two are considered to mitigate to some degree the concerns raised and so these carry reduced weight in the decision making process.

75. The applicant has worked with officers to develop and improve the proposed layout and design following comments from consultees, including integration of the scheme into the existing housing stock of Heathway and the wider linkages to the countryside and ancient woodland sites. Housing is proposed at the front of the site to face onto Heathway and follow the pattern and form of the existing building stock, but is now proposed with wider gaps between housing plots so landscaping features can now be introduced, reducing the impact upon the streetscene. The inclusion of an adoptable footpath link between the centre of the application site and Heathway significantly improves pedestrian linkages and is a welcome inclusion. Having a layout which is focused upon the existing highway network allows for easy integration of the development with the existing housing and is well executed, displaying a clear hierarchy of roads and is considered to be legible, and easy to navigate around.
76. In broad landscape terms, the position of the site within the main body of housing significantly limits the wider landscape impacts of the development, and the proposed single and two-storey development would aid this integration that sees housing development to all boundaries of the application site.
77. Appropriately designed and thought out street scene elevations to the proposed housing development would ensure that the close distance views of the development would be visually in keeping with the existing housing in the area. The development has taken into account the different aspects of the surrounding development to each boundary. As such, the development would be considered to comply with EDLP Policies 35, 37 and 38, and be an appropriately designed development. Compliance with Parts 6, 7 and 11 of the NPPF therefore follows and adds weight in favour of the development in the planning balance.

#### Affordable Housing

78. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, where Local Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations” and “where affordable housing is needed, set policies for meeting this need on site”. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in the Seaham area, amounting to 5 dwellings in this case.
79. This scheme provides for 18 affordable rented bungalows and the remaining housing as ‘rent to buy’ properties. This is well in excess of the minimum requirement and also sees the provision of bungalows in to the housing mix of the area. The applicant has confirmed that the minimum requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 (as amended).

#### Residential Amenity

80. EDLP Policies 1 and 35 requires that the design and layout of development to reflect the character and scale of the adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. This aspect of the Policy is 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 advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.

81. The indicative site layout for the housing demonstrates that appropriate separation distances are provided both within the development and between prospective and existing dwellings, such that in accordance with Policy 35 there would be no serious adverse effect on the amenity on residents of existing or new residents in terms of privacy, overshadowing or outlook..
82. In terms of noise, the Council's Environmental Health and Consumer Protection officers have considered that the proposed development complies with the Technical Advice Notes (TANs) with regards to noise. The TANs outlines noise thresholds within which living conditions inside dwellings should be maintained.
83. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. The Environmental Health and Consumer Protection officers consider that a method statement or management plan for the construction phase of the development is necessary to control the impacts upon the neighbouring residents during this phase of the development, and as such, a suitably worded condition as part of any approval should be sought. Having regard to these measures, the application is considered to be in accordance with EDLP Policy 35 and Part 11 of the NPPF in this regard.

## Ecology

84. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. EDLP Policies 14, 16 and 18 require all look to protect designated sites for importance and areas of ancient woodland. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low. The report also concluded that no further survey work was required. The County Ecologist has considered the content of the submitted information and has advised that the findings are sound, subject to the mitigation measures within the report being conditional upon any approval. As there would not be a disturbance to an Ecologically Protected Site (EPS), there is no need to consider whether an EPS Licence would be likely to be granted.
85. 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 purpose of the Appropriate Assessment would be to determine whether the proposed mitigation would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated.(i.e. Durham Coast SAC). This would be undertaken by the carrying out of a screening exercise using information submitted by the applicant.

86. In order to take pressure from additional visitors away from the Durham Coast SAC, sufficient and appropriate green space needs to be provided in association with the proposed development. There is not an appropriate level of green space provided within the site to mitigate against this aspect; however a scheme has been submitted which indicates that the development would provide footpath links to the west and the wider woodland and informal footpaths on land that is owned and controlled by the Council. This would provide adequate walking routes and would result in a circular walking route west out of the development looping round to the south and back into the built area adjacent to the bus turning circle. This together with publishing literature advertising the route would encourage walkers, including dog walkers, to use the path and would reduce the impact on the coastal designations. The submitted information provided by the applicant concludes that with the proposed mitigation there would be no adverse effect on the integrity of the Durham Coast SAC. Ecology officers have assessed these details and they are supportive of the scheme. Accordingly, the site has effectively been screened out and no HRA is required. A further condition requiring full specification details of the scheme and to ensure its construction should form part of a recommendation for approval.
87. Having regard to these proposed mitigation measures, the development would, it is considered, lead to an overall enhancement in biodiversity in accordance with the aims of Part 11 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

#### Public Open Space

88. EDLP Policies 66 and 90 seek to ensure adequate provision of open space is provided in new housing development. These Policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2010 is considered the most up to date assessment of need.
89. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, Play Space and Semi-Natural Greenspace, but insufficient levels of the remaining typologies (allotments, outdoor sports space and parks and gardens). The application fails to therefore accommodate all of the requirements of the OSNA so a financial contribution in lieu of any further onsite provision should be sought. Therefore, improvements to existing areas of open space, sport and recreation spaces in the vicinity would be required by way of an in-lieu financial contribution of £28,800 (calculated using the OSNA, 2010), and would be secured by way of a planning obligation pursuant to Section 106 agreement of the Town and Country Planning Act 1990 (as amended).
90. The public open space proposed within the site would take the form predominantly of peripheral open space to two small pockets adjacent 37 Heathway and 37 Laburnum Crescent, and along the proposed footpath link from Jasmine Crescent and Heathway.
91. Overall therefore, the application is considered to be in accordance with EDLP Policies 66 and 90 and Paragraph 73 of the NPPF with regards to the provision of public open space.

## Highway Safety and Access

92. EDLP Policies 35, 36 and 37 all require that development proposals achieve a satisfactory means of access onto the wider highway network and encourage access to sustainable modes of transport and sufficient parking on site. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
93. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people and that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
94. With 48 additional dwellings proposed, these would contribute to additional traffic movements through Parkside and the Princess Road junction, however this number of proposed dwellings would not be considered to have a statistically significant impact upon the overall traffic flows from through Parkside and on to Princess Road. Therefore the proposals would not result in impacts that could be considered "severe". The Highway Authority considers the impact from allowing the proposed development to take access via Parkside onto Princess Road to be acceptable and not lead to issues in capacity in the future.
95. The proposed development provides a pedestrian link from the central area onto Heathway through a footpath link and serves to provide access to the predominant sustainable transport option in the area, the bus. Bus stops are located to the east and west of the application site within a short walk of the development.
96. EDLP Policy 37 requires new development to be designed to accommodate the requisite level parking provision within a scheme. The proposals include sufficient visitor parking that is well distributed throughout the development and includes a layout that is designed to meet the Council's requirement for 20mph residential street speed limit.
97. In summary, the impacts from the proposed development would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF, and accordingly, the proposals therefore comply with EDLP Policies 35, 36 and 37 in regard to reducing private transport use through improved access to links and safe access to the highway network.

## Flood Risk and Drainage

98. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
99. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.

100. The FRA identifies that the site is at very low risk of flooding from fluvial, groundwater and sewer sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. With regards to how the development would address drainage, the application proposes to 'piggyback' on to a proposed SuDs scheme for an adjacent housing development which features a drainage basin as part of its construction that would discharge in to the unnamed watercourse within Dawdon Dene. An overall discharge rate of 5 l/s, which is reflective of greenfield rates run-off rates, has been agreed between the two developers. Surface water attenuation will be required on site however to ensure this rate can be achieved and is proposed in the form of a subterranean storage tanks, which will prevent external flooding for both 1 in 30 year floods and up to 1 in 100 flood events.
101. The Council's Drainage and Coastal Protection officers have indicated that the development would adhere to the surface water management train to some degree by proposing the inclusion of a SUDs basin within the scheme. However, the development does not propose the use of permeable surfacing to each housing plot / shared driveways or overland water channels to transport surface water across the scheme to the attenuation basin. The applicant has explained that the development ties into a wider SuDs scheme that forms part of an adjacent development proposal which the applicant in this case holds a controlling interest in land that the other development would utilise. As such, greenfield run-off rates would be achieved across both developments and as such one of the key principles of the NPPF (Part 10) would be adhered to. Officers advise that the SuDs structure would be adopted and maintained by the Council, in accordance with the SuDs Adoption Guide 2016, with costs being met through an estate rent charge.
102. With regards to the disposal of foul waters Northumbrian Water haven noted that there is currently insufficient capacity within the sewer network in the area to accommodate the development. Therefore, they are requesting details of the proposed foul water drainage scheme to ensure that adequate mitigation measures are secured to enable the development to go ahead. A condition requiring full details of the foul water drainage scheme will therefore be required.
103. The development, while not securing all aspects of the Council's surface water management train does secure a suitable scheme of surface water drainage overall that would ensure that the development would meet the required greenfield run-off rate. The omission of permeable paving solutions and overland transport of the surface water is a negative against the proposed development and the habitats that could create, however this is balanced against the underlining requirement to ensure suitable and safe surface water run-off and is on balanced considered acceptable and compliant with Part 10 of the NPPF.

#### Heritage Impacts

104. The application site does not lie within any designated heritage assets. The closest being Dalden Tower, a grade II\* listed building situated approximately 650m away, but with no direct visual relationship with the site as a result of topography and the woodland setting of the slopes of the Dene. Consequently, it is considered that there would be no harm upon this designated heritage asset. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
105. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site. Accordingly, with there being no impact upon the significance of any heritage assets, the application is considered to be in accordance EDLP Policies 1 and 24 and Part 12 of the NPPF.

## Other Issues

106. Access and Public Rights of Way officer has noted that there are sufficient publically accessible footpath and cycle paths in the vicinity of the site and that some sections would be improved through new surfacing by the proposal put forward with links from the development.
107. The School Places Manager has advised that there are sufficient places at both primary and secondary schools in the vicinity.
108. Phase 1 and Phase 2 ground investigation reports have been provided by the applicant, together with a gas risk assessment, in response to the proposed sensitive end use of the site. The reports have identified means of remediation for the site, but there are gaps in the ground gas monitoring results provided. Environmental Health and Consumer Protection officers raised no objection to the proposal subject to a condition requiring further gas monitoring details and subsequent bespoke remediation strategy. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.

## Planning Balance

109. This proposal is considered to accord with the development plan in principle, through the proposed redevelopment of a locationally sustainable site within an established residential area of the settlement. However, as a result of relevant policies for the supply of housing being out of date (and not up to date in the absence of a 5 year housing land supply), the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

## *Benefits*

110. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
111. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply; it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
112. Nevertheless, this boost would extend to the delivery of affordable homes as the development proposes delivery in excess of the 10% affordable housing provision required in accordance with the Strategic Housing Market Assessment (SHMA), adding additional weight over and above the normal requirement.

113. The development is proposed to a once previously-developed site that is currently vacant and sits within the built envelope of development at Parkside. Locationally, the development has excellent access to most services and facilities including the Parkside commercial centre, Seaham town centre, employment opportunities in these centres and beyond, as well as excellent access to sustainable modes of transport (bus and cycle links). These site characteristics offer substantial benefits in favour of the proposal.
114. A location within the buffer for the Durham Coast SAC protection zone for the heritage at risk coastline of County Durham has seen the improvement of existing footpath links and creation of new footpaths around the application site to encourage walkers to utilise the nearby Dawdon Dene and its woodland for recreation purposes, a benefit which carries significant weight in favour of the proposals.
115. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development.
116. The development would provide some greenspace on site but there is an overall under provision in open space on site and this has resulted in the developer contributing £28,800 in lieu of providing these on site giving a neutral gain in open space, mitigating against the development.

#### *Adverse Impacts*

117. The loss of greenspace formed as part of the restoration of the site following demolition of the previous housing and the associated minor landscaping undertaken since, would have some negative impact upon the surrounding community. Provision of footpath links within the Dawdon Dene and woodland would encourage residents to permeate into the wider countryside that lies to the west and north of the application site and is considered to mitigate the loss of the open space to some degree.

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## **CONCLUSION**

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118. The residential development would draw support from EDLP Policies 1 and 36 in terms of its location and access to sustainable travel options; however, the NPPF sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policies, that the presumption in favour of sustainable development is engaged. In the context of Paragraph 14, the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
119. As set out above, the proposed development would result in very limited adverse impacts, which clearly do not "significantly or demonstrably" outweigh the substantial benefits identified above, and as a result, the proposal benefits from the presumption in favour of granting planning permission for the purposes of Paragraph 14.

120. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards offsite open space provision is considered to be in accordance with these tests, as is the securing of affordable housing.
121. The proposal has generated no public interest with no comments received at the time of writing.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 10% affordable housing units on site
- £28,800 towards the provision or improvements to open space and recreation within Dawdon Electoral Division,

and subject to the following conditions:

### **Time Full**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

### **Plans**

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

2953.12.001A SITE LOCATION PLAN  
2953.12.002L PROPOSED SITE PLAN (REV L)  
2953.12.003B BOUNDARY TREATMENT PLAN  
QD1250-00-00 ENGINEERING STRATEGY (REV D)

2953.12.020A HOUSE TYPE A TYPICAL FLOOR PLAN  
2953.12.021A HOUSE TYPE B GROUND FLOOR PLAN  
2953.12.002A HOUSE TYPE C FLOOR PLANS  
2953.12.025D FLOOR PLANS 1  
2953.12.026B FLOOR PLANS 2  
2953.12.030B ELEVATIONS 1  
2953.12.031B ELEVATIONS 2  
2953.12.032B ELEVATIONS 3  
2953.12.033B ELEVATIONS 4  
2953.12.034B ELEVATIONS 5  
2953.12.035B ELEVATIONS 6  
2953.12.036B ELEVATIONS 7  
2953.12.037B ELEVATIONS 8  
2953.12.027 GA PLANS AND ELEVATIONS (DORMER BUNGALOW)

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 1, 3, 14, 16, 18, 35, 36, 37, 38, 66 and 90 of the Easington District Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework.*

### **Pre-commencement**

#### **Foul Water Drainage**

3. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be carried out in accordance with the agreed details.

*Reason: In the interests of the adequate disposal of foul water in accordance with Parts 10 and 11 of the NPPF. Required to be pre-commencement to facilitate works to the public sewer network that would be required to enable the development to go ahead.*

#### **Tree Protection**

4. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

*Reason: In the interests of the visual amenity of the area having regards to Policies 1 and 35 of the Easington District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

#### **Construction Methodology**

5. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  - A Dust Action Plan including measures to control the emission of dust and dirt during construction
  - Details of methods and means of noise reduction
  - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
  - Designation, layout and design of construction access and egress points;
  - Details for the provision of directional signage (on and off site);
  - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

## **Contaminated Land**

6. Prior to the commencement of the development, a scheme to deal with contamination shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

### Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

### Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.*

### **Time Limited**

### **Pedestrian Guard Rail Installation**

7. Prior to the pedestrian link between Heathway and Jasmine Crescent adjacent Plot numbers 19, 44 and 45, as indicated upon Site Plan Ref: 2953.12.002L, being first brought into use, the pedestrian guard rails to either end of the link shall be installed and ready for use.

*Reason: In the interests of highway safety in accordance with Policies 1, 35 and 36 of the Easington District Local Plan and Part 4 of the National Planning Policy Framework.*

### **Materials and Hard Surfacing Treatments**

8. Prior to the construction of the first dwelling, details of all external finishing materials to the dwellings as well as all hard surfacing treatments shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed details.

*Reason: To ensure the visual impact of the development and the amenity of existing and future occupiers are protected in accordance with Policies 1 and 35 of the Easington District Local Plan.*

### **Landscaping Scheme**

9. Prior to the construction of the first dwelling, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.

- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of each phase of the development.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the Easington Local Plan and Parts 7 and 11 of the National Planning Policy Framework.*

### **HRA Footpath links**

10. Within three months of the commencement of the development, full details of the proposed “footpath and accessibility improvements” as detailed within “Habitat Regulations Assessment Screening Opinion Report, Land off Fern Crescent, Seaham, May 2017” should be submitted to, and approved in writing by the Local Planning Authority. Footpath improvements shall feature as a minimum a 2.0 metre wide, all weather surface. The submitted details shall include: details of any equipment to be installed, construction and surfacing details of the pathways, any boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved pathway shall be fully implemented in accordance with the approved details and timeframes thereafter.

*Reason: To help protect the heritage coastline of Durham to comply with Policies 1, 16 and 18 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.*

### **Other Conditions**

#### **Surface Water**

11. No dwellings shall be occupied until the shared Sustainable Urban Drainage System, located to the north of the former Parkside Primary School as agreed under planning permission ref: DM/17/01164/FPA, is made available and ready for use by this development.

*Reason: To ensure adequate disposal of surface water in accordance with the agreed scheme and Parts 10 and 11 of the NPPF.*

12. The development hereby approved shall be carried out in strict accordance with the ‘Flood Risk Assessment and Drainage Strategy, March 2017’ by Queensbury Design Limited.

*Reason: In the interests of the adequate disposal of surface water in accordance with Parts 10 and 11 of the NPPF.*

## Ecology Mitigation

13. The development shall be carried out in accordance with the mitigation outlined within the "Preliminary Ecological Report Appraisal, Fern Crescent, Seaham, May 2017".

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 1 of the Easington Local Plan and Paragraph 109 of the NPPF.*

## Working Hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Policies 1 and 35 of the Easington Local Plan and Part 11 of the National Planning Policy Framework.*

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## STATEMENT OF PROACTIVE ENGAGEMENT

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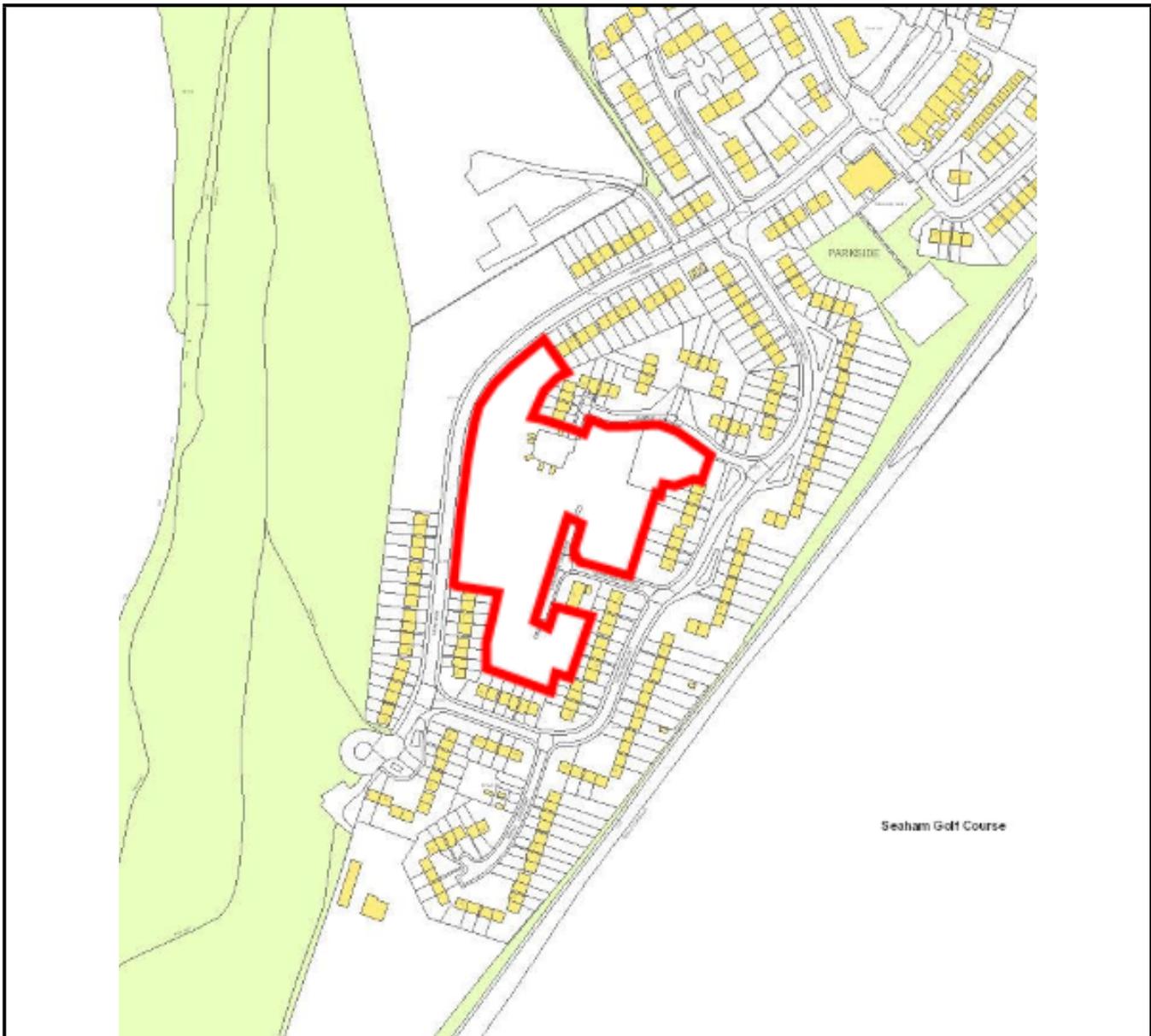
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## BACKGROUND PAPERS

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- County Durham Settlement Study (2012)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance
- Easington District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



**Planning Services**

DM/17/01554/FPA

Erection of 48 affordable dwellings (30 houses and 18 bungalows) with associated works including highway widening.

Land to West of Laburnum Crescent, Parkside, Seaham

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**Comments**

**Date** Sept 2017

**Scale** Not to scale