



Special Area Planning Committee (Central and East)

Date Monday 25 September 2023
Time 1.30 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest, if any
4. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/22/00039/FPA - Land to the east of The Meadows, Seaton, SR7 0QB (Pages 3 - 60)
Full planning application for the development of 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure (amended 21.04.2023).
 - b) DM/23/00241/FPA - 24 Nevilledale Terrace, Durham, DH1 4QG (Pages 61 - 78)
Change of Use from 6 Bed dwellinghouse to 2no. 2 bed flats (amended description 09.02.2023).
5. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
15 September 2023

To: **The Members of the Area Planning Committee (Central and East)**

Councillor D Freeman (Chair)
Councillor D Oliver (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,
J Elmer, L A Holmes, C Kay, D McKenna, R Manchester,
I Roberts, K Robson, K Shaw and A Surtees

Contact: Martin Tindle

Tel: 03000 269 713



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| Application No: | DM/22/00039/FPA |
| Full Application Description: | Full planning application for the development of 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure (amended 21.04.2023) |
| Name of Applicant: | Avant Homes North East & Mr S. M. Gregson |
| Address: | Land To The East Of The Meadows, Seaton, SR7 0QB |
| Electoral Division: | Seaham |
| Case Officer: | George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the north east of Seaton, in the north east of the County. Seaton is a small village comprising approximately 165 dwellings located outside and to the western edge of Seaham and approximately 3km to the south of Ryhope, Sunderland. Murton lies 2.4km to the south and Houghton-Le-Spring 4.8km to the west. The site itself comprises a parcel of undeveloped agricultural land that measures approximately 4ha in area. Overhead powerlines supported by wooden poles are located to the southern portion of the site running east-west and then north-south along a section of the eastern side of the site. The site slopes down gently from the south west towards the north east.
2. The site is framed by the A19 and an intervening tree buffer along its eastern boundary, with the Hawthorn to Ryhope railway path spanning its north western

perimeter, positioned on a higher level. This path also forms part of National Cycle Network Route no.1. 9no. dwellings fronting Seaton Lane are located directly to the south of the site, with the 21no. dwellings forming The Meadows estate to the west. 1.8m high timber fencing divides the gardens of these neighbouring properties from the site. To the north west beyond the Hawthorn to Ryhope railway path and to the north east beyond the A19 lies agricultural land designated as Green Belt. The site is located within 6km of a European Protected Site in the form of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA).

3. Properties in the area predominantly consist of large two storey semi-detached and detached dwellings, with a broad material palette and range of architectural styles present. This is particularly true of the more recent developments, including The Meadows as well as the Poppyfield Court site to the western edge of the village of which its development is nearing completion. To the south of the village, more traditional properties are prevalent at Seaton Grove, which is formed from of semi-detached bungalows, and at Hillrise Crescent. The settlement has grown over time with each development representing the style of its time but with the running theme of generous plots and a low density layout forming an intrinsic part of the overall character of the village.

The Proposal

4. The application seeks full planning permission for the erection of 75 dwellings, reduced from the initially proposed 106 dwellings. Officers advised at the pre-application stage that the construction of 78 dwellings on this site was considered to be of a disproportionate scale, representing a significantly higher density than is typical of the village. The application in its amended form proposes 3 fewer dwellings than presented at the pre-application stage and equates to a density of approximately 18.75 dwellings per hectare (dph), compared to an average density of 12.4dph across Seaton as a whole.
5. Access is proposed to be taken from Seaton Lane (the B1404) through the existing estate of The Meadows which comprises 21no. dwellings initially granted planning permission in 2002. The Meadows estate is served by a narrow 240m long adopted road, of which the first 130m forms part of PRow no.3 that connects to the railway path, and which measures between 4.7m to 4.8m wide. The Meadows junction forms part of a four arm uncontrolled crossroads with Seaton Lane and Hillrise Crescent.
6. The proposed layout comprises dwellings sited along a central spine road which terminates in four cul-de-sacs defined by turning heads and supporting further clusters of dwellings. These would comprise 22no. 2 bed dwellings, 33no. 3 bed dwellings, 20no. 4 bed dwellings across 13 house types. The dwellings would be constructed from a limited palette of materials comprising a mix of red and buff brick and red and grey roof tiles, with the use of render to the first floors of the Ferndale and Leyburn house types. A mix of flat and pitched canopy features above entrance doors or porches are commonly proposed. 12no. affordable houses are proposed in the form of 5no. discounted market sale properties, 4no. properties for affordable rent, and 3no. first homes. Each

dwelling would be served by its own private rear garden and in-curtilage car parking spaces, with 19no. visitor bays spread throughout the site.

7. The east of the site is proposed to comprise open space to provide a buffer from the A19. A SUDs basin is proposed to the north east of the site with a swale running down to the south east. A pumping station is proposed to be installed to the end of the north east facing cul-de-sac and enclosed by a hedge. A natural play area is indicated at the end of the central cul-de-sac. Footpath connections are proposed between each of the cul-de-sacs and to the Hawthorn to Ryhope railway path to the north.
8. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development.

RELEVANT PLANNING HISTORY

The Application Site

9. There is no planning application history relating to the application site itself. However, a pre-application enquiry seeking advice over the possibility of erecting 78 dwellings on the site was submitted in October 2020, with an initial response provided in November 2020. At this time Officers raised concerns particularly over the scale of the development proposed resulting in an overly dense and urban layout not reflective of the character of the village. Following this advice, this planning application was submitted in January 2022 proposing the erection of 106 dwellings, since reduced to 75 dwellings in April 2023.

Elsewhere in Seaton

10. A full planning application for the erection of 46 dwellings on land to the south west of the village was submitted in June 2023 and is currently pending consideration under reference DM/23/01771/FPA.
11. Outline planning permission for the erection of 25 self-build dwellings was granted under application DM/16/03710/OUT on the 21st of December 2018. The reserved matters were subsequently approved for each dwelling on an individual basis.
12. The 21 dwellings that make up The Meadows estate were granted outline planning permission under application 5/HIST/2002/1715 on the 17th of October 2002. The reserved matters were subsequently approved for each dwelling on an individual basis.

PLANNING POLICY

National Policy

13. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new

development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

14. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
18. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring

safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

21. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

25. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
27. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
28. *Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
29. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
30. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
31. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.

Development should have regard to Parking and Accessibility Supplementary Planning Document.

32. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
34. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
35. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
36. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water

runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

38. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
40. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
41. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

42. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts

whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

43. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
44. County Durham Parking and Accessibility Standards SPD (2019) – Provides guidance on parking requirements and standards. It should be noted that the Council is in the process of adopting a new Parking and Accessibility SPD. The consultation period inviting comments on the new SPD has closed and the document is expected to be formally adopted imminently, although at the time of writing it is unclear whether this will be in place at the time of the planning committee. If the new SPD has not been adopted at the time of the planning committee it cannot be afforded weight in the determination of this application.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

46. *Seaton and Slingey Parish Council* – Object to the application on the grounds that the suitability of the site for residential development was assessed under the Strategic Housing Land Availability Assessment where it scored an amber rating, highway safety issues due to the narrow width of The Meadows and the increase in traffic arising as a result of the proposals, ground instability and the presence of a sink hole nearby on Seaton Lane, the impact on wildlife, the disproportionate scale of the development, the impact upon health and education services in the area, the poor public transport options in the village, and the impact on the existing drainage system.
47. *Seaham Town Council* – Object to the application on the grounds that the proposed development would generate additional traffic and residents which the existing road network and other local infrastructure is not able to cope with.
48. *Environment Agency* – No response received.

49. *Coal Authority* – Confirm the application site does not lie within a Coalfield Development High Risk Area and so there is no requirement for a Coal Mining Risk Assessment to be submitted.
50. *Highway Authority* – Object to the application on the grounds that the road which serves the 21 dwellings at The Meadows has a maximum width of 4.8m which is not suitable to serve an additional 75 dwellings. Concerns also raised regarding the amount of car parking, several sub-standard driveway lengths, and various elements of the proposed layout.
51. *Lead Local Flood Authority* – Advise that the proposed drainage strategy is acceptable in principle but request a condition to secure further details.

Non-Statutory Responses:

52. *Spatial Policy* – Advise that the key issues are regarding the relationship of the site to the settlement, its impact on the surrounding landscape, and the scale of the development in relation to its role and function.
53. *Design and Conservation* – Raise significant concerns through the Design Review process, particularly regarding the number of dwellings being of an inappropriate scale to the character and form of the settlement.
54. *Landscape Section* – Raise concerns regarding the overly dense layout, the lack of street trees, and the domination of car parking to the south east of the site.
55. *Tree Section* – Concur with the conclusions of the submitted Arboricultural reports and recommend a condition to secure compliance with the proposed tree protection measures.
56. *Public Rights of Way Section* – Recommend that the link proposed to the Hawthorn to Ryhope railway path and National Cycle Network should be of a standard suitable for pedestrians and cyclists.
57. *Ecology* – Advise that an outline Biodiversity Management and Monitoring Plan, completed copy of the Defra Biodiversity Net Gain metric, and a financial contribution of £756.61 per dwelling (totalling £56,745.75) to go towards Coastal Access Management Measures is required.
58. *Environmental Health Nuisance* – Advise that further details of glazing and ventilation for the properties closest to the A19 are required, to be secured via a condition.
59. *Environmental Health Air Quality* – Advise that the future residents of the proposed development, particularly those of the dwellings to the east of the site closest to the A19, would suffer from poor levels of air quality in excess of the relevant target exposure level.

- 60. *Environmental Health Contamination* – Confirm there is no requirement for a contaminated land condition.
- 61. *Archaeology* – Following the submission of a trial trench evaluation no objections are raised.
- 62. *School Places Manager* – Advise that 75 dwellings would be expected to produce 9 additional secondary pupils and so financial contributions of £148,986 would be required to mitigate the impact of the development and provide additional teaching accommodation.
- 63. *Affordable Housing Team* – No comments received.

External Consultees

- 64. *Sunderland City Council* – Raise no objections provided the proposed development would not prevent the free flow of users of the Hawthorn to Ryhope railway path which provides a connection from Sunderland to Durham City.
- 65. *Police Architectural Liaison Officer* – Confirm they have no comments to make in relation to the amended plans following the omission of the footpath connection from the south of the site to Seaton Lane.
- 66. *NHS North East and North Cumbria Integrated Care Board* – Confirm the requirement for financial contributions of £36,225 to mitigate the impact of the development and provide additional capacity for Local GP's.
- 67. *Northumbrian Water Ltd* – Recommend a condition to secure full details regarding a scheme to dispose of foul and surface water.
- 68. *National Grid* – Confirm they have no assets in this area that would be affected by the proposed development.
- 69. *Northern Powergrid* – Raise no objections providing they will continue to have right of access to overhead powerlines for any maintenance, replacement, or renewal works.

Public Responses:

- 70. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
- 71. Letters of objection from 180 individuals were received in relation to the originally submitted proposals, including from Graham Morris MP, all three local Councillors, and the Campaign for the Protection of Rural England. A summary of the concerns raised is as follows:-

Highway Safety

- The proposed development would generate additional traffic which would worsen existing congestion problems on Seaton Lane, particularly at peak times when the residents of the dwellings fronting Seaton Lane already face difficulties egressing from their driveways,
- The surrounding highway network is not capable of accommodating the additional traffic that would be generated by the proposed development,
- The Meadows is a narrow road that makes two way traffic difficult if vehicles are parked on street, makes it difficult for larger vehicles such as lorries to navigate, and is not of a width capable of supporting the expected increased amount of traffic,
- The Council's Residential Design Guide states that a residential access road serving 100 dwellings or more should be served by road of a minimum width of 5.5m with a 1.8m wide footpath to both sides, but the Meadows is only 4.8m wide so is not suitable to serve the number of dwellings proposed,
- The narrow width of The Meadows makes it difficult to enter the estate if a vehicle is waiting to pull out of the junction,
- The presence of parked cars on Seaton Lane and the slight bend in this road reduces visibility for drivers when egressing from the junction at The Meadows onto Seaton Lane,
- Do not consider the introduction of a mini roundabout at the crossroads to have any effect on the volume or speed of traffic and to cause difficulties for nearby residents egressing from their driveways,
- Consider that the new mini roundabout has not been designed to a suitable standard, would not be suitable for larger vehicles and lorries, and would adversely affect highway safety,
- The average speed of traffic along Seaton Lane exceeds 30mph,
- Consider the submitted traffic surveys to be unrepresentative having been undertaken during Covid when the roads were quieter,
- The base traffic flows within the submitted Transport Assessment are taken from an earlier 2017 assessment for an alternative site and are based on the future occupants of the new dwellings only having one car when an average of 1.8 per dwelling is more realistic and consistent with the Department of Transport's National Travel Survey Statistics report from 2020, with it noted that there is an average of 2.65 cars per dwelling on The Meadows estate,
- Insufficient car parking spaces would be provided within the development,
- No details of how a three year construction period would be managed have been provided,
- The A19 flyover has a weight restriction of 18 tonnes so is not suitable to be used by HGV's,
- Seaton is served by a limited bus service that only runs once an hour between 8am-6pm Monday-Saturday and this stop was recently under threat of withdrawal from the route, consider the majority of the new residents would travel by car for access to employment opportunities and other amenities,
- Seaton Lane is too dangerous for pedestrians and children to negotiate due to the lack of pedestrian crossing points on Seaton Lane and the A19 flyover which is poorly lit.

Design

- The development of this site for housing was considered under the Council's Strategic Housing Land Availability Assessment and discounted as being unsuitable for housing development,
- The loss of a greenfield site that is still used for agriculture would adversely affect the character of the village,
- Consider that brownfield sites within the Seaham area should be developed before greenfield sites,
- The scale of the proposed development is not in keeping with the village and would turn the village into a town,
- The proposals represent overdevelopment of the village, particularly when combined with other recent residential developments such as Poppyfield Court to the west,
- The house types are of no architectural merit, the development is uninspiring and would adversely affect the character of the area,
- The house types are out of keeping with those in the village which are characterised by larger self-build properties,
- Views of the site from the Hawthorn to Ryhope railway path would be adversely affected.

Residential Amenity

- Additional noise and air pollution would be generated from the increased number of vehicles and the stop start nature of the new mini roundabout,
- Overlooking and loss of privacy,
- Loss of outlook and light,
- Light pollution from car headlights,
- The new dwellings closest to the A19 would not be able to open their windows without being subject to high noise levels from traffic,
- Disruptions during the construction phase, combined with disruption during the construction phase of the highway improvement works to create a new roundabout on the slip road from the A19 southbound leading to the B1404 Seaton Lane so that drivers can join the A1018 towards Ryhope and avoid Seaton Lane.

Infrastructure

- Schools do not have the capacity to accommodate the additional children from the development, with there being no schools with capacity within the recommended walking distance of the site,
- New Seaham Primary School is 1.1km away and Seaham High School 1.5km away but both are oversubscribed, and the next nearest schools are all over 2km away,
- Consider that giving schools money does not help with the increase in pupils,
- GP's and dentists do not have the capacity to accommodate the additional residents from the development.

Ground Stability

- Issues relating to ground instability due to former coal mining activities and the location of the village on a fault line which has led to issues with a sink hole and the closure of Seaton Lane for several weeks on two different occasions.

Drainage

- The existing drainage system overflows and discharges into the sea during periods of heavy rainfall and so cannot accommodate additional sewage from the proposed number of dwellings.

Ecology

- The proposed development would have an adverse impact on wildlife, including bats, deer, and Grey Partridge and Woodcock birds which are included on the RSPB red list,
- The submitted ecological surveys were not carried out at a suitable time.

Other

- The proposed development would not achieve carbon neutrality,
- There is no need for this number of new dwellings in the area, with it noted that the Council can demonstrate a 5 year supply of deliverable housing land without the development of this site,
- Avant previously undertook public consultation with residents relating to a proposal to build 78 dwellings on the site to which 95% of respondents considered the scale of development to be inappropriate but have applied to build 106 dwellings,
- A footpath connecting the south of the site to Seaton Lane relates to land not owned by the applicant and would necessitate the loss of trees which are used by bats to roost in, and lead to security concerns for the occupants of the adjacent dwellings 1 and 2 South View, and safety concerns for the pedestrians using the footpath given its proximity to the A19,
- The potential for properties to reduce in value,
- Reference is made to the loss of Green Belt land; however, Officers note that whilst the application site represents greenfield land it lies entirely outside of the Green Belt.

72. Graham Morris MP objects to the application and shares the concerns raised by his constituents in relation to the scale of the proposed development and its impact upon the character on the village, the pressure on schools and GP services in the area, the unsuitability of the access and infrequency of the local bus service, the insufficient capacity of the sewage network and the presence of other more suitable locations in East Durham to develop for housing.
73. Councillors McKenna, Charlton-Laine and Purvis all object to the application sharing the concerns raised by residents and considering the proposed development to add to disruption caused by improvements to the A19, the National Grid Scotland to England green link, and Seaham Garden Village.
74. The Countryside Charity (CPRE) object to the application sharing the concerns raised by residents. Further concerns were raised that the site is not well related to the settlement of Seaton, that it is unclear how a financial contribution would be spent to help protect the Heritage Coast as a Special Protection Area, the lack of details or assessment to demonstrate how biodiversity net gains would be achieved and how carbon emissions would be minimised.

75. Upon receipt of amended plans reducing the number of dwellings proposed from 106 to 75. Notification letters were sent to neighbouring residents and contributors. Letters of objection from 192 individuals were received confirming that the reduction from 106 to 75 dwellings has not overcome their original concerns and reiterating conflicts with CDP Policy 6.

Applicants Statement:

76. Avant Homes North East has made significant changes to the proposals for the site through the determination period of the application. This has included reducing the number of proposed dwellings by almost 30% from 106 No. to 75 No. This has enabled the amount of public open space around the north and east of the site to be substantially increased, ensuring a green and undeveloped edge to the settlement is provided.

Avant Homes North East has responded positively and constructively to the feedback from the two Council Design Review meetings considering the application for the site. This has included preparing detailed character appraisals of Seaton which show that the form of the development would be appropriate in density and scale, and consistent with the character of the surrounding area. They have also helped to inform significant enhancements to the site layout and elevations of dwellings proposed. The quality of the built elements, green spaces, and robust landscaping at the site is shown in the submitted Computer Generated Images of the proposals.

We note that the Council's Environmental Health Officer referred to concerns about the air quality at a small number of proposed dwellings at the site in their consultee response of 1 September 2023. Avant Homes North East has subsequently had further detailed Air Quality Assessment work undertaken. This will be submitted to the Council prior to the Committee to demonstrate that there are no issues with the proposals with regards to air quality. We respectfully request that this information is appropriately reviewed before the Committee so that a verbal update can be provided by Officers at the Committee.

Accessibility to the site is considered to be suitable and no different to many residential developments across the County. All proposed dwellings are located within reasonable walking distance of services in Seaton and of bus stops on Seaton Lane which provide connections to services in the wider area. The site also benefits from being a reasonable distance from a multitude of services in Seaham to the east. Access from The Meadows is considered to be safe and appropriate to the scale of the development proposed. We note that there are comments from the Council's Highways Team on 25 August 2023 regarding the internal road layout. However, these were the first detailed formal highway comments received in respect of the application and received late in the process offering Avant Homes North East little opportunity to review and make any potential amendments to the proposals to address the comments.

Overall, it is considered that the development of this accessible and sustainable site will provide tangible social, environmental and economic benefits to Seaton

and the surrounding area. Notwithstanding this, it is respectfully requested that the determination of the application is deferred to enable Avant Homes North East reasonable time to review the consultee comments received late in the process and make any appropriate amendments.

PLANNING CONSIDERATION AND ASSESSMENT

77. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Highway Safety, Design / Layout, Landscape and Visual Impact, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Archaeology, Open Space and Infrastructure, Affordable Accessible and Adaptable Housing, Carbon Emissions, Best and Most Versatile Agricultural Land, and Other Matters.

Principle of Development

78. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
79. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
80. The site is not allocated for housing by CDP Policy 4 but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 5/SE/26. This assessment concluded that the site extends into open countryside to the east of Seaton, is of a scale that bears no relationship to the adjoining settlement, and that its development would have a significant and unacceptable landscape impact. Consequently, the site scored a suitability rating of amber.
81. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. As the site is not specifically allocated for development it is necessary to assess

the proposals against CDP Policy 6. This policy recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
82. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.

83. In this respect, the site comprises an undeveloped agricultural field towards the north eastern edge of the village of Seaton. The site lies outside of the village but is physically contained by presence of the A19 along its eastern boundary. This provides a clearly defined settlement edge preventing further development coalescing with the neighbouring town of Seaham. In addition, the land beyond the Hawthorn to Ryhope railway path cycle track running along the north west boundary is designated as Green Belt land and so has policy protection against its development which would further ensure containment of development at this site. None of the application site itself lies within the Green Belt. The site is adjacent to existing residential development on two sides and notwithstanding the substantial size of the site, a development of an appropriate scale, layout and density with a suitable landscape buffer to the east could be considered to represent a logical extension to the village.
84. As the site lies outside of the settlement, in planning terms it is considered to occupy a position within the open countryside. Therefore, CDP Policy 10 is also relevant which advises that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. The proposed development is considered to be one of these forms of development as it is allowed for by CDP Policy 6.
85. Notwithstanding the above, significant concerns are raised regarding the proposed development being of an excessive and inappropriate scale and layout relative to the character and form of the village, contrary to criterion d) of Policy 6. This will be discussed further under the Design / Layout section later in the report.
86. The development would not result in the loss of any facilities or services and so there is no conflict with criterion g). In terms of criterion i), a number of objectors raised concerns over the loss of a greenfield site, commenting that development should be located on brownfield sites. However, whilst the development would not be located on previously developed land the policy does not provide a moratorium against development upon any greenfield site and so the application would not warrant refusal solely on this basis. Given that the development is of a greenfield site, the proposal does not reflect any priorities for urban regeneration under criterion j).
87. A more detailed analysis of the impacts of the development, including against the remaining criteria of CDP Policy 6 and the general design principles of CDP Policy 10, is undertaken under the relevant headings below.

Locational Sustainability

88. Criterion f) of CDP Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement. Criterion p) of CDP Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any

opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.

89. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
90. NPPF Paragraph 92 seeks for decisions to aim to achieve healthy, inclusive and safe places which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.
91. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, whilst NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken.
92. NPPF Paragraph 112 advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
93. In terms of distances to services and amenities, in general, a walking distance of around 800m or 10 minutes' walk is considered to represent an appropriate range, with a walking distance of 1650-2000m or a 20-minute walk at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.
94. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Seaton is a relatively small village rated as having a settlement score of 6.1 (110th out of 230), reflecting the limited number of services within it. These comprise two public houses, and a community centre. As such, residents would need to travel beyond the village for access to everyday services and facilities, education and employment opportunities. Outside of Seaton, the closest amenities to the site are a local convenience store and hairdressers to the east on Seaton Lane, 1km away from the site entrance. Given the scale of the proposed development consisting of 75 new dwellings, these services on their own would not be capable of sustaining and meeting the everyday needs of the additional residents.

95. Further to the east, a Tesco Express is located 1.9km away on the B1285 to the north of Eastlea. Seaham Vets, Red Star Football Club, Cricket Club, and Seaham Grange Industrial Estate all lie within 1.6km to 2km from the entrance of the application site. This distance is towards the upper threshold of what could be considered a reasonable walking distance and when taken from individual dwellings to the south east corner of the site would be exceeded. New Seaham Medical Centre is the closest health service to the application site entrance and lies 2.4km away in Eastlea. These distances would be approximately 230m greater for residents of the dwellings located to the south east corner of the site, who would need to travel through The Meadows Estate to reach Seaton Lane as no route directly onto Seaton exists or is proposed. Whilst the originally submitted plans indicated the position of a footpath to connect the south east corner of the site directly onto Seaton Lane, this has since been omitted due to concerns raised by the Police that it would not be overlooked and a lack of clarity regarding the tree removal required to facilitate it. The lack of a direct route from the site to access Seaton Lane and the amenities to the east of the village is contrary to the aims of CDP Policy 21 which seeks to provide direct walking and cycling routes for the convenience of users.
96. It is however not only distance that influences transport choice. The CIHT planning for walking states that “the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating”.
97. The most direct route to access the above amenities is via a continuous lit footpath along the southern side of Seaton Lane and then along both sides of the B1285, which slopes steeply up towards the south on the approach to Eastlea. The route over the A19 flyover is not considered to be particularly attractive or desirable to prospective walkers and may deter some residents from walking to access these services, although it is acknowledged that this is limited to a distance of approximately 200m which is relatively short in the context of the overall route. Objectors have noted that there are no existing pedestrian crossing points along Seaton Lane, with none proposed by the application, and so the future residents of the proposed development would need to cross the road unaided to access the continuous footpath to its southern side, which, along with the 85th percentile speeds recorded by a traffic survey undertaken on behalf of the residents in February 2022 as 34.9mph eastbound and 38.9mph westbound, is likely to deter walking further. It is also noted that The Meadows has footways on each side with the exception of the first 45m where there is no footway on the eastern side or where it is of insufficient width to be used as a footway. This lack of footway will require pedestrians to cross the road a number of times at the point of highest vehicle movement.
98. Objectors have also raised concerns that New Seaham Primary School and Seaham High School are already oversubscribed with the next nearest schools all over 2km away and so beyond a reasonable walking distance. As will be discussed later in the report, the School Places Manager has advised that there is sufficient space to accommodate the pupils of primary school age generated

by the development in existing local primary schools, with a financial contribution recommended to secure the provision of additional / expanded secondary school teaching accommodation.

99. The School Places Manager has advised that in relation to primary schools the site lies within the Seaham local school place planning area of which Westlea Primary (2.3km away), Seaview Primary (2.8km away), and Seaham Trinity Primary (3.2km away) would serve the new dwellings. Whilst these primary schools are generally within the statutory safe walking distance of 2 miles (3.2km) between home and school for primary school age children, which if exceeded would entitle the child to help with transport, the distance to these schools would exceed the upper threshold of 2km recommended by the CIHT.
100. In relation to secondary schools, the site is located within the East Durham local school place planning area. One secondary school (Seaham High School) lies within the recommended 3 mile (4.8km) distance from home to school for secondary age children, however at 1.9km away from the site entrance, and over 2km from the dwellings to the south east corner of the site, it is towards or in excess of the upper threshold of what could be considered a reasonable walking distance.
101. In addition, it is considered that walking routes to schools are not particularly safe for young children to walk on their own given the traffic speeds along Seaton Lane and the lack of pedestrian crossing points.
102. In terms of cycling, the site lies within close proximity of a National Cycle Network (NCN) which provides access into Seaham town centre, Murton, and Sunderland. A National Travel Survey undertaken as part of the CIHT 'Guidelines for Providing for Journeys on Foot' document found that outside of London the average cycle distance is 4.3km. Seaham town centre lies within this range and can be accessed along the NCN, although a lack of secure storage for bicycles within the town centre is likely to deter those who are able and prefer to cycle. Services at Grangetown in Sunderland lie 5.2km away from the site entrance and can be accessed along the NCN, whilst Dalton Park shopping centre at Murton 6.2km away from the site entrance. However, these lie beyond the average cycling distance of 4.3km.
103. In terms of public transport, there are bus stops located on Seaton Lane which are within 400m of the site entrance. This distance is recommended by the CIHT's Planning for Walking document and is reflected in the Council's Building for Life SPD. However, as the only route to access the bus stops on Seaton Lane is through The Meadows estate, only 16no. dwellings would be within the recommended 400m distance when taken from the eastbound bus stop on Seaton Lane, with the remaining 59 located in excess of this distance, particularly those located to the south east corner which would be approximately 560m away. These concerns have been echoed by the Highway Authority. The lack of a direct route to access bus services is contrary to the aims of CDP Policy 21 which seeks to provide direct routes for bus access for the convenience of users.

104. One service, the no.71 operated by Gateshead Central Taxis, runs from Chester-Le-Street to Seaham via Seaton and provides 12no. hourly buses a day Monday to Friday from 7:10 am to 6:30pm, and 10no. buses on Saturdays until 5:20pm. No buses operate on Sundays. Whilst objectors concern regarding the frequency of buses and the likelihood of new residents driving to access amenities are acknowledged, the buses available are considered to provide an alternative transport option to the private car for access to services, ensuring that the future residents would not be solely reliant upon unsustainable modes of transport.
105. Objectors make reference to the bus service having been threatened to be withdrawn in the past, however it is considered that the introduction of additional dwellings and potential users may help secure to secure its viability going forward.
106. In addition, Seaham train station is located 2.7km away from the site entrance and provides a sustainable transport option into Sunderland, Hexham and the Metro Centre to the north, and Middlesbrough to the south. As an example of the services available, trains to the Metro Centre run at approximately hourly intervals from 7am to 9:20pm Monday to Saturday and 9:20am to 8:20pm on Sundays. Whilst the train station is located well in excess of the 800m distance from the site recommended by the CIHT's Planning for Walking and so is likely to deter walking to it, the train station is within the average cycle distance, with facilities to accommodate the parking of 4no. bicycles. Whilst the no.71 bus service stops on New Strangford Road within 300m of the train station, given the hourly frequency of the bus and train services the combined waiting times for users are likely to be excessive.
107. Overall, the village comprises a limited range of services, with most nearby services being towards or exceeding the upper threshold of a reasonable walking distance. The lack of pedestrian crossing points on Seaton Lane and traffic speeds along this road is likely to further deter people from walking to access services and facilities. Seaham town centre is within the average cycle distance, but the lack of secure storage facilities is likely to deter those who are able and prefer to cycle. The scale of the proposed development does not reflect the small size of Seaton and the limited services and facilities it contains.
108. However, there is an hourly bus service providing access into Seaham and Chester-Le-Street, and Seaham Train Station provides access to a wider range of services and facilities in the surrounding settlements and is itself accessible by bicycle with storage available. Therefore, whilst it is considered that residents of the proposed dwellings would be unlikely to walk or cycle to most amenities, in accordance with CDP Policy 6f), 10 p) and NPPF Paragraph 105 the nearby bus and train services available to future residents are considered to provide them with a genuine choice of transport modes to prevent them being solely reliant upon the private car.
109. Notwithstanding the above, whilst there is an hourly bus service providing access into Seaham and Chester-Le-Street there is no direct walking route from within the site to Seaton Lane and the bus stops present here, requiring

residents to walk the long way around and through The Meadows estate. As a result of this, almost a third of the dwellings would be located beyond the recommended 400m from the bus stops on Seaton Lane. This conflicts with Policies 6 f) and 21 of the County Durham Plan, as well as Paragraphs 92, 110 and 112 of the NPPF.

Highway Safety/Access

110. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criteria e) and q) of CDP Policy 6 and CDP Policy 10 do not permit development where it would be prejudicial to highway safety.
111. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 111 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Objectors have raised various concerns regarding the impact of the proposed development on highway safety.

Safety and Suitability of the Proposed Access

112. The site is currently in use for agricultural purposes with associated vehicles accessing the site via The Meadows. The proposed development would see this access arrangement continue to serve the cars associated with the new residents. This would be facilitated by the construction of a new road built to adoptable standards connecting from the end of The Meadows and interspersing throughout the site. The Meadows is a narrow adopted road with a maximum width of 4.8m. The road is often subject to on-street parking which further reduces the road width. Residents have raised significant concerns regarding the narrow width of the road restricting two way traffic if vehicles are parked on the street as well as the manoeuvrability of larger delivery vehicles.
113. The Council's current Highways Design Guide for Residential Development 2014 allows developments of less than 100 properties to be served by a road with a minimum width of 4.8m. Since the application was submitted it has been amended to reduce the number of dwellings proposed to from 106 to 75. Including the existing 21 dwellings that comprise The Meadows estate, the road would serve a total of 96 dwellings and so would not conflict with the current Design Guide.
114. It should be noted that the Council is in the process of adopting a new Parking and Accessibility SPD. The consultation period inviting comments on the new SPD has closed and the document is expected to be formally adopted imminently, although at the time of writing it is unclear whether this will be in place at the time of the publication of this report or at the time of the planning

committee. If the new SPD has not been adopted at the time of the planning committee it cannot be afforded weight in the determination of this application.

115. The proposed new Parking and Accessibility SPD sets out that all estate roads must be 5.5m wide regardless of the size of the development. This is reflective of the increase in the average vehicle size and the increase in delivery vehicles since the adoption of the former standards. A wider road would help to reduce the risk of collisions on occasions where two vehicles travelling in opposite directions are attempting to pass. The proposed development would be served by an access through The Meadows that is below 5.5m wide and so would be contrary to the Council's new Parking and Accessibility SPD 2023 (as yet adopted).
116. The Highway Authority have also raised concerns that The Meadows has footways on each side with the exception of the first 45 metres where there is no footway on the eastern side or it is of insufficient width to be used as a footway. This lack of footway will require pedestrians to cross the road a number of times at the point of highest vehicle movement, creating a safety risk for pedestrians.
117. Notwithstanding any of the above, the Highway Authority has advised that several conditions would be required in the event the application was to be approved. These relate to a requirement for hedges adjacent to road junctions to be maintained at a maximum height of 1m, to secure full engineering details of the proposed estate road, and to ensure that the estate road is constructed prior to the first occupation of the dwellings.

Traffic and Congestion

118. Objectors have raised concerns in relation to the proposed development generating additional traffic which would worsen existing congestion problems on Seaton Lane, citing regular instances of queues from the traffic lights at the Seaton Lane / B1285 / Lord Byron's Walk crossroads back into Seaton, a distance of approximately 800m, and difficulties over egressing from driveways onto Seaton Lane at peak times. Residents have raised concerns regarding the validity of the applicant's Transport Assessment and hired Sandersons and ADL Traffic and Highways Engineering Ltd to produce their own Transport Statements. The Highway Authority has reviewed the information submitted by the applicant and the residents of The Meadows.
119. It is acknowledged that there are existing congestion issues at the B1404/B1285 Seaton Lodge signals, however it is noted that a scheme which will relieve pressure on this junction is currently underway and is proposed to be completed early in 2024. This scheme will reduce the number of vehicles heading east on the B1404 from the A19 towards the signalised junction and vice-versa. Once opened, the traffic signal controller will self-adjust to the change in traffic patterns. This arrangement has been modelled as part of the road scheme and the Highway Authority therefore accepts that with these

improvement works the proposed development would have a minimal material impact on the capacity of the surrounding highway network.

120. The applicant has provided a site access drawing at Appendix C of their submitted Transport Assessment which shows the construction of a mini roundabout at The Meadows, Seaton Lane, Hillrise Crescent crossroads. The Highway Authority have advised that the mini roundabout feature is not driven by junction capacity limitation but would provide benefits for existing road users and those generated by the development. Such a feature would also assist in reducing vehicle speeds on the B1404 Seaton Lane which has an historic speed related issue, as evidenced by the traffic survey undertaken on behalf of the residents of The Meadows. The introduction of such a feature would need to be accompanied by additional signs and road markings. Achieving a safe and suitable access to the site is not dependent upon the introduction of a mini roundabout in this location, however, the additional vehicle movements that would be generated by the proposed development help to justify the mini roundabout which would assist motorists turning into and out of the side roads and may also help to reduce vehicle speeds along Seaton Lane, providing benefits for existing and future residents.
121. Residents have raised concerns that the roundabout has not been designed to meet the relevant standards, including those relating to stopping distances on the approach. However, given the above it is considered that further details could be secured via a pre-commencement condition, to include a detailed design of the mini-roundabout, traffic management features, and a highways road safety audit.

Car Parking

122. It is noted that there are a number of house types (Saltbury, Ripley, Cookbury, Ferndale, and Thorsby) which have upper floor rooms indicated for purposes other than a bedroom (annotated as “live/work”) but are considered to be capable of being used as an additional bedroom by future residents. It is noted that these house types are marketed elsewhere by the developer including this room as an additional bedroom. For the purposes of considering whether sufficient car parking spaces are to be provided it is therefore appropriate to consider these rooms as bedrooms.
123. Objectors have raised concerns that an insufficient number of car parking spaces would be provided within the development. Each dwelling would be served by a double width or double length driveway, representing a total of 150 car parking spaces, plus 19 visitor parking bays, throughout the development. This is sufficient to comply with the Council’s Parking and Accessibility SPD 2019.
124. The level of parking provision has also been assessed in accordance with the Council’s new Parking and Accessibility SPD 2023, which as discussed above is expected to be adopted imminently although it is unclear whether this will be prior to the planning committee. It is noted that the twin single garage has an internal width of less than 3m so would not be counted as a parking space.

125. Plots 2, 8, 38, 39 and 41 do not meet the Council's 2023 Parking Standards. The latter Plot 41 is due to the drive width being too narrow to accommodate 3 family sized vehicles at 6.5m and would need to be increased to a practicable minimum width of 7m. However, as discussed above if the new SPD has not been adopted at the time of the planning committee it cannot be afforded weight in the determination of this application.
126. Furthermore, the width of private shared driveways across the site where parking bays are orientated at a perpendicular to the drive falls below the required 6m to ensure that a motorist is able to exit the property drive and turn the vehicle before exiting the private shared driveway in a forward gear. Egressing a private shared driveway onto the main highway in reverse gear is considered likely to cause highway safety issues by increasing the risk of collisions.
127. In addition, some of the parking bays are of questionable length being either too short or much longer than a single/double space. This would encourage users to attempt to park an additional vehicle on the driveway but result in part of the vehicle overhanging and blocking the footway, consequently requiring pedestrians to enter the highway to pass the vehicle. Parking bays must be a minimum of 5.5m in length or sufficiently long to fit two family sized vehicles without overhanging the public footway. This may be reduced to 5m where there is no garage, or a roller shutter garage door is utilised. The preference of the Highway Authority is for drive lengths to comprise multiples of single spaces, however, deviations from this can be accepted provided that the driveway lengths are not such that a resident may attempt to park an additional vehicle with part of the vehicle protruding across the footway and creating a safety issue for pedestrians.
128. The questionable length of driveways is considered to adversely affect pedestrian and highway safety, contrary to CDP Policies 6 f), 10 q) and 21, as well as Part 9 of the NPPF.
129. In addition, there are a number of locations where double driveways are located such that there will be many spaces in a line with no gap between the spaces creating issues for the use of the inner spaces. A 1m gap between each pair of spaces should be provided to allow for doors to be opened wide to enable child seats to be fitted and for people with restricted mobility. Whilst not a highway safety issue, the current arrangement is considered to represent a poor standard of amenity for the future occupants of the plots concerned which should be weighed in the planning balance.
130. The driveways along the boulevard are shown to have block paving extending to the carriageway kerb which is not acceptable from an adoption perspective. Should the section of drives from the back of footpath to the carriageway be proposed for adoption, they must be constructed in bitmac. This could be addressed by a suitably worded condition.

131. 19 visitor parking bays are proposed to be distributed throughout the site which represents a sufficient quantity to comply with both the Council's current Parking and Accessibility SPD and the 2023 version. However, it is noted that they are not ideally distributed to satisfy the demands that will be placed upon them, as the stretch from Plot 72 to Plot 64 has an under-provision whereas Plot 34 to Plot 39 area has an over-provision. This should be weighed in the planning balance.
132. Where visitor parking bays are provided, there must be a hard surface around the bay to avoid vehicle occupants having to stand on and use grass/mud when boarding/alighting vehicles. It is considered that a suitably worded condition could be imposed to secure this.
133. Each property must be provided with an electric vehicle charging point. This could be secured by a suitably worded condition.

Layout

134. The Highway Authority have also raised concerns over various aspects of the internal layout of the site from a highway perspective.
135. Alterations to the junction arrangement adjacent to Plot 40 are required to ensure that the priority continues to the south with the short side road to the east having to give way to the north-south route. The protrusion in the kerb line adjacent to the garden of Plot 73 would also be required to be straightened and a raised table provided covering the whole junction to assist in speed reduction.
136. In addition, the radius at Plot 43 is too tight and below the minimum permitted radius. Alterations to the layout would be required to resolve this and as such it would not be appropriate to impose a condition to overcome these issues. Shared surfaces must also have a 1.8m footway on one side and a 1m block paved service margin on the other to differentiate it from the footway.
137. Concerns are also raised regarding the position of street trees positioned within grassed verges between the footpath and carriageway interfering with street lighting and adversely affecting visibility, with tree roots creating uneven footway surfaces and interfering with highway drainage. These concerns were echoed by the Design Review Panel who noted the tight layout would restrict the ability to be able to incorporate street trees. It is also advised that the verges would not be adoptable and would require inclusion in a perpetual landscape management plan.
138. Overall, the current layout has not been designed to meet adoptable standards and alterations to the layout are required in order to prevent highway safety issues arising.

Construction Phase

139. Objectors have raised concerns over the lack of details regarding how a three year construction period would be managed and that the A19 flyover has a

weight restriction of 18 tonnes so is not suitable to be used by HGV's. A condition could be imposed to secure details of a Construction Management Plan to clarify how the construction phase would be managed. This would be expected to include details of construction traffic routing which could include proposals to direct heavy construction vehicles to approach the site from Houghton-le-Spring or Murton, rather than Ryhope or Seaham, to avoid the A19 flyover. As such, the application does not warrant refusal on this basis.

Summary

140. The proposed development is not considered to have a material impact on the surrounding highway network in terms of generating additional vehicular movements given the scheme of improvement works currently underway. A condition could be imposed to secure further details of the mini roundabout intended to assist motorists turning into and out of the side roads and reduce traffic speeds. A condition could also be imposed to secure details of a Construction Management Plan and various other matters as requested by the Highway Authority.
141. Whilst, the Highway Authority have raised concerns over the proposed development due to the width of The Meadows estate road falling below a width of 5.5m, if the new SPD has not been adopted at the time of the planning committee it cannot be afforded weight in the determination of this application.
142. In addition, the current layout has not been designed to meet adoptable standards and alterations to the layout are required in order to prevent highway safety issues arising. The questionable length of driveways, and insufficient width of private shared driveways orientated at a perpendicular angle to other driveways is considered to adversely affect pedestrian and highway safety, contrary to CDP Policies 6 f), 10 q) and 21, as well as Part 9 of the NPPF.
143. The under provision of visitor parking bays along the stretch of road in front of Plot 72 to Plot 64 and the absence of a path to divide adjoining private driveways to allow car doors to be opened should be weighed in the planning balance.

Design / Layout

144. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
145. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
146. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside

and optimise the potential use of the site. Specifically, NPPF Paragraph 130 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

147. The application site presents as a green buffer between the settlement edge and the A19 road corridor and has visual merit when taken together with the surrounding green space, especially the designated Green Belt land to the north. The objections received have highlighted concerns over the loss of a greenfield site and the scale of the proposals representing overdevelopment and adversely affecting the character of the village, which comprises approximately 165 dwellings. In particular, attention has been drawn to the Council's Strategic Housing Land Availability Assessment (SHLAA), undertaken to inform the County Durham Plan. The SHLAA assessed the site for its appropriateness for housing, scoring an amber classification, indicating it would be unsuitable for development with concerns raised that the scale of the site bears no relationship to the adjoining settlement and that its development would have a significant and unacceptable landscape impact.
148. The application site relates to the entire parcel of land that was assessed under the SHLAA. A landscape buffer is proposed along the eastern boundary comprising a SUDs basin to the north east with open space to the south east, but the vast majority of the site would be developed. Significant concerns are raised regarding the proposed scale of the development, the overly dense layout and urban form, and the number of dwellings proposed. It is noted that residents have raised similar concerns in their objection letters.
149. In this regard, prior to submitting the current application the applicant undertook a public consultation with the residents of Seaton in November 2020. The Statement of Community Engagement submitted with the application acknowledges that 95% of residents (out of a total of 263) who responded thought the proposals for, at that time, 78 dwellings represented an inappropriate scale for the site. The applicant goes on to explain that following an analysis of the character of Seaton, further market analysis, and the aims of Part 11 of the NPPF to make effective use of land, they considered 106 dwellings to represent an appropriate scale of development on this site. During the course of the application the applicant reduced the number of dwellings proposed to 75 and it is on this basis that the application is being determined.
150. Criterion p) of CDP Policy 29 requires all major new residential development be built to at least 30 dwellings per hectare (dph) net in and around town centres and locations where there is good access to facilities and frequent public transport services. The policy goes on to state that lower densities may be acceptable in other locations or where it is necessary to ensure good design and development that is compatible with its surroundings and character. NPPF Paragraph 124 d) advises that planning decisions should support development

that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. The supporting text to this policy goes on to advise at Paragraph 5.301 that, "Lower densities may be more appropriate in response to the prevailing existing character of a site, in smaller settlements, or to provide a range and choice of housing."

151. In this instance, the site is not located in or around a town centre and the proposed development would have a density of 18.75dph. The applicant's Character Assessment for Seaton calculates that the average figure for the village is approximately 12.4dph, reflecting that Seaton is a small village with a low density that is typically characterised by larger houses set within more generous grounds. The density of The Meadows estate is calculated to be approximately 14.7dph, still well below that proposed in this application. When excluding the landscape buffer to the east of the site, the proposed development would have a density of approximately 35dph. The submitted Design and Access Statement states that housing density disperses from the centre of the village and as it moves outwards towards the more landscaped and rural edges. However, the proposals would see the introduction of a development on a rural edge of settlement site with a density 34% higher than the average density of the development in the village, and 21.6% higher than the density of The Meadows estate. This is contrary to the character of the village and is considered to represent an inappropriate scale of development and has resulted in the layout appearing overly dense and suburban. This would adversely affect the character of the village, contrary to CDP Policy 6 d).
152. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
153. At the initial consideration of the application by the internal Design Review Panel, the scheme received 10 "reds", 2 "amber" and 0 "green" scores. At the final consideration of the application by the internal Design Review Panel, the scheme received 10 "reds", 1 "amber" and 1 "green" score. "Red" scores related to the following issues:
154. In terms of connections, significant concerns were raised regarding the narrow width of The Meadows estate road. Concerns were also raised over the lack of a direct connection from the site onto Seaton Lane, which results in the bus

stops present here being in excess of the recommended 400m from many of the dwellings within the site, particularly those to the south east corner. In addition, without such a connection services and facilities would be beyond the upper threshold of what could be considered a reasonable walking distance for many of the future residents. Concerns were also raised in relation to the lack of details regarding the gradient and construction of the footpath connection to the railway path spanning the north west boundary of the site, required due to the significantly higher level of the railway path and the gradient of the connecting path likely being unsuitable for cyclists.

155. The scheme also scored red in relation to the character of the development and the way the scheme works with the site and its context. The layout is dense and urban within the built section of the site, failing to respond to the edge of village location and the character of the surrounding area which is typified by generous plot sizes with less uniformity. The design of the proposed house types is neither distinctive nor does it take cues from the surrounding vernacular. Whilst front porches, canopies and the use of materials aim to respond to the context, the overall approach appears to comprise of Avant house types utilised in other parts of the region.
156. The subsequent introduction of a detached Oakwood house type and a hipped roof to the semi-detached version, render to the first floors of two house types, a mix of flat and pitched roof canopies above front doors, use of a mix of grey and red roof tiles, and artstone heads and cills to all house types is not considered to have overcome the red score to this question, or to meet the aims of NPPF Paragraph 126 to create high quality, beautiful buildings and places.
157. In terms of creating well defined streets and spaces, concerns were raised regarding the position of the pumping station in a prominent position at the end of a cul-de-sac, and the proposed layout restricting the amount of street trees proposed, as well as the ability to incorporate the small amount of street trees included along the southern side of the internal access road leading on from The Meadows. Planting trees into such a small area would result in a negative establishment and development rate.
158. Whilst subsequent amendments to the Proposed Site Layout Plan show the addition of 7no. trees to the north side of this road this is considered insufficient to overcome previous concerns. Concerns remain regarding the practical ability to incorporate these trees given the proposed layout, and it is noted that these additional trees are not shown on the revised proposed Landscape Strategy Rev G. The subsequent re-siting of the pumping station slightly towards the south east is not considered to fully overcome previous concerns, with it now located opposite the front of Plot 22. It is also noted that the revised proposed Landscape Strategy Rev G does not reflect its amended position.
159. In relation to the aim to create streets for all users, concerns were raised regarding the domination of hardstanding and car parking to the south western part of the site, with the number of units proposed restricting the amount of space around dwellings for landscaping. This has not been satisfactorily addressed by the subsequently revised site layout which retains the same

number of dwellings and further concerns are raised regarding the planting of a tree within the curtilage of Plot 65/66 and 68 rather than providing street trees within the highway verge due to the likelihood of the future occupants removing them.

160. Car parking is generally provided to the front of units and therefore dominates the street, particularly in higher density parts of the sites. In addition, several of the driveways are of questionable length, exceeding 6.5m or 12m in length which is above the requirements for a single or double length drive but below those for a double or triple length drive.
161. In terms of providing appropriate public and private spaces, concerns were raised regarding the usability of the open space given the sloping levels across the site, with the north east area sitting approximately 10m higher than the south. The Council's Drainage and Coastal Protection Manager also raised concerns regarding the swale shown on the proposed site plans being too narrow in places, with there being no provision for access to the basin for maintenance, and it being unclear what the reference to 'highways SUDs features' comprises. Revised plans were later provided which showed the width of the swale to be increased and a maintenance track added around the basin. Whilst some concerns regarding the need for further details remain, these could be secured by way of a suitably worded condition. This will be discussed in greater detail under the relevant heading later in the report. Consequently, it is considered that the scheme should instead score amber in relation to this question.
162. An "Amber" score was received in relation to wayfinding as although the site is relatively small there is a lack of street hierarchy with little thought given to tree-lined streets.
163. A "Green" score was received in relation to meeting local housing requirements. This will be discussed further under the Affordable, Accessible, and Adaptable Housing heading later in the report.
164. In line with CDP Policy 29, as 10 "reds" are awarded to the scheme it is considered there are significant areas where the design and layout that could be improved and that the development does not represent a good standard of design. This policy advises that if any "reds" are scored the application should be refused unless there are significant overriding reasons otherwise. In this regard, the benefits of the proposed development should be weighed against the conflict with CDP Policy 29, and Part 12 of the NPPF.

Landscaping and Visual Impact

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

166. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
167. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
168. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
169. The application is supported by a Landscape and Visual Appraisal (LVA) and an Arboricultural Impact Assessment (AIA).
170. The AIA identifies that the proposed layout requires the removal of T4, a low value Leyland Cypress, a short section of Hedgerow 2 (Category B) to allow for the construction of a garage at Plot 75, and an area of outgrown low value Cotoneaster bushes to the rear of Plot 72. The tree loss proposed is relatively insignificant in the context of the new planting proposed as part of the landscaping scheme, which is considered sufficient to accord with the aims of CDP Policy 40.
171. The assessment also identifies that individual hedge plants within Hedgerow 2 are within close proximity to the new units on Plots 64 and 75 and could be in contact with their gable walls. The pruning back of the hedgerow by an experienced Arborist is recommended to allow the construction and installation of scaffolding. The Council's Arborist has reviewed the submitted Arboricultural Impact Assessment and concurs with its findings. They recommend a condition to secure adherence to the recommendations within the report.
172. Whilst the site is not located within an Area of Higher Landscape Value it is nevertheless an attractive area of countryside and of local value. The site comprises an open arable field and plateau farmland. Development of the site for residential use would remove the field from the landscape. Landscape Officers have advised that the proposed development of the site would result in significant and adverse landscape effects through the loss of the open field and the introduction of a dense urban development to a small rural village.
173. Visual effects would be adverse and significant for users of the adjacent Hawthorn to Ryhope railway path (National Cycle Route 1) as this route is elevated with open views across the site for a relatively short section. The submitted LVA identifies this as being of high sensitivity, with the proposed development representing a substantial change which would have a major effect. This would be unlikely to be mitigated by planting due to the significantly elevated level of the path relative to the site.

174. Views of the development from the A19 would be partially filtered by the existing roadside vegetation though not significant for car users travelling at speed along the A19. There would also be glimpsed views of the proposed housing through gaps between existing residences for pedestrians and vehicle users on Seaton Lane to the south of the site.
175. Overall, the proposed development represents an inappropriate scale and overly dense layout for this edge of settlement site that is at odds with the character of the area and would result in the loss of open land that contributes to the character of the locality, adversely affecting the intrinsic character and beauty of the wider countryside and the setting of the village, contrary to CDP Policy 6 c), and 10 l) and o). The scale and density of the proposed layout would also cause unacceptable harm to the character and quality of the local landscape, contrary to CDP Policy 39.

Residential Amenity

176. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
177. CDP Policy 31 seeks to safeguard the amenity of existing and future occupants in terms of overlooking, visual intrusion, visual dominance, loss of light, noise, and privacy. Criterion a) of CDP Policy 6 also seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land, whilst criterion r) of CDP Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
178. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The applicant has confirmed that all of the proposed dwellings have been designed to comply with the NDSS. However, it is noted that 5no. house types have a room annotated as a “live/work” room which have been sold elsewhere on the basis of this being a bedroom and which falls below the minimum 7.5m² required for a bedroom.
179. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. The rear gardens of each dwelling would generally comply with this requirement, although it is noted that that of Plot 40 is only 7.5m long.
180. The SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary

habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. Generally, these distances would be achieved however there are some instances where there is a shortfall.

181. The SPD advises that it is not intended to apply these distances rigidly and that there may be instance where these distances can be relaxed. One such example is within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place, but such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy, amenity and outlook. The SPD goes on to advise that greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances. In this regard, it is noted that Seaton is characterised by its relatively low density where the required separation distances are typically met or exceeded.
182. There would be a distance of 12.8m between the detached double garage serving Plot 54 and the bedroom window within the rear elevation of the bungalow Green Acres, and 12m between the blank side elevation of the new dwelling and the rear kitchen/dining room window. Given the marginal shortfall in the typically required separation distance (13m) and that the kitchen/dining room is also served by windows within each side elevation, the occupants of Green Acres are not considered to suffer from a loss of outlook or privacy.
183. The occupants of 11 The Meadows have raised concerns over suffering a loss of privacy and overbearing impact from the proposed development. The detached garage proposed to serve Plot 1 is located 13m away from the boundary with no.11, and the rear elevation of the dwelling proposed on Plot 1 only sits slightly behind that of no.11, with a distance of approximately 9m between the two side elevations which are orientated at an angle to each other. No habitable room windows are proposed in the side elevation of the new dwelling on Plot 1 and the side elevation of no.11 faces south east away from this so would continue to benefit from sufficient outlook after the development and would not suffer adversely from an overbearing impact or a loss of light.
184. The typically required separation distances to the other existing dwellings at The Meadows and those fronting Seaton Lane would be met or exceeded, ensuring their amenity and living conditions in terms of sufficient levels of light, outlook and privacy. Therefore, the proposed development would not adversely affect the amenity of existing residents in terms of overshadowing, visual dominance, or loss of privacy.
185. It is noted that there is 11m between the side facing kitchen/dining room window within the side elevation of the dwelling on Plot 5 and bathroom window within the side elevation of dwelling on Plot 11. The typically required separation distance is 13m, however the kitchen/dining room has been designed as an open plan room that would also be served by a primary window within the front elevation of the dwelling and so the future occupants would benefit from sufficient levels of outlook from this window when spending time in this room.

Therefore, no concerns are raised regarding this relationship and the future occupants of each dwelling would benefit from sufficient levels of outlook and privacy.

186. There is a distance of 16.6m between the side facing kitchen/dining room window within the side elevation of the dwelling on Plot 4 and the front elevation of the dwelling on Plots 14 and 15. The dwelling on Plot 4 is a bungalow that has been designed as a corner turner with alternative windows within the front or rear elevations serving its habitable rooms, a kitchen/dining room in this instance. However, this window would be opposite the window within the porches serving the dwellings on Plots 14 and 15 so the amenity of the future occupants of the dwellings on Plots 14 and 15 is not considered to be adversely affected in terms of loss of privacy given that a porch is not a habitable room.
187. Of greater concern is the distance of 16.6m between the front elevation of the dwelling on Plot 59 and the active side elevation of the dwelling on Plot 48 opposite. The dwelling on Plot 48 has been designed as a corner turner and features a bedroom above a kitchen/dining room which is also served by windows within the front elevation but would face onto the primary lounge and bedroom windows of the dwelling on Plot 59, of which the occupants would suffer a loss of privacy. There is also a distance of 19.6m between the front elevations of the dwellings on Plot 43 and Plot 70, which falls short of the required 21m, resulting in the lounge windows of the two dwellings facing each other. These shortfalls and the loss of privacy arising as a result should be weighed in the planning balance.
188. A condition could be imposed to require the bathroom and/or en suite windows to the dwellings on Plots 11, 39, 45, 57, 72, and the secondary kitchen / dining room window within the side elevation of the dwelling on Plot 61, to be obscure glazed to prevent issues of overlooking or loss of privacy.
189. Overall, the proposed development would not adversely affect existing residents in terms of loss of light, overlooking or visual dominance. Generally, the proposed dwellings would provide good standards of amenity for their future occupants, although concerns are raised regarding the levels of outlook and privacy for the residents of Plots 43, 59 and 70 which should be weighed in the planning balance.

Noise Pollution

190. The application is supported by a Noise Assessment which identifies road traffic noise as being the dominant noise source. Mitigation measures have been suggested to achieve acceptable noise levels.
191. The assessment concludes that the properties positioned to the east of the site adjacent to the A19 will experience the highest noise levels and breach relevant guidance criteria. To mitigate these levels, the assessment advises that the dwellings and garages will provide a noise barrier to the external amenity areas, with windows facing the A19 to require acoustic glazing. 2m high acoustic fencing is proposed to 7no. Plots (16, 19, 23, 37, 49, 53, and 54) to mitigate

road traffic noise from the A19. A 3m high acoustic fence is shown to span the length of one side of the rear gardens of Plots 9 and 18, as well as the corner of Plot 12. Environmental Health have advised that a 3m high fence is sizable and would be subject to windage and so would recommend a shorter fence be erected on top of a bund. However, it is considered that the erection of a 3m high fence and/or earth bund along the entire length of one side of the rear garden would have an overbearing impact upon the occupants of Plot 9 and 18 when spending time in their rear gardens and this should be weighed in the planning balance.

192. In addition, due to the need to keep windows closed to avoid being adversely affected by road traffic noise, 8no. dwelling (Plots 16-23) would be at high risk of overheating, with a further 6no. dwellings (Plots 49-54) at medium risk. The assessment recommends that the applicant consults a Mechanical Engineer to confirm an appropriate overheating mitigation strategy. Table 5 and 6 within the assessment provide example products which may be incorporated into each house, but no specific detail has been submitted at this stage. Therefore, it would be necessary to impose a condition to require further details of glazing and ventilation to be agreed to safeguard the future occupants of the new dwellings from noise and overheating. Subject to such a condition, the future occupants would not be adversely affected by high noise levels. However, not being able to open windows would represent an adverse impact upon the amenity of the occupants of these dwellings that a mechanical ventilation system would not fully overcome. This should be weighed in the planning balance.
193. Objectors have raised concerns that the proposed development would generate additional vehicles which would in turn generate additional noise and disturbances. Whilst the proposals would inevitably generate additional noise from vehicle movements above the current agricultural use of the site, given the vehicles travelling along The Meadows would be expected to do so at relatively low speeds due to its residential character and narrow width, whilst there would be some impact this is not considered to be so significant as to warrant the refusal of the application.

Light Pollution

194. CDP Policy 31 states that development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted.
195. The supporting text to CDP Policy 31 advises that light pollution is artificial light that illuminates areas that are not intended to be lit. The intrusion of overly bright or poorly directed lights can cause glare, wasted energy, have impacts on nature conservation, and affect people's right to enjoy their property. Development proposals with the potential to result in unacceptable levels of light pollution, either individually or cumulatively with other proposals, should be accompanied by an assessment of the likely impact to show that the lighting scheme is the minimum necessary for functional or security purposes and that it minimises potential pollution from glare and spillage.

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

Air Quality

197. Objectors raised concerns regarding the proposed development generating additional traffic which would have the potential to adversely affect air quality. CDP Policy 31 states that development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. The supporting text to CDP Policy 31 advises that the planning system can play an important role in the improvement of air quality. Whether or not air quality issues are relevant to a planning decision will depend on the proposed development and its location. In determining a planning application, the development's likely effect, either directly or indirectly (for example an increase in vehicular traffic), on air quality will be considered.
198. The application is supported by an Air Quality Assessment which states that the total number of two-way trips expected to be generated by the proposed development is 496. Whilst the site does not lie within an Air Quality Management Area, this is very close to the change of 500 Annual Average Daily Traffic (AADT) in Light Goods Vehicles for which further assessment of air quality would be required. The number of two way trips is based upon the submitted Traffic Impact Assessment carried out by Systra. It is noted that the traffic volume on the A19 was obtained for 2021 from the DfT website and a growth factor applied to determine this for the assessment year of 2023 which was used for the Design Manual for Roads & Bridges (DMRB) screening assessment. The impacts of the restrictions imposed by the Covid pandemic may have impacted on traffic levels during 2020 and 2021 and so the traffic volumes on the A19 both prior to and following the Covid pandemic should have been considered and provided in comparison to demonstrate this is representative.
199. Environmental Health Officers (EHO) advise that the impact on air quality from traffic travelling along the A19 has been considered and screened using the DMRB method for assessing traffic emissions. The screening has been carried out for potential exposure of the future occupants of the proposed dwellings to the pollutant's nitrogen dioxide and finer fractions of particulate matter (PM10 and PM2.5) from vehicle exhaust emissions from the A19. This simple screening assessment shows that the levels of the pollutants Nitrogen Dioxide and PM10 are well below the air quality objective levels at the proposed dwellings.

200. EHO also advise that additional secondary legislation was introduced at the end of January 2023 under the Environment Act 2021, and then The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, which introduces the legally binding target to reduce the concentration target exposure level of PM2.5 (including dust from roads etc.) to an annual mean of 10 µg/m³ by 2040 across England. Whilst this is a national target, Local Authorities are expected to ensure exposure to PM2.5 is minimised wherever possible. As set out in the DEFRA Air Quality Strategy, there is an expectation to consider and implement improvements in air quality at the planning stage in relation to minimising exposure to PM2.5 by way of the design of new development.
201. The exposure to air quality pollutants, such as PM2.5, is dependent on the distance from the source, in this case the A19. The submitted assessment concludes that the 2023 annual mean PM2.5 concentration at the closest proposed receptor to the A19 is predicted to be 11.35 µg/m³ which exceeds the relevant target exposure level. Further detailed dispersion modelling to robustly assess the impact of the proposed development on air quality and the future residents of the dwellings, specifically those close to the edge of the A19 carriageway on the eastern boundary of the site, has not been carried out.
202. Whilst it cannot be expected that developers will be able to demonstrate the achievement of this national target through their development alone, further details regarding ways of improving the air quality and reducing the levels of this pollutant are required in order to meet the overall aim of minimising exposure taking into consideration the characteristics of the proposed development. The EHO has therefore recommended that mitigation in the form of alterations to the proposed layout to increase the distance of habitable rooms within the proposed dwellings from the edge of the A19 carriageway.
203. It is understood that the Council's Traffic Management Section have received complaints following the installation of traffic lights further to the east on Seaton Lane at the crossroads with Byron Terrace and Lord Byron's Walk. Residents on Leechmere Crescent have complained in the past in relation to the queuing of traffic creating congestion and the resulting impact on air quality. Monitoring was carried out at three locations in the vicinity of this junction in 2019. However, the Highway Authority are satisfied that the surrounding highway network is capable of accommodating the additional traffic that would be generated by the proposed development, noting the improvement works to the A19 that are expected to be completed by early 2024 and so in this context the proposed development is thought to be unlikely to have a significant adverse impact on air quality.
204. It is also noted that application DM/23/01771/FPA for the erection of 46 dwellings on land to the south west of the village, which was submitted after the current application, is currently pending consideration and the cumulative impacts of the additional traffic generated from both developments if they were to go ahead has not been addressed by the applicant. However, it is noted that the EHO has not raised any objections to application DM/23/01771/FPA.

Disruption during the Construction Phase

205. Objectors have raised concerns regarding disruptions during the construction phase and referenced the cumulative impact of these disruptions when considered alongside those caused during the highway improvements works to the A19. These works comprise the construction of a new roundabout and link road to connect the A19 southbound directly to the A1018 and Seaton Lane to divert traffic from Sunderland away from Seaton Lane to reduce congestion along Seaton Lane and the Byron's Walk junction. The Highway Authority have advised that this scheme is expected to be completed in early 2024. Residents also make reference to National Grids' Scotland to England Green Link SEGL1 project to lay 190km of electricity cables under the North Sea, which is due to start in Autumn 2024 with works expected to be underway until 2027. Reference is also made to outline planning permission (DM/22/01663/OUT) for the erection of a new 400 kilovolt electricity substation to the south of Jade Business Park in Murton in connection to this project, which was approved on the 27th of July 2023. Residents also make reference to construction works at Seaham Garden Village which are currently underway.
206. A condition could be imposed to secure details of a Construction and Environmental Management Plan (CEMP) which would be expected to include reference to the timing of the planned works to the A19, along with other significant development in the surrounding area, to ensure this is taken into account when proposing measures to minimise disruption to acceptable levels during the construction phase. Ultimately however, the construction phase would be temporary and the application does not warrant refusal on these grounds, subject to a suitable CEMP coming forward.
207. A qualitative assessment of the risk of the impacts of dust & PM10 impacting on existing receptors has been carried out in accordance with the Institute of Air Quality Management (IAQM) Guidance on Dust from Construction & Demolition. The assessment has determined a high risk of dust impacting on surrounding existing receptors on the approach to and surrounding the site during the construction phase. This is without a requirement for the implementation of targeted dust suppression and control measures. The residual impacts once mitigation measures and controls have been implemented is assessed as not significant. A pre-commencement condition could be imposed to secure details of suitable mitigation measures as part of a CEMP. This should also include measures to mitigate emissions from the operation of Non-Road Mobile Machinery.

Summary

208. Overall, some concerns are raised regarding sub-standard privacy distances being suffered by the future occupants of the dwellings on Plots 43, 59 and 70, and that 14no. dwellings would not be able to open their windows without suffering from unacceptably high noise levels from road traffic. Therefore, there is a degree of conflict with CDP Policy 29 e). This should be weighed against the benefits of the development in the planning balance.

209. Overall, the 2023 annual mean PM2.5 concentration at the closest proposed receptor to the A19 is predicted to be 11.35 µg/m³ which exceeds the relevant target exposure level. In the absence of detailed dispersion modelling to demonstrate otherwise, mitigation is required in the form of alterations to the proposed layout to site the easternmost dwellings further away from the A19. Consequently, it would not be appropriate to impose a condition in this regard as it is not certain whether the failure to meet target exposure levels could be adequately mitigated based on amendments to the proposed layout should they come forward. Therefore, the application is in conflict with CDP Policy 31.

Drainage

210. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
211. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
212. In addition, criterion h) of CDP Policy 6 and s) of CDP Policy 10 both require development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
213. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. The application is supported by a Flood Risk Assessment and Drainage Strategy.
214. The Assessment explains that British Geological Survey Data indicates that the site is underlain by coal measures strata which have low permeability and so infiltration has been discounted. There are no watercourses on or near the site, with the closest being Seaton Burn 350m away to the south, and so in line with the hierarchy of preference surface water is proposed to be discharged to a surface water sewer running through the centre of the site which serves the residential development The Meadows.
215. The drainage strategy is to discharge surface water runoff into a swale and detention basin located to the east of the site before entering a pumping station and then being discharged into the existing surface water sewer. Permeable driveways are proposed with filter strips to provide treatment of surface water.

This approach is in line with the hierarchy or preference set out by CDP Policy 35.

216. The Lead Local Flood Authority have indicated their satisfaction with the principle of the proposed drainage strategy but advise that some issues around technical details remain which, although not insurmountable, still need to be addressed. The drainage strategy involves using a pumping station to discharge surface water runoff to a surface water sewer. It is noted that the connection to the surface water sewer lies halfway up the site and so if there was a pumping failure the flood exceedance route would be onto the A19. To safeguard against this, it would be necessary to impose a condition to secure further details regarding mitigation measures to be put in place in the event of pump failure. This could involve the provision of additional storage to allow for pump repair.
217. The LLFA also advise that whilst the basin is relatively large, only a very small part of it is proposed to be used for treatment with the inlet and outlet headwalls located in close proximity. Due to the steep slopes of the swale flow, controls such as stone weirs or check dams would be required to prevent it from rapidly eroding, thereby reducing its effectiveness. It is considered that it would be appropriate to secure further details addressing these points by way of a suitably worded condition.
218. A Method Statement detailing how surface water arising during construction will be handled could also be secured via a suitably worded pre-commencement condition if the application were to be approved.
219. Northumbrian Water have advised that the Flood Risk Assessment and Drainage Strategy is vague as to where the surface water flows shall discharge to on the public sewerage network. The existing surface water sewer connects into a 1200mm concrete tank in the middle of the application site before discharging into a hydrobrake east of the site. Northumbrian Water have agreed a connection point downstream of this chamber but require this to be clearly shown on the submitted drainage plan. They also clarify that the agreed surface water runoff discharge rate is 3.5 litres per second rather than the 5 litres per second stated in the submitted documents. The applicant would need to contact Northumbrian Water should they wish to alter this. Overall, they raise no objections to the proposed development but recommend a condition to secure final details regarding the disposal of surface water runoff to address the points discussed above.
220. Objectors have raised concerns that the existing drainage system overflows and discharges into the sea during periods of heavy rainfall and so cannot accommodate additional sewage from the proposed number of dwellings. The submitted Flood Risk Assessment identifies a low risk of sewer flooding and the application proposes to discharge surface and foul water to the existing sewer network at the site's western boundary via a pumping station which has been agreed in principle with Northumbrian Water as the water and sewerage undertaker. Ultimately, it is the responsibility of Northumbrian Water and the associated regulator to ensure that the network has sufficient capacity, and that

sewage is not discharged into the sea. With Northumbrian Water not having objected to the application, it is therefore considered to accord with CDP Policy 36 and so does not warrant refusal on these grounds.

221. Overall, subject to conditions the proposed development would not increase flood risk on site or elsewhere according with CDP Policy 35 and 36, and Part 14 of the NPPF.

Ecology

222. The application site lies within 6km of a coastal European Protected site and within 550m of Field House Farm Local Wildlife Site.
223. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s) will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site.
224. CDP Policy 25 states that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms.
225. This development is within the 6km Durham Coast Habitats Regulation Assessment (HRA) buffer and therefore Durham County Council (as a Competent Authority) are required to undertake a screening assessment to determine whether the development will have a significant effect on the integrity of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA).
226. Durham County Council has carried out initial screening (in conjunction with Natural England) in compliance with the Habitats Regulations for all housing allocations in the County. The 6km buffer allows development to proceed from 0.4-6km away from the coastal European Protected Sites provided certain mitigation measures are taken. This can include alternative green space that meets the Natural England Suitable Alternative Natural Greenspace (SANG) guidelines or a financial contribution of either £662.00 (for sites allocated in the County Durham Plan) or £756.61 per dwelling (for non-allocated sites) towards

specific Coastal Access Management Measures identified in the Durham Heritage Coast Management Plan. The provision or enhancement of suitable natural greenspace should be funded by developer contributions unless adequate onsite provision is being made.

227. The proposed development would see the erection of 75 dwellings on an unallocated site. In this instance, the proposed layout would see the provision of approximately 1.85ha of natural green space within the site, however due to the dense housing layout proposed and road traffic noise from the A19 this is considered unlikely to provide an alternative of comparable quality to the coast, with new residents with dogs likely to travel to the coast for access to longer more scenic walks with ample space for dogs to run around off the lead, thereby leading to the potential for protected species to be disturbed and adversely affected. Consequently, it is considered appropriate to secure mitigation through a commuted sum to go towards the provision or enhancement of public open spaces within the locality to attract dog walkers and provide an alternative destination to the coast. This is necessary to avoid the occurrence of a significant effect on coastal European Protected sites. As the dwellings are proposed to be erected on an unallocated site, the required financial contribution for this development would be £56,745.75 and would need to be secured through a Section 106 Agreement. Subject to this, the proposed development is considered to accord with CDP Policy 42, The Habitats Regulations, and the Council's HRA Developer Guidance and Requirements.
228. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
229. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.
230. The application is supported by an Ecological Impact Assessment which identifies that the hedgerow and edge habitat around the boundaries of the site afford foraging and commuting habitat for bats and birds. However, no bat roosting features were identified on site, with the site considered to be of low suitability to foraging and commuting bats. Three ponds were identified within 500m of the site, but no waterbodies on the site itself. Overall, the site was considered to be of low ecological value. It is noted that a number of objectors considered the site to be a haven for wildlife, but in assessing its current use as a working agricultural field for crops, it is considered that the land would have relatively limited biodiversity merits in this regard. Whilst the Ecological Impact Assessment was undertaken in March 2023, which is outside of the optimal botanical survey period, a previous survey was carried out in August 2020

which reached similar conclusions and the County Ecologist has raised no concerns in this regard.

231. The Assessment recommends the provision of and adherence to a suitable Construction Ecological Management Plan, to include a method statement to avoid the inadvertent spread of the invasive Cotoneaster species present to the western boundary of the site during the construction phase, and the provision of a suitable lighting strategy to mitigate the impacts of the proposed development. The installation of bat and bird nesting boxes to 10% of the total number of new dwellings and the planting of new habitats in the form of scrub and hedgerows is also recommended to provide biodiversity net gains. A condition could be imposed to secure details of such a management plan and adherence to the recommendations within section 5 of the submitted Ecological Impact Assessment.
232. The submitted Planning Statement states that a Biodiversity Net Gain Assessment has been undertaken which demonstrates that the development would lead to a net increase of 60.95% in biodiversity units. This would be achieved through woodland planting to the north of the site, dense shrubs to the eastern and southern perimeters, and the seeding of various grassed areas throughout the site.
233. The County Ecologist has advised that an outline Biodiversity Management and Monitoring Plan should be provided prior to the determination of the application to ensure that all semi-natural habitats to be provided either on site or off site will be managed over a minimum of 30 years, and that target habitats are deliverable. Whilst it would have been desirable for these details to have been provided prior to the of the application to give the LPA confidence net gains to biodiversity would be achieved, in the circumstances, and given the information within the BNG Assessment and the planting proposed, it is considered these details could be agreed by a suitably worded pre-commencement condition if the application were to be approved. In addition, an obligation would be included in any Section 106 agreement to enter into a Section 39 agreement of the Wildlife and Countryside Act 1981 prior to commencement of any development to secure the offsite provision.
234. Overall, the proposed development is not considered to adversely affect protected species and to be capable of achieving biodiversity net gains, according with CDP Policies 6 c), 41 and 43, and Part 15 of the NPPF.

Ground Conditions

235. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
236. The application is supported by a Geotechnical and Environmental Geoenvironmental appraisal and Gas Risk Assessment. Environmental Health Officers have reviewed this information and advised that given the upper soils

on site are homogeneous there is no reason for contamination to be identified in further sampling, with no elevated levels of contamination having been identified on site. Therefore, there is no requirement for ground gas protection measures or any further information relating to contaminated land.

237. Objectors have raised concerns regarding the presence of a sinkhole underneath Seaton Lane which has caused the road to be closed for repair works on two occasions in recent years, causing disruption to residents in the village. Reference is made to the presence of former coal mines and underground streams which may have contributed to this. Concerns relate to the proposed development generating additional traffic which could exacerbate the instability of the land.
238. The Council's Highway Inspection and Maintenance team have confirmed that a section of Seaton Lane opposite Hall Close has collapsed on two occasions, with the most recent having been in June 2019. A full carriageway construction was undertaken to repair the highway; however no former coal mining workings or drainage leaks were identified despite extensive excavation taking place during the repair works. The application site lies within the defined Coalfield Development Low Risk Area, which has been confirmed by the Coal Authority who have raised no objections to the application. The area affected by the sinkhole lies 1.1km away from the closest Groundwater Protection Zone identified by the Environment Agency. The road is currently being monitored on a monthly basis to identify further signs of failure. The Highway Inspection and Maintenance team have advised that the section of road in question is again beginning to show signs of failure and that further works to investigate the depression have been scheduled to start on the week commencing the 4th of September.
239. In this instance, whilst it is acknowledged that there are issues regarding the presence of a sinkhole underneath Seaton Lane, this is an existing problem on the highway and the development cannot reasonably be required to solve an existing problem on land outside of the application site. Therefore, whilst some additional traffic generated from the proposed development would inevitably use this road, it is not a material planning consideration in the determination of this application. Consequently, the application could not be refused on this basis.
240. Residents have also raised concerns regarding the potential for heavier construction vehicles travelling along Seaton Lane and adversely affecting its stability, however it is noted that vehicles over 18 tonnes would be prevented from using this route due to the weight restriction on the A19 flyover approximately 120m to the east. It would be possible to impose a condition to secure details of construction traffic routing prior to the commencement of development. Whilst some objectors make reference to construction vehicles not adhering to weight restriction during the construction phase of the dwellings at Poppyfield Court to the west of the village, this is a matter for the Police to enforce and is not a material consideration in the determination of this application. Consequently, the application could not be refused on this basis.

241. Subject to such a condition, the proposed development is not expected to adversely affect the stability of surrounding land, according with CDP Policy 32 and NPPF Paragraph 183.

Archaeology

242. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ or if justified appropriately excavated and recorded with the results fully analysed and made publicly available.
243. The application is supported by a Geophysical Survey which identified some anomalies across the site and so a trial trench evaluation was necessary to confirm the nature of these anomalies to confirm if any mitigation will be required. The applicant has undertaken a trial trenching exercise which did not reveal anything of archaeological significance. On this basis, the proposed development accords with CDP Policy 44 and Part 16 of the NPPF.

Open Space and Other Infrastructure

244. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst other things that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
245. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
246. The site layout demonstrates that large areas of green space (equating to around 18,534m²) would be provided on site fulfilling and significantly exceeding the amenity / natural green space requirement (the policy requirement is for 2,475m²). In addition, there is a requirement to provide 82.5m² of children's play space on site. The submitted Proposed Site Layout Plan makes reference to an area of natural play space with the Planning

Statement confirming this will comprise an area of 82.5m². Management of the open space is stated to be carried out by a management company and a condition could be imposed to secure an appropriate maintenance and management plan.

247. The OSNA identifies a shortfall in the amount of open space falling within the parks and recreation and youth play space typologies in the East Durham area in which the application site lies. In terms of allotments, whilst there is a sufficient supply within the surrounding area the closest to the application site are located 1.1km away at Ambleside Avenue this exceeds the distance of 480m recommended by the OSNA. Based on the current proposed layout, it would be undesirable to provide allotments on site due to the position of the SUDs basin and swale and the proximity to the A19. Therefore, it is considered appropriate and necessary to secure financial contributions of £111,045 as part of a Section 106 agreement to improve existing local public open spaces in these typologies to mitigate the impacts of use by additional residents.
248. Subject to a Section 106 agreement and a condition, the proposed development would be capable of providing a sufficient quantity and quality of public open space for existing and future residents, according with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Education

249. In terms of other infrastructure, a number of objectors have raised concerns that existing schools, GP's and dentists do not have the capacity to accommodate additional residents moving into the new development. Concerns are also raised regarding the suitability of securing financial contributions in mitigating the impact of an increased number of school pupils and patients.
250. NPPF Paragraph 93 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 95 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In addition, Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services, including the provision of education and health facilities, where a deficit would result or be exacerbated by the proposed development.
251. In terms of education infrastructure, the School Places Manager has advised that the development is located within the Seaham local school place planning area of which Westlea Primary, Seaview Primary, and Seaham Trinity Primary could serve the development based on a 2 mile safe walking distance. In relation to secondary schools, the development is located within the East Durham local school place planning area, with the nearest school to the

proposed the development being Seaham High School which has a capacity for 1200 pupils and is located 1.2 miles (1.9km) away.

252. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would be sufficient space to accommodate the pupils of primary school age generated by the development in existing local primary schools whilst maintaining a 5% surplus. Therefore, no contributions are required for additional primary teaching accommodation.
253. However, there would not be sufficient space to accommodate pupils of secondary school age generated by the development in local secondary schools whilst maintaining a 5% surplus. A development of 75 dwellings would be expected to generate 9no. additional secondary school pupils and so in order to mitigate the impact a financial contribution of £148,986 would be required to facilitate the provision of additional teaching accommodation.

Health Care

254. The closest GP practice to the site is the New Seaham Medical Group in Westlea, 2.4km away from the entrance to the site from The Meadows. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the North Easington Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £36,225 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

Summary

255. The NHS North East and North Cumbria Integrated Care Board have confirmed that local GP surgeries are part of wide plans to improve GP access and would be the likely beneficiaries of any Section 106 funds secured and are satisfied that monies secured would be capable of satisfactorily mitigating the impacts of the development. Likewise, the School Places Manager is satisfied that the impacts of the development of education facilities would be satisfactorily mitigated by funds secured to provide additional teaching accommodation. Therefore, whilst the concerns of objectors regarding existing capacity issues and waiting lists are acknowledged, subject to a Section 106 agreement to secure these financial contributions the proposed development would provide mitigation for the increase in population it would generate and so would not warrant refusal on these grounds.
256. Overall, subject to a Section 106 agreement to secure financial contributions of £111,045 towards the provision of public open space off site, £148,986 towards the provision of additional secondary school teaching accommodation, and £36,225 towards the provision of additional GP surgery capacity, and a condition to secure details of the management and maintenance of the open

space to be provided on site, the proposed development accords with CDP Policies 25 and 26, and Part 8 of the NPPF.

Affordable, Accessible and Adaptable Homes

257. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a medium value area, this development would require a total of 12no. affordable units in the form of 8no. Discounted Market Value homes (including 3no. First Homes), plus 4no. affordable homes for rent. The submitted Planning Statement confirms that subject to viability a total of 12no. affordable units are proposed. These are in the form required by CDP Policy 15 and would be spread throughout the site.
258. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Standard M4(2) (accessible and adaptable dwellings) standard. The applicant confirms in their Planning Statement that 87% of the dwellings (65no.) have been designed to comply with Building Regulations Standard M4(2), which exceeds the proportion (50) required by CDP Policy 15. A condition could be imposed to secure details of a verification report to ensure that at least 66% of the dwellings are built to the M4(2) standard.
259. CDP Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, 8no. bungalows are proposed in the form of the Levisham house type which would also be offered as affordable units. This represents 11% of the total number of dwellings, according with the requirements of CDP Policy 15.
260. Overall, the proposed development accords with the requirements of CDP Policy 15, subject to a Section 106 agreement to secure the delivery of the affordable homes and a condition to secure the required number of properties are built to Building Regulations Standard M4(2).

Carbon Emissions

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

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

263. Criterion d) of CDP Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
264. The application is supported by an Energy Statement which confirms the use of energy efficient fabric and Photovoltaic panels to minimise energy consumption and carbon emissions, and achieve a minimum 10% carbon reduction against DER when measured against TER. Since the submission of this application and the adoption of the CDP, the Building Regulations have been updated and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations. There have also been changes to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as this is covered under separate legislation there is no need for a condition to reflect this. However, a condition could be imposed to secure further details regarding the specification and location of the PV panels.
265. An objector made reference to the proposed development not achieving carbon neutrality, however this is not a policy requirement and as such the application cannot be refused on this basis.
266. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Best and Most Versatile Agricultural Land

267. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
268. The site exceeds 1ha in size and so is supported by an Agricultural Land Classification Report which considered 1.37ha of land in the north west of the site to have a classification of grade 3a land (34.1%) with the remaining 2.66ha of agricultural land being grade 3b. Grades 1 to 3a are considered to represent the best and most versatile (BMV) agricultural land. The proposed development would result in the loss of all 4.03ha of agricultural land within the site, thereby amounting to the loss of 1.37ha of BMV agricultural land. The report concludes that as the majority of the site is non-BMV agricultural land, the scale of BMV loss is small.

269. The loss of BMV agricultural land should be weighed against the benefits of the proposed development in the planning balance. This exercise is undertaken in the conclusion.

Other Matters

270. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, but it is considered that these details could be secured via a suitably worded condition in this instance.
271. The proposed layout does not require the diverting or grounding of the existing overhead powerlines and neither Northern Powergrid nor the National Grid have raised any objections to the application.
272. Concerns were raised by residents regarding a proposed footpath connecting the south of the site to Seaton Lane. Concerns related to the land not being owned by the applicant, requiring the loss of trees which are used by bats to roost, security concerns particularly for the occupants of the adjacent dwellings 1 and 2 South View, and safety concerns for the pedestrians using the footpath given its proximity to the A19. The land forms part of the adopted Highway and the applicant signed ownership certificate B in the submitted application form declaring that Highways England were served appropriate notice of the proposed development. It is noted that the Police Architectural Liaison Officer raised concerns over this footpath due to the lack of an overlooking presence potentially leading to anti-social behaviour. No construction details of the footpath were provided to establish its feasibility and associated tree loss. However, the amended plans on which the application is being determined no longer propose this footpath.
273. Objectors have made reference to the proposed development potentially devaluing their properties; however, this is not a material planning consideration and so cannot be afforded any weight in the determination of the application.

CONCLUSION

274. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

275. The proposed development is considered to be acceptable in terms of Drainage, Ecology, Affordable Accessible and Adaptable Homes, Open Space and Other Infrastructure, Archaeology, Ground Conditions, Carbon Emissions, and in accordance with Policies 15, 25, 26, 29, 32, 35, 36 and 44, and Parts 14 and 16 of the NPPF, in this respect.
276. The applicant puts forward the benefits of the proposed development as boosting housing supply, however the weight that should be attributed to this should be limited as the Council can demonstrate a 5 year supply of deliverable housing land without the development of this site. Economic benefits are put forward by the applicant as amounting to a capital investment into the site of £12.6 million, delivering £8.6 million of Gross Value Added (GVA) per annum throughout the construction period, the development resulting in additional expenditure in the local area, and delivering an uplift in local authority revenue by generating additional council tax receipts worth £210,000 per annum. The construction phase is also estimated to support 65 direct Full-Time Equivalent (FTE) construction jobs and 75 indirect and induced FTE jobs per annum. Whilst this is acknowledged, they are considered to fall significantly short of a level capable of outweighing the extent of the harm and policy conflict identified above. The provision of 15no. M4(2) compliant dwellings above the policy requirement is also insufficient to outweigh the harm and policy conflict identified.
277. However it is concluded that the application site occupies a position on the edge of Seaton in a position physically well related to the settlement by virtue of the presence of the A19 and railway path which frame its eastern and north western boundaries. Therefore, the proposed housing development can draw support from CDP Policy 6. However, the proposed development is considered to be of an inappropriate scale and density by virtue of the number of dwellings proposed and the cramped, overly urban layout which is at odds with the low density character of the village, that is typified by larger dwellings set within more generous grounds. Therefore, the proposed development is considered to adversely affect the character of the village, contrary to CDP Policy 6 d).
278. It is also concluded that the proposed development does not achieve high quality design, achieving 10 “reds” and 1 “amber” during the Design Review process when assessed against the Building for Life 12 (BfL 12) Standards, contrary to CDP Policy 29.
279. In addition, the proposed development would result in the loss of open land that contributes to the character of the locality, with its inappropriate scale and overly dense suburban layout considered to adversely affect the intrinsic character and beauty of the wider countryside and the setting of the village when viewed from the elevated Hawthorn to Ryhope railway path, contrary to CDP Policies 6 c), 10 l) and o), and 39.
280. The Highway Authority raised concern regarding aspects of the proposed layout, questionable length of various driveways, and insufficient width of private shared driveways orientated at a perpendicular angle to other driveways. The proposed development is considered to adversely affect

pedestrian and highway safety, contrary to CDP Policies 6 f), 10 q) and 21 and Part 9 of the NPPF.

281. The lack of a 5.5m wide access road to serve the development and failure to comply with the Council's Parking and Accessibility Standards SPD 2023 cannot be afforded any weight if it has not been formally adopted by the time of the planning committee.
282. The 2023 annual mean PM2.5 concentration at the closest proposed receptor to the A19 is predicted to be 11.35 µg/m³ which exceeds the relevant target exposure level. In the absence of detailed dispersion modelling to demonstrate otherwise, mitigation is required in the form of alterations to the proposed layout to site the easternmost dwellings further away from the A19. Consequently, it would not be appropriate to impose a condition in this regard as it is not certain whether the failure to meet target exposure levels could be adequately mitigated based on the proposed layout that could come forward. Therefore, the application is in conflict with CDP Policy 31.
283. In addition, whilst the future residents would not be solely reliant on the unsustainable modes of transport for access to services and facilities and education and employment opportunities due to the operation of an hourly bus service running from Chester-Le-Street into Seaham via Seaton, and the presence of Seaham Train Station to provide access to a wider range of amenities within surrounding settlements, there are few such amenities within the village with most nearby amenities towards or in excess of the upper threshold of a reasonable walking distance. In particular, there are no schools or medical facilities within a reasonable walking distance of the site, with the only amenities within 800m or a 10 minute walk from the entrance to the site comprising two public houses and a community centre within the village, and a convenience store and a hairdresser on Seaton Lane to the east. The distance from the dwellings to the south east corner of the site to these amenities increases by approximately 230m due to the lack of a direct connection from the site onto Seaton Lane. The distance to amenities to the east of the village on Seaton Lane, and the lack of a footpath to the first 45m on the eastern side of The Meadows, pedestrian crossing points on Seaton Lane, and secure cycle storage facilities within Seaham town centre, is likely to deter walking and cycling to access amenities in these locations, with it considered that the scale of the proposed development does not reflect the small size of Seaton and the limited services and facilities it contains.
284. It is concluded that the proposed development is contrary to local and national planning policy aims to promote sustainable modes of travel, as no direct connection is proposed to be provided from the site onto Seaton Lane to ensure that the new development can be made accessible in a safe manner suitable for non-motorised users to access nearby amenities and sustainable transport modes. The originally submitted scheme showed a connection from the site along the eastern side of the property known as 1 South View onto Seaton Lane but is not shown on the amended plans as it could not be demonstrated that a safe, well overlooked walking route could be achieved. The proposed development therefore conflicts with CDP Policy 21 as no direct route from the

site for walking, cycling and bus access is to be provided so that the new development could clearly link to existing services and facilities together with existing routes for the convenience of all users. In turn, the proposed development conflicts with NPPF Paragraphs 92, 110 and 112.

285. Whilst the dwellings have been designed to meet the NDSS and generally feature suitably long rear gardens, the future residents of Plots 43, 59 and 70 would suffer from a loss of privacy arising due to sub-standard separation distances being achieved. The occupants of Plot 40 would only benefit from a rear garden 7.5m in length, short of the required 9m. A 3m high acoustic fence and/or mound would span the length of one side of the rear gardens of Plots 9 and 18 to mitigate road traffic noise from the A19 and this would have an overbearing impact upon the occupants when spending time in their rear gardens. In addition, the future residents of 14no. Plots (16-23 and 49-54) would need to keep their windows closed to avoid suffering from unacceptably high noise levels from road traffic, which would represent an adverse impact on their amenity that a mechanical ventilation system could not fully mitigate. Consequently, there is a degree of conflict with CDP Policy 29 e) which seeks to provide high levels of amenity and privacy for residents.
286. The under provision of visitor parking bays along the stretch of road in front of Plot 72 to Plot 64 and the absence of a path to divide adjoining private driveways to allow car doors to be opened wide also weighs against the proposed development.
287. In addition, the proposed development would result in the loss of 1.37ha of BMV agricultural land.
288. It is therefore concluded that the application is unacceptable and in conflict with Policies 6, 10, 14, 21, 29, 31, 35, and 39 of the County Durham Plan and Parts 8, 9, 12, and 15 of the National Planning Policy Framework.
289. With no benefits or material considerations identified that are capable of outweighing this harm and policy conflict, the application is recommended for refusal.

Public Sector Equality Duty

290. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
291. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

1. The proposed development is of an inappropriate scale and overly dense layout that would adversely affect the character of the village of Seaton and is considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document. The proposed development would therefore conflict with Policies 6, 10, 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
2. Due to the lack of a direct connection from the site onto Seaton Lane the proposed development is contrary to local and national planning policy aims to promote sustainable modes of travel, as the site would not be made accessible, in a safe and suitable manner, for non-motorised users to access nearby amenities and sustainable transport modes. The proposed development therefore conflicts with Policy 21 of the County Durham Plan and Paragraphs 92, 110 and 112 of the National Planning Policy Framework.
3. The proposed layout and width and length of various parking bays would adversely affect highway and pedestrian safety contrary to Policy 6 e), 10 q) and 21 of the County Durham Plan, and Part 9 of the National Planning Policy Framework.
4. The future residents of the proposed development would suffer from poor levels of air quality in excess of the relevant target exposure level, with insufficient information submitted to demonstrate that suitable mitigation could be achieved based on the proposed layout, contrary to Policy 31 of the County Durham Plan.

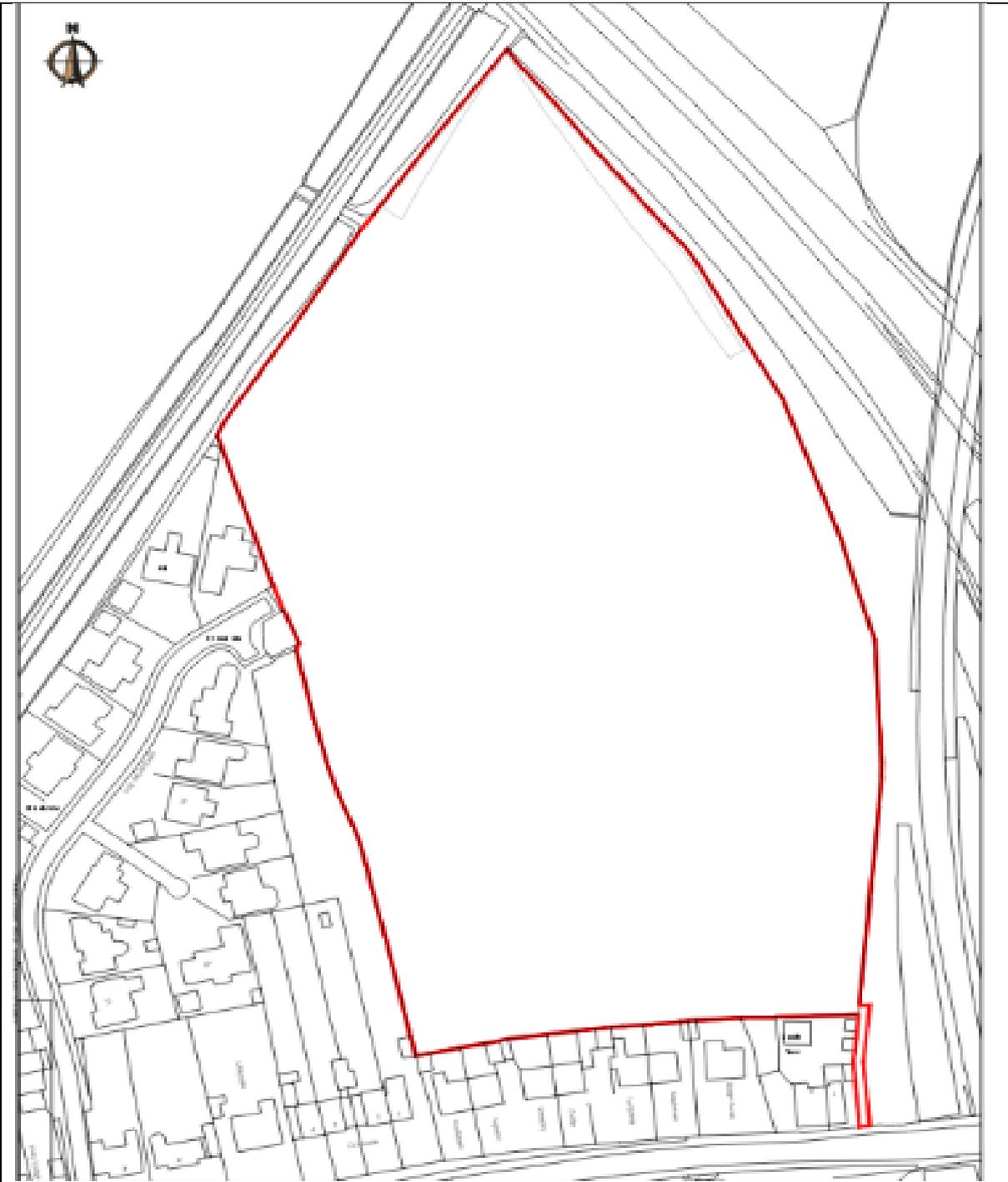
STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Plan Strategic Housing Land Availability Assessment 2019

County Durham Plan Settlement Study 2018
Durham County Council Highways Design Guide for Residential Development 2014
County Durham Parking and Accessibility Standards 2019
County Durham Building for Life SPD 2019
Residential Amenity Standards Supplementary Planning Document 2023
Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham
Statutory consultation responses
Internal consultation responses
External consultation responses



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|--|--|--|
| <p>Planning Services</p> | <p>Full planning application for the development of 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure (amended 21.04.2023)</p> | |
| <p>Copyright Map data sourced from multiple providers: © Crown Copyright and database right. Ordnance Survey LA 100049055. Philips Ltd. DIGITAL MAP DATA © Collins BARTHOLOMEW LTD. Copyright © Landmark Information Group. Copyright September 2023</p> | <p>Comments</p> | |
| | <p>Date: 4th September 2023</p> | |

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | DM/23/00241/FPA |
| FULL APPLICATION DESCRIPTION: | Change of Use from 6 Bed dwellinghouse to 2no. 2 bed flats. (amended description 09.02.2023) |
| NAME OF APPLICANT: | Mrs Gabrielle Moore |
| ADDRESS: | 24 Nevilledale Terrace, Durham, DH1 4QG |
| ELECTORAL DIVISION: | Neville's Cross |
| CASE OFFICER: | Elinor Woodruff Planning Officer 03000 261059 elinor.woodruff@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a Victorian terraced property located within the western part of the Durham City Centre Conservation Area, on the south side of Crossgate Peth. The properties within the street form a sweeping terrace of three blocks that occupy an elevated position overlooking Crossgate Peth. There is no vehicular highway access to the front of the property, with the frontage providing pedestrian access along a footpath bordered with a grassed area with occasional trees. Parking and vehicular highway access exists to rear of the terraces.

The Proposal

2. The application seeks full planning permission for the conversion of the property from a dwellinghouse (Use Class C3) to 2 No. two-bedroom flats (also Use Class C3). Flat 1 would take access from the rear of the property, while Flat 2 would have an access from the front of the property. Flat 1 would have access to the ground floor external amenity space to the rear, while flat 2 would not benefit from any external amenity space.
3. The application is being reported to planning committee at the request of Durham City Parish Council who consider the application raises issues relating to residential amenity, parking, cycle storage and highway safety which require consideration by the committee.

PLANNING HISTORY

4. DM/19/01418/FPA The change of use of a six-bedroom dwelling (Class C3) to a small House in Multiple Occupation (Class C4) or a six-bed dwelling (C3) Refused 2nd September 2019 Appeal Dismissed 27th February 2020.
5. DM/22/00369/FPA Change of use from C3 to C4 Refused 6th April 2022 Appeal Dismissed 2nd December 2022.

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in September 2023 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 - Delivering a sufficient supply of homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 8 - Promoting Healthy and Safe Communities -* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning

Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

12. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 15 - Conserving and enhancing the natural environment* - Planning policies and decisions should contribute to and enhance the natural and local environment.
15. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

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

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; 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; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

17. *Policy 6 - Development on Unallocated Sites.* Supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

18. *Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation.* Seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
19. *Policy 21- Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
20. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
21. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
22. *Policy 44 – Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

The Durham County Council Parking and Accessibility Standards SPD

DURHAM CITY NEIGHBOURHOOD PLAN:

23. *Policy S1: Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions* - sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
24. *Policy T1: Sustainable Transport Accessibility and Design* - seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.

25. *Policy T2: Residential Car Parking* - supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off-street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character.
26. *Policy T3 (Residential Storage for Cycles and Mobility Aids)* requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.
27. *Policy H2: The Conservation Areas* – seeks to ensure development proposals within or affecting the setting of the Durham City Conservation Area sustains and enhances its significance as identified within the Conservation Area Appraisals.
28. *Policy D4: Building Housing to the Highest Standards* – states that all new housing and extensions and other alterations to existing housing should be of high-quality design.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highway Authority* – Raises no objection to the application. While the existing property would be divided into 2, the number of bedrooms would be decreased from the existing 6, to 3 between the 2 proposed flats. Therefore, the number of trips and parking demand from the proposed scheme would be similar, if not reduced, from the existing use. No further comments were provided following re-consultation when the additional bedroom was added.
30. *Durham Parish Council* – raise objection to the application, citing concerns regarding access, amenity and that the application has failed to supply sufficient evidence that there is a need for this type of accommodation. In addition, the Parish highlight the application sites history, with concerns that the flats will become a de-facto HMO and have a C4 use.

INTERNAL CONSULTEE RESPONSES:

31. *Environment, Health and Consumer Protection (Nuisance Action Team)* raise no objection to the application subject to the inclusion of planning conditions to control works during the construction phase and secure the implementation of appropriate soundproofing measures.
32. *Spatial Policy Team* advise that whilst the subdivision of this residential dwelling (Use Class C3) into residential flats (also class C3) has scope to be compliant with the County Durham Plan, the design raises issues for consideration in relation to amenity, compliance with parking and accessibility standards, NDSS and provision of rubbish and recycling facilities. As such, the requirements of Policy 6 and 16 should be carefully considered.

PUBLIC RESPONSES:

33. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
34. Nineteen letters of objection have been received from neighbouring properties (including responses from the City of Durham Trust and Crossgate Community Partnership). Reasons for objection are summarised as:
- The site has a history of applications for the property to be changed into a HMO, all of which have been refused and dismissed at appeal. Neighbours have concerns that this circumvents planning policy, creating accommodation for students and thus create an HMO. If so, there are concerns that the tenants would not become a part of the community.
 - Impact upon parking and highway safety, specifically that the subdivision of the property would increase traffic and parking in an already congested area.
 - Impact upon existing residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance. The area is predominantly for families and if this application is approved may set a precedent for other properties in the area to be subdivided into flats.
 - Adverse impact from increased volume of waste/recycling and that the site does not include sufficient space to accommodate refuse storage requirements for the two flats and as such would increase nuisance and vermin.
 - Concerns regarding access arrangements to the two flats and how deliveries are to be made to flat 2 if access is only from the front where it is pedestrian access only.
 - Poor layout plan internally, including the roof light which people in the first floor flat will look down into from the lounge/dining room, which will impact upon any future users of the property.
 - Concerns in regard to the impact the proposal would have on the character and appearance of the conservation area. Especially regarding the maintenance of external areas such as the garden to the front of the property.
 - The increase of carbon emissions with the installation of another boiler at the property to separate the heating systems for the two flats.

APPLICANTS STATEMENT:

35. The proposals relate to the provision of 2 No. flats within a highly accessible location and could therefore appeal to a wide range of tenants seeking affordable rental accommodation in close proximity to Durham City Centre and it should be acknowledged that the County Durham Strategic Housing Market Assessment 2019 showed a need for smaller housing units driven by demographic change which is creating smaller household sizes. The proposals will widen the mix of housing in this highly accessible location and the provision of 2 No. flats in this established residential area in close proximity to the City Centre would fully accord with the Strategic Objectives of the adopted County Durham Plan and national guidance contained within the NPPF in regard to delivering new housing. It is however accepted that the proposed flats could also appeal to student tenants seeking smaller accommodation

and, accordingly, fall to be assessed against Part 2 of Policy 16 of the County Durham Plan.

36. There has been significant growth in student numbers over the course of the last decade and the need for further student accommodation has been acknowledged by the LPA in supporting recent applications for such accommodation within the City, further illustrated by the well-publicised difficulties for students in securing accommodation for the current academic year. The student housing market is not static and there are likely to be fluctuations in the population residing in the City, which could be influenced by factors including lower numbers of students choosing to reside at home / outside the DH1 postcode area or lower numbers studying away from Durham or online. It therefore remains evident that there is a quantitative need to provide headroom within the level of supply to ensure that a sufficient choice of accommodation options is available to students and to ensure that demands arising from any fluctuations in the student population can be met. This position is also supported by correspondence received from a number of local estate agents who have highlighted a need for additional one and two bedroom properties within the City for which there is likely to be demand from both student and non-student tenants. The applicant therefore remains firmly of the opinion that there is clear quantitative need for the type of accommodation proposed by the current application proposals.
37. The proposed flats will also meet a qualitative need providing modern, high quality residential accommodation occupying a highly accessible location relative to both the City Centre and the University, meeting the needs of students who may not wish to live in PBSA schemes or large HMOs. The proposals would clearly contribute to the provision of a range of high quality student accommodation options to support the growth of Durham University and ensure that students have access to modern, high quality accommodation over the course of their studies. The quality of the accommodation provided coupled with the highly accessible location of the site will clearly contribute to the student experience and quality of life of occupants during the course of their time at University, as residents will be living in modern, quality accommodation lying within extremely close proximity to the range of educational, leisure, retail, entertainment, health and community facilities that they will need to access during the course of their stay.
38. In respect of impact on neighbouring residents, the proposals relate to an existing six-bedroom terraced property and the proposals seek the conversion of the property to form 2 No. two-bedroom flats and will therefore result in a decrease in bedspaces within the building in comparison with the current situation. Moreover, the proposed two-bedroom units are likely to appeal to students who are seeking a different form of accommodation and lifestyle than that offered by PBSA or large HMOs and will primarily appeal to students seeking a quieter environment that is more conducive to study, such as final year students, postgraduates or foreign students. It is not therefore considered, given the type, size and nature of the accommodation provided, that the proposals will give rise to any significant impacts in terms of amenity and the number of comings and goings and general level of activity will not be materially different to those associated with a single household occupying this 6- bedroom property. It is therefore clear that the proposals will not give rise to unacceptable impacts on the amenities of nearby residents.
39. In summary, the proposed development would widen the mix of housing in this highly accessible location in line with established policy objectives, as well as meeting both a quantitative and qualitative need for student accommodation. Moreover, the application proposals will provide an appropriate standard of accommodation for both student and non-student residents and will not give rise to any unacceptable impacts in relation to residential amenity, highways or the Conservation Area. The application

proposals therefore represent a sustainable form of development that would fully accord with the adopted Development Plan in force for the area and the applicant would therefore request that Members resolve to grant planning permission in this context.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
41. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area, the impact on residential amenity and community balance/social cohesion and the impact on highway safety/parking.

The Principle of the Development

42. The proposal relates to the change of use from a residential dwellinghouse (Use Class C3) to two, two-bed flats.
43. Policy 6 (Development on Unallocated Sites) of the County Durham Plan permits residential development within the built up area where it meets a number of relevant criteria including compatibility with adjacent land uses, is appropriate scale, design and layout for the character, function, form and setting of the settlement, will not be prejudicial to highway safety, is accessible to sustainable modes of transport and relevant services and facilities, is resilient to climate change (including flooding) and, where appropriate, reflects priorities for urban regeneration.
44. In the case of conversions, proposals should not significantly increase the size or impact of the original building where this would have an adverse effect on the character of the surrounding area or the amenity of neighbouring occupiers. Similarly, the subdivision and intensification of dwellings should not result in concentrations of such dwellings to the detriment of the range and variety of the local housing stock.
45. The application property is within the defined settlement boundary of Durham City and the application proposes internal reconfiguration only, with no extensions proposed to the building. As such, the proposal meets the criteria of CDP Policy 6.
46. In addition, CDP Policy 16(2) is also relevant, given that the proposal is likely to appeal to the student market. The supporting text for the policy makes clear that Purpose Built Student Accommodation (PBSA) is accommodation built, or converted, with the specific intent of being occupied by students, either with individual en-suite units or sharing facilities. In Durham City it is recognised that other forms of residential development such as, but not limited to, one (or two) bed apartments, may appeal to the student population and may ultimately be occupied by students, even though they are not developed specifically as PBSA/HMOs. For this reason, where it is considered that a proposal may appeal to the student population, based on the type of

accommodation proposed, the size of the units and the location, then it will be appropriate to assess the proposal against CDP Policy 16(2). In this case the property has already been refused permission for conversion to an HMO (C4) and an appeal against that decision was subsequently dismissed. It is likely that the resulting units would appeal to students and as such it is considered necessary to assess the application against Policy 16(2) of the County Durham Plan.

47. CDP Policy 16(2) states that all proposals including conversions to PBSA on sites not allocated for student accommodation, will be required to demonstrate:
 - a. that there is a need for additional student accommodation of this type in this location;
 - b. consultation with the relevant education provider pursuant to the identified need;
 - c. it would not result in a significant negative impact on retail, employment, leisure, tourism, housing or the council's regeneration objectives;
 - d. the development is readily accessible to an existing university or college academic site, or hospital and research site;
 - e. the design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location and in relation to adjacent neighbouring uses;
 - f. the internal design, layout and size of accommodation and facilities are of an appropriate standard;
 - g. the activities of the occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. Prior to occupation a management plan or draft outline management plan appropriate to the scale of the development shall be provided;
 - h. the quantity of cycle and car parking provided has regard to the council's Parking and Accessibility Guidelines; and
 - i. the applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.
48. Paragraph 5.141 of CDP Policy 16 supporting text states that the consideration of 'need' for additional student accommodation which developers must undertake shall include, but not be limited to, the potential contribution of schemes with planning consent; and University student growth forecasts. Developers should demonstrate what specific need the proposal is aimed at and why this need is currently unmet, giving consideration to the type of accommodation proposed. In seeking to meet need, the council recognises that PBSA can increase choice for the student population and is an alternative to Houses in Multiple Occupation (HMO).
49. Objections have been received citing that the application fails to demonstrate need for accommodation of this type in this location and that there is a perceived surplus of student accommodation within the city as a whole.
50. The applicant has submitted a planning statement, as well as evidence from local estate agents that seeks to demonstrate there is a shortage of this type of accommodation within Durham City and testimony from tenants/students that currently reside in other similar 2 bed properties within the area.
51. Durham University has commented that it has a target of 21500 active students by 2027 as detailed in the University Strategy 2017-2027 and this target has been exceeded for a short period of time due to the outrun of the A-level cycles in June 2020 and 2021, and the expectation is to return to the overall target in the coming years as the 2020 and 2021 intakes graduate.

52. The University has provided the most current figures and confirm there are 22131 active students. Given the current circumstances, and whilst there is some question as to the likely quantitative demand for bed spaces covering the 2017 to 2027, regard should be had for the supporting text to policy 16 at paragraph 5.141 (outlined above).
53. The applicant's supporting statement seeks to address the issue of need, recognises estimated student figures and acknowledges that the University predict numbers will fall to target levels following the student population growth after covid-19. It also points to recent press coverage on this matter stating that students are having difficulty finding accommodation within the city and suggests that as the student population is only 3% higher than the stated target of 21500 by 2027, given the struggle by students to find accommodation, there is an insufficient supply of suitable housing for students.
54. Need must also be considered in qualitative terms and as such the statement also provides an assessment of 'qualitative need' and states that the proposal would add to the range of choice available to students who may not find large PBSA schemes or HMOs appealing, for instance, post-graduate students and other students that want to live in smaller households. Asserting that the proposed two bedroom apartments in this highly accessible location would meet the needs of such students and contribute to the provision of high quality accommodation options in the city.
55. The evidence submitted by the applicant comprises of correspondence from six estate/letting agents within Durham City that highlight that there has been an increase in overseas students looking for smaller accommodation types as they do not have a defined friendship group and as such do not want to live in housing with a large number of other people. There is also an opinion that reasonably priced 2 bed flats within that area would be suitable for first-time buyers and young professionals who are seeking to rent.
56. Evidence also includes testimony from several tenants/students that have lived in 2 bed properties within the City and cite the benefits of this type of accommodation as being reduced cost and that flats are generally quieter places to live and study having a lower number of bedspaces.
57. Concern is noted that proposed the subdivision of the existing dwelling to 2 No. self-contained flats is simply a method to circumvent the controls currently in place in relation to HMO development within Durham City. The proposed flats fall outside of the definition of an HMO for planning purposes and as such are not subject to control through CDP Policy 16(3). Notwithstanding this, the units would be attractive to students and as such the development must be assessed against CDP Policy 16(2). The information submitted the applicant provides evidence that there is a need for this type of accommodation in this part of the city centre and the level of information is considered commensurate with the scale of development proposed. The units would add to the range and variety of accommodation available to students within the Durham City although it is noted that they would also likely be attractive to young professionals seeking to live within a sustainable city centre location close to shops, services and leisure facilities.
58. Given the above, it is considered that the principle of the development is acceptable subject to all other relevant issues being considered. The proposal is therefore, considered acceptable in respect of Policies 6 and 16 of the County Durham Plan.

Impact on Residential Amenity

59. Paragraph 130 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high

standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

60. CDP Policy 31 (Amenity and Pollution) displays broad accordance with the aims of paragraph 130 in this regard and sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
61. CDP Policy 29(e) further states that all development will provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
62. In this instance the application site is a terraced property located within a residential area, with residential properties on either side of the application property and further properties to the southeast and across the A690 to the northwest.
63. The Council's EHO has been consulted and confirmed that the development would fall within the thresholds associated with Council's TANS.
64. The application site is located within a residential area predominantly characterised by family homes. The impact of the development upon residential amenity is a material consideration in determination of this application. In most cases it is held that C3 dwellinghouses/flats can be adequately accommodated where proposed within an existing residential setting.
65. The EHO notes that a bedroom will be on the ground floor next to the kitchen which could lead to a greater impact for the individual residing in this bedroom, as well as the potential increase of noise at nighttime. Therefore, to mitigate the EHO has requested that before any part of the development hereby approved is commenced, a scheme of sound proofing measures be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.
66. In addition, the EHO raises concerns regarding the impact on nearby residential properties during the construction phase. Therefore, to help mitigate against relevant impacts have suggested a Construction Management Plan should be submitted based on set criteria. The submission, agreement and implementation of this can be secured through planning condition should planning permission be granted. Subject to the inclusion of a planning condition in this regard, the EHO is satisfied that the development is unlikely to cause a statutory nuisance.
67. Durham City Neighbourhood Plan, Policy T3 (Residential Storage for Cycles and Mobility Aids) requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids.

68. As such, in line with the above policy, the property includes adequate external space to accommodate sufficient bin and cycle storage facilities as shown on the proposed site plan. For flat 1, on the ground floor, the bin storage would be located within the rear garden and the cycle storage within the garage. For flat 2 located to first and second floor, temporary bin storage would be provided within the entrance hallway, next to the stairs. This would then be taken round to the rear and put in the bin storage in the garage. There is also a place for bike storage within the entrance hallway and space for bikes to be hung on racks on the wall and additional room in the garage.
69. However, it is noted that concerns have been raised by local residents regarding lack of space for bin storage and how the increased number of residents in the property would increase the volume of waste/recycling. There were also concerns regarding the likelihood flat 2 would walk around the terrace to access the rear to dispose of their waste and how this would be inconvenient for future tenants/owners. As such, residents are concerned that the above would have an adverse impact on the area, creating a nuisance and the potential for vermin. The points above have been considered, however given the above arrangements for bin storage for both flats mentioned above, this is considered to be suitable mitigation to avoid a significant impact on the amenity of the area. It is also worth noting that the two properties would have fewer bedrooms than the existing house and therefore there would be a reduction in the number of people living at the property. As such, it is considered that the property would have sufficient bin and cycle storage, mitigating any significant impacts on the amenity of the area, in line with DCNP Policy T3 and CDP Policy 31.
70. In regards to external amenity space, flat 1 would have sole access to the rear garden, providing a large area of external amenity space for future occupiers. Flat 2 would not have access to the rear garden, however, given the central location within the city, it is considered that there is public outdoor amenity space that can be utilised by the occupiers of flat 2. As such, it is considered there is sufficient external amenity space to serve the inhabitants and as in accordance with CDP Policy 16.
71. In relation to internal space, the Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
72. All of the bedrooms meet the minimum requirements of the NDSS being in excess of the required 7.5sq metres per room. With regard to the total overall internal space provided across flat 1 as a whole it is noted that the NDSS does not provide guidance specifically relating to 2 bedspace, 2 person dwellings. However, it does include standards in relation to 1 bedspace 2 person dwellings and 2 bedspace 3 person dwellings. Flat 1 has a total internal floor area of 64.6m², which would be in accordance with the NDSS. Flat 2 is a two-storey property and has a total internal floor area of 86.8m², which again would meet the requirements of the NDSS.
73. Therefore, based on the above the proposal is considered provide a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policies 16, 29(e) and 31 of the County Durham Plan, Policies T3 and D4 of the Durham City Neighbourhood Plan and Paragraph 130 of the NPPF.

Impact on Character and Appearance of the Area

74. The NPPF sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
75. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
76. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
77. DCNP Policy H2 seeks to ensure development proposals within or affecting the setting of the Durham City Conservation Area sustains and enhances its significance as identified within the Conservation Area Appraisals.
78. Neighbouring residents have raised objections to the proposed development stating that 2no. 2 bed flats will have a negative impact on the residential area and surrounding conservation area. Stating that tenanted properties are not adequately maintained, and that students or tenants are short term occupiers with no stake in local community.
79. The application site is within a residential area and the proposal would involve the subdivision of an existing residential property into two separate residential units, which would not require any changes to the external appearance of the property. As such, it would not be considered that the proposal would have an adverse impact on the character of the area nor the character and appearance of the conservation area.
80. With regards to external maintenance, there is no compelling evidence to suggest that tenanted properties are poorly maintained or that this would be the case in this instance. In the event that the external appearance of the property was a to deteriorate through a lack of maintenance, the Planning Authority is able to take action through appropriate enforcement powers relating to untidy land and as such the matter is not considered sufficient to sustain refusal of the application.
81. Taking the above into consideration, it is considered that the proposed development would accord with Policies 29 and 44 of the County Durham Plan, Parts 12 and 16 of the NPPF, Policy H2 of the Durham City Neighbourhood Plan and Section 72 of the Planning Listed Building and Conservation Area Act 1990.

Impact on Highways

82. Paragraph 110 of the NPPF advises that planning decisions should ensure development provides safe and suitable access to the site for all users.
83. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

84. CDP Policy 21 is broadly in accordance with the above and relates to the delivery of sustainable transport and states that the transport implications of development must be addressed as part of any planning application and [in part] that all development should deliver sustainable transport by ensuring that any vehicular traffic generated by the development, following the implementation of sustainable transport measures, can be safely accommodated on the local strategic highway network.
85. In addition, DCNP Policy T1 seeks to ensure that development proposals demonstrate best practice in respect of sustainable transport accessibility, impact and design. In addition, DCNP Policy T2 supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind.
86. Objections have been raised that the development does not provide sufficient in curtilage parking provision to serve the number of occupants proposed. Therefore, that this would create unsustainable additional pressure to existing on-street provision in a quiet area which is used by families, elderly residents and has already congested narrow roads.
87. The Highway Authority has been consulted and do not consider that there would be any adverse impacts in terms of highway safety as a result of the proposals. While the existing property would be divided into 2 self-contained flats, the number of bedrooms would decrease from 6, to 4 overall (2 per flat). Therefore, the number of trips and parking demand from the proposed scheme would be similar, if not reduced, from the existing use. The proposals have also been assessed against the requirements of the current County Durham Parking and Accessibility standards which require a 2-bed property to have one off street parking space. However, current parking standards are currently subject to review, assessment against those updated standards indicate that 2 parking spaces would be required per flat. The applicant is proposing to provide one off street parking space by providing the existing garage to tenants. As such, the current parking arrangement would not accord with the current DCC standards nor the updated standards. However, it is considered given the properties central location within the city, any future tenants would not be dependent trips by private car to access day to day services. In addition, there is also space for on street parking to the rear of Nevilledale Terrace and other public car parks within the area.
88. With regard to concerns that the development would increase vehicle movements in this area and the presence of parked vehicles would narrow the carriageway width, it is considered that the proposed use would not increase vehicle movements to an extent that it would adversely impact upon existing network capacity or on street parking. In instances where vehicles presently obstruct the adopted footway this is subject to legislative control via the Highways Act 1980 and cannot be afforded weight in determination of this application.
89. Therefore, notwithstanding the concerns raised by residents in relation to parking and access, it is not considered that the development would have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would accord with the aims of Policies 16 and 21 of the County Durham Plan and paragraph 110 of the NPPF.

Other Matters

90. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community, given the property is likely

to be rented out to students. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application. As already noted the proposed flats are not restricted to student occupation and would also appeal to young professionals and as such would add to the range and variety of accommodation available within the City.

91. Objections from residents also had concerns in regard to deliveries to the occupiers of flat 2, given that the occupiers would not have direct access to the rear. This is noted; however, this can be controlled via a management plan which will be conditioned as part of the planning process.
92. In addition, an increase of carbon emissions was also raised due to the need for an additional boiler at the property due to the need to separate the heating systems. Although this point is noted, it is unlikely that there would be any unacceptable impact in this regard.
93. Further objections have been raised citing the history of the site, with concerns that this application is another way for the landlord to acquire an HMO, both applications of which have been refused and later dismissed at appeal. However, the most recent appeal was dismissed due to the imbalance already present in the area from a surplus of HMO's, with the main issue cited by the inspector as the effect of the proposal on the character of the street and surrounding area, with particular reference to the balance and mix of housing. This application does not seek permission for a change of use to a HMO but instead to subdivide the property into two, two bed flats. As mentioned in the report above, it is considered that the applicant has provided sufficient evidence that there is a need for this type of housing in the area and would contribute to providing a wide mix of housing.

Public Sector Equality Duty

94. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

95. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
96. In summary, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of CDP Policies 6 and 16 subject to appropriate planning conditions described within the report and listed below.

97. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a 2no. 2 bed flat in this location would not unacceptably imbalance the existing community towards one dominated by this type of accommodation, and nor would it result in any unacceptable impact upon the amenity of existing or future residents, highway safety or the character and appearance of the conservation area in accordance with Policies S1, T1, T2, T3, D4 and H2 of the Durham City Neighbourhood Plan, Policies 6, 16, 21, 29, 31 and 44 of the County Durham Plan, Parts 9, 12, 15 and 16 of the NPPF and Section 72 of the Planning Listed Building and Conservation Area Act 1990.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 of the Decision Notice - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies) 6, 16, 21, 29, and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Prior to the first occupation of the 2no. 2 bed flats hereby approved a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The scheme shall ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties is sufficient to prevent excessive ingress, egress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interest of residential amenity in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

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

5. Prior to first occupation of the approved scheme, a property management plan is to be submitted and approved by the Local Planning Authority. It must include, but not be limited to, details of waste management and security. The approved management plan shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Durham City Neighbourhood Plan
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019



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| <p>Planning Services</p> | <p>Change of Use from 6 Bed dwellinghouse to 2no. 2 bed flats. (Amended description 09.02.2023)</p> | |
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