

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/01164/FPA
FULL APPLICATION DESCRIPTION:	Erection of 116 dwellings including associated infrastructure and landscaping
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land Of Former Parkside School, Heathway, Seaham
ELECTORAL DIVISION:	Dawdon
CASE OFFICER:	Graham Blakey, Senior Planning Officer 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located at the former Parkside Infant School site at Heathway, Seaham, and has been vacant since the closure of the school in 2008 following the amalgamation of 3 schools into Seaham Trinity Primary School. Positioned to the north side of Heathway, part of the Parkside Local Authority housing development of the post-war era, the Parkside School was originally constructed in the 1960s and the site extends to the 3.25 hectares (ha) in size. The application site comprises an area of dense tree belt to the northern and western perimeters, with a grassed area closest to the road that was once part of the housing of Heathway and demolished at a similar time to the school. Housing development borders the south (Heathway) formed primarily of Local Authority housing stock, and to the east across an informal footpath is a newer private housing development (Alder Grove). Beyond to the north and west is the Dawdon Dene watercourse, and one of its tributaries, which are steep-sided in places and heavily wooded. An extensive network of informal footpaths cross the area in the vicinity of the site, linking the former wagon way to the south of Heathway to Dawdon Dene and the surrounding area. Access to the application site is via Heathway and the wider Parkside estate which joins Princess Road to the east, with access to the town centre (1.5 miles) and train station (1.6 miles).

2. Within the site the ground is generally level following a drop from the former housing part of the site and is indicative of the previous built use, but a gradual drop in levels from south to north is noticed as the land falls towards Dawdon Dene to the north. The pre-existing boundary treatments and landscaping features remain, such as the former school access point (between 14 and 16 Heathway). Trees are features of all boundaries to some degree, with mature and at times dense tree belts to the open land to west and north forming significant features. Unkempt hedge planting to the former school boundary that once backed on to the rears of the former Heathway dwellings forms a visual break between the housing and the application site.
3. The site lies 1.5km from the Heritage Coastline, a European Protected Site, and therefore within the 6km buffer for the Durham Coast Special Area of Conservation (SAC). The woodland to Dawdon Dene and its tributary are considered ancient woodland and in parts subject to a Tree Preservation Order away from the application site boundary. The Dene is also designated as a Local Wildlife Site. No recorded public rights of way are contained within the application site itself. As stated above several informal footpaths run around the perimeter of the application site, linking the housing to the Dene. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is the remains of Daldon Tower, grade II* listed which lie 390 metres to the north via Dawdon Dene.

The Proposal

4. The application seeks planning permission for the erection of 116 dwellings on a site of 35.6ha. The development would include both the former school site and also the former housing to Heathway between numbers 30 and 88 Heathway. The development would take the form of frontage development along Heathway with vehicular access into the site being proposed away from the previous school access to the east. Dwellings would take the form of two-storey buildings, with some two-and-half-storey dwellings (24 units, 21%) also proposed. The scheme would offer 10% of the total for affordable housing (11 units), which would be distributed around the estate. The proposed development would feature predominately 3 bedroomed properties accounting for 85 of the 116 homes proposed (73% of the total housing). Properties would all feature off-street parking and rear enclosed gardens.
5. The main internal estate road would run through to the rear (north) of the site with two cul-de-sac roads heading off in an easterly direction. A Sustainable Urban Drainage System (SuDs) is proposed to accommodate surface water run-off which requires an over-ground drainage basin feature being located within the northern part of the application site. Open space would be focused primarily around this and the informal footpath which runs up the eastern boundary of the site and also at the vehicular entrance to the estate. Footpath links to both east and west areas of open space and woodland would be provided providing access to the surrounding countryside.
6. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

PLANNING HISTORY

7. No relevant planning history.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The Easington District Local Plan (2001) (ELP)

19. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
20. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
21. *Policy 14 – Protection of Special Areas of Conservation.* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
22. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.

23. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
24. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
25. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
26. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
27. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
28. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
29. *Policy 66 – Provision of Outdoor Play Space.* This policy requires developers to provide adequate provision for children's play space and outdoor recreation space in new major housing developments.
30. *Policy 90 – Protection and Provision of Outdoor Sports Facilities.* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highway Authority* – Raise no objection. The proposed development would produce increased traffic flows through the Parkside estate to the junction with Princess Road to the east. Modelling has indicated that the development, and these increased traffic flows, would not have a significant impact upon the network. The proposed layout is considered to be acceptable.
33. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to ensure that the proposed development is undertaken in accordance with the submitted Flood Risk Assessment (FRA).
34. *Drainage and Coastal Protection* – Raise no objection. Source controls are preferable for inclusion, but are omitted for land ownership reasons.

INTERNAL CONSULTEE RESPONSES:

35. *Spatial Policy* – In this part of County Durham, the statutory development plan currently comprises the 'saved' elements of the Easington District Local Plan 2001 (EDLP). Paragraph 14 of the NPPF makes clear that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. Paragraph 7 of the framework defines three dimensions of sustainability: economic, social and environmental. Having regard to NPPF and recent case law, it is considered that policies can be considered to be 'out of date' where a Local Planning Authority is unable to demonstrate a 5 year Housing Land Supply (Paragraph 49 of NPPF). The Council cannot currently demonstrate a 5 year Housing Land Supply and so Policies associated with the delivery of housing have to be weighted accordingly. Policies 1 and 3 of the EDLP are considered consistent with the NPPF, but however carry limited weight as a result of a lack of 5 year Housing Land Supply. As a result, the two 'limbed' test set out in the 'Decision Taking' section of paragraph 14 of NPPF should be engaged in this instance.
36. The saved local plan policies can be considered as part of the planning balance assessment of the Paragraph 14 'first limb' test where they relate to any identified harm and benefits. Therefore, Saved Policies 1, 14, 16, 18, 35, 36, 37, 38, 66 and 90 remain relevant when considering those aspects of the scheme. Policy 3 is also relevant in so far as it defines the extent of the existing built up area, albeit that weight should not necessarily be afforded to this in determining the proposal.
37. *Design and Conservation* – Raise no objection in principle. Specific comments are made regarding the proposed layout and parking provision which are not considered to be ideal. Works to plot 8 (corner junction of main entrance to site) are suggested to improve appearance as a gateway feature. Officers also consider that house types appear standardised rather than relating to site context, local distinctiveness or identity.
38. *Landscape* – Raises no objection to wider landscape impacts. Concerns are raised over private garden space to some plots as being inadequate.

39. *Leisure Services* – Officers have made a number of comments regarding the application. It is noted that playing fields referenced in the East Durham Playing Pitch Action Plan (PPAP) under Sport England criteria is not counted in the supply of playing fields in the area as the school (when open) did not have a community use agreement in place. Shortfall of mini-soccer pitches is correct but this is latent demand as teams play in a central league. The PPAP includes a plan of action to implement the conversion of existing senior pitches to mini-pitches in a ratio of 1:4 when this requirement is needed. Further similar scenarios within the PPAP are presented for the deficiencies in rugby pitches, whereby adequate supply is outlined to meet future predicted demand. Cricket pitch shortfalls are counted as sites being single user in nature, whereas cricket pitches offer up several pitches across each 'square'. Overall, it is considered that the PPAP contains the measures necessary to meet the predicted future demand for playing pitches in the east of the county.
40. *Landscape (Arboriculture)* – Raise no objections, although note the loss of the mature hedge on the southern section of the site considering it to be a positive feature of the landscape.
41. *School Places and Admissions Manager* – Raise no objections noting that there are sufficient primary and secondary school places to accommodate pupils from this development.
42. *Ecology* – Raise no objections. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with Section H of the report being conditioned as part of any planning approval. It is noted that the proposal is within the 6km Habitats Regulations Coastal Buffer and a Habitat Regulations Assessment (HRA) Screening Opinion has been submitted with the application. The Screening Opinion acknowledges that there may be indirect impacts on the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation. Officers however consider that the impacts can be minimal with appropriate mitigation. It is considered that the site is ideally located to take advantage of the Parkside Community Woodland for HRA mitigation purposes.
43. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted Phase 1, Phase 2 and Gas Risk Assessment confirm no contamination is present on site.
44. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections considering that plots to Heathway would feature mitigation measures which would offset the level of road noise measured on site. Conditions to ensure mitigation measures are implemented are required.
45. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Submitted air quality risk assessment which outlines limited risk of pollutants arising from the proposed development at both construction and operational phases.
46. *Sustainability* – Raise no objections. Site has good access to community services, facilities on foot and employment opportunities. School access would be more problematic however good public transport links exist. The development should provide sustainability embedded into the development, adhering to Part L (2013) of the Building Regulations.
47. *Sustainable Travel* – No objections are raised, although some revisions to the Travel Plan are suggested.

48. *Access and Public Rights of Way* – Raise no objections noting that there are a number of unrecorded paths found close to the site boundaries including the path to the eastern site boundary. Officers note that this has been formally promoted as part of a walk (South Seaham Circular Walk) and if the application is approved this and the path on the western site boundary are to be improved as part of the development.

EXTERNAL CONSULTEE RESPONSES:

49. *Police Architectural Liaison Officer* – No objections are raised and it is noted that the crime risk assessment for this development is low and issues with specific plots have been addressed.
50. *Sport England* – The playing field has not been used for at least five years and so Sport England is not a statutory consultee. Shortfalls in ‘mini’ soccer pitches, cricket pitches and rugby pitches in the East Durham area and an action plan to address these was agreed with the Council in 2015 (‘East Durham Playing Pitch Action Plan’). No up to date figures have been produced to determine whether measures to address the potential shortfalls have been implemented. As such Sport England cannot be certain that there is “excess of provision” as required by exception E1 of Sport England’s Policy exceptions.

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

52. The development proposal is in accordance with the core planning principles and policy requirements of the NPPF in respect of all areas listed above. This proposal will bring economic, social and environmental benefits and therefore we consider that the proposals represent sustainable development and should benefit from the presumption in favour of sustainable development.
53. It has been demonstrated that there is a significant and growing need for new residential family accommodation within Seaham and County Durham. If approved, the proposed development would assist County Durham with providing sustainable, high quality family accommodation to meet their needs in the area.
54. The application site is located on the edge of a well-established residential area and is located within close proximity to local facilities. The site is also accessible by both private and public transport. As such, it has been demonstrated that the application site is a suitable location for the proposed development. The proposal will strengthen the residential character of the area and end the problems of anti-social behaviour on the site which have caused problems for local residents.
55. In view of the conclusions drawn within this Statement that the proposal accords with all relevant national, regional and local plan policies, we respectfully request the Council grant planning permission for the application proposals.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

The Development Plan

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

The NPPF

59. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
60. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

61. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the EDLP are out-of-date where outlined below.
62. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield sites. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

Five Year Housing Land Supply

63. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
64. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
 - 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
65. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
66. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
67. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

68. Given the age of the EDLP and housing supply figures that informed it, the housing supply policies (Policies 1 and 3) therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
69. Consequently, and as there are no restrictive policies which would indicate that the development should be restricted, it is considered in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following the examination of all of the issues within the planning balance.

Locational Sustainability of the Site

70. The County Durham Settlement Study (2012) is an evidence based document which categorises Seaham as one of the “Main Towns” in the County. These larger towns will have access to all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.
71. As such, the application site is considered to be in a sustainable location, with Seaham having a good range of facilities and services, including schools, shops, some community facilities, and good access to public transport. The site is well related to the settlement, being framed to the south and east by existing residential development. Part of the site was earmarked as a housing allocation within the County Durham Plan (CDP); however, as the CDP has been withdrawn no weight can be attributed to this.
72. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. EDLP Policy 36 encourages the alternative means of travel to the private car, and is consistent with the NPPF. From the application site, Seaham Trinity Primary School is located at a walking distance of approximately 1.3km, with Seaham Town Centre and its range of services is 1.5km away. A regular bus service, operating every 10 minutes during daytime hours, links Heathway and Parkside with Dawdon, Seaham Town Centre and onto Sunderland City Centre. As a result, it is considered that in the vicinity the site has access to an array of services and facilities, more than adequate to serve the development proposed, and that these are within relatively easy reach of the site. No objections are therefore raised having regards to the locational sustainability of the site.
73. Remaining policies within the EDLP that are of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.

74. Overall, it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with core principles of Paragraph 17 and also Paragraph 61 of the NPPF, which encourages the integration of new development into the existing environment; and EDLP Policies 1, 3 and 36, which are considered consistent the NPPF in this respect.

Playing fields

75. The planning application site includes all of the land once utilised for the Parkside Infant School, both hardstanding and playing fields / pitches. The school itself ceased operation in 2008 and the buildings have been subsequently demolished. The proposal includes proposed construction on the former playing fields and so Sport England has been consulted in a non-statutory capacity. EDLP Policy 90 seeks to protect outdoor sports facilities and aid its provision in new development. This policy partially consistent with the NPPF (Part 8) as the evidence base which underpins the policy is out of date and is part of an on-going review of the Council's Open Space Needs Assessment (2010).
76. In its response, Sport England has questioned the loss of the playing fields and pitches in the context of the under provision of facilities in the East Durham Area in football mini-pitches (often 5-a-side), rugby pitches and cricket pitches. The Council's Leisure Services Team has confirmed that the East Durham Playing Pitch Action Plan (PPAP) of October 2015 outlines the Council's strategy to address these shortfalls over a plan period to 2019, and has been agreed by Sport England. Within the PPAP, the site at Parkside Infants School was not included in the supply figures for the plan to address the shortfall of playing pitches as the school had not utilised their pitch for external use through a Community Use Agreement – a standard approach adopted by Sport England.
77. Issues with regard to the mini-pitch playing pitch provision revolve around the latent demand for these types of pitches. These pitches are aimed at the younger age group and currently in Durham these events are held centrally in specific locations (central league venues). As a result, there is limited demand for this type of sports pitch at present, however the PPAP does contain the strategy that should this situation change (i.e. decentralisation of the league setup to clubs) then this aspect is covered in PPAP by converting 1 senior level pitch (11-a-side) in to 4 mini-pitches. Again, the PPAP also outlines how rugby and cricket pitches can be provided should latent demand materialise.
78. As a result, it is considered that the loss of the former playing fields and pitches at the former Parkside Infant School does not prejudice the strategy of the PPAP. The PPAP contains measures to secure the necessary pitches be made available should demand be forthcoming. The scheme also does not materially affect the provision of sports pitches in the area as a result of the closure of the school in excess of 5 years ago. As a result, the proposed development would be compliant with Part 8 of the NPPF and Policy 90 of the EDLP. However, the development would result in the loss of former school playing fields that would not be mitigated by the proposed development, which for the purposes of the planning balance would be considered an adverse impact.

Landscape Impact, Layout and Design

79. EDLP Policy 35 requires that the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. Parts 7 and 11 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
80. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. EDLP Policy 35 is consistent with this approach and builds upon the NPPF and NPPG requirements. Therefore the key policy consideration in this matter is whether the site is read together well with the surrounding built environment and landscape features, and represents good design.
81. Concerns are raised by Design and Conservation and Landscape officers over the amount of private garden space some of the plots in the development have been considered. These units are predominantly against the western boundary of the site. The applicant has confirmed that all the properties would feature sufficient private open space in regard to the national design criteria for publically funded housing.
82. The applicant has worked with officers to develop and improve the proposed layout and design following comments from consultees, including integration of the scheme into the existing housing stock of Heathway and the wider linkages to the countryside and ancient woodland sites. Housing is proposed at the front of the site to face onto Heathway and follow the pattern and form of the existing building stock. The main spine road which runs into the estate is well executed and the layout is considered to display a clear hierarchy of roads, including shared surfaces and private driveways, and is considered to be legible, and easy to navigate around. Overlooking of footpath links east and west are welcomed to improve security but also to provide a more aesthetic appearance to the layout of the housing.
83. In broad landscape terms, the position of the site against the edge of the built environment would limit to a degree the wider landscape impacts of the development. However, the slight break in built form afforded by the unregistered footpath and woodland to the eastern boundary of the site does push the development into an edge of settlement location, that if poorly designed or landscaped, could have an adverse landscape impact. Housing to the eastern boundary has been designed to front on to this footpath and would formalise the path access across the entirety of this site boundary. This would help to integrate the development in to the small green gap which sits between the application site and Alder Grove to the east.
84. Dawdon Dene to the north of the application site features steeply sloping sides and where these are steepest they are heavily wooded to the southern slopes, adjacent to the application site. As a result, the western and north boundaries of the site feature wooded areas that give the site, and the built envelope, a robust green edge. Subsequently, the application site is considered to form the last reasonable location for built development against this edge.

85. Within the development site the majority of the public open space proposed is to the eastern boundary and is used to link the development both visually and logically to the informal footpath. A SuDs basin drainage feature would be located north of the main body of housing, outside of the historic school site boundary but within the planning application boundary. This feature does not form part of the open space to be provided by the development.
86. Appropriately designed and thought out street scene elevations to the proposed housing development would ensure that the close distance views of the development would be visually in keeping with the existing housing in the area and also intuitively draw visitors in to the housing development from Heathway. The development has taken into account the different aspects of the surrounding development to each boundary. As such, the development would be considered to comply with EDLP Policies 35, 37 and 38, and be an appropriately designed development. Compliance with Parts 6, 7 and 11 of the NPPF therefore follows and adds weight in favour of the development in the planning balance.

Affordable Housing

87. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, where Local Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations” and “where affordable housing is needed, set policies for meeting this need on site”. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in the Seaham area, amounting to 11 dwellings in this case.
88. This would be delivered in the form of 75% affordable rent (8 units) and 25% affordable home ownership (i.e. discounted sale – 3 units). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 (as amended).

Residential Amenity

89. EDLP Policies 1 and 35 requires that the design and layout of development to reflect the character and scale of the adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. This aspect of the Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
90. The indicative site layout for the housing demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings and between those properties proposed and that this can be achieved across the proposed development.
91. In terms of noise, the application is accompanied by a noise survey which identifies that the site adjacent to Heathway has relatively high background noise environment during the day, primarily as a result of the regular traffic along Heathway (a bus route), but reduced during the night when traffic movements would be limited. The Council’s Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.

92. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. The report concludes that the noise environment of the proposed development would not adhere to relevant recommended threshold levels outlined under World Health Organisation (WHO) Guideline Values, and contained within the TANs, of no greater than L_{max} 45 dB(A) at night to bed rooms, with measurements on site noting a day time level of 59 dB(A) at the facades of the proposed properties to Heathway. Therefore, a suitable scheme of mitigation would be required for these properties to reduce the impact from road traffic noise upon these properties.
93. The submitted scheme includes appropriate glazing to this elevation and the inclusion of acoustic trickle vents that would achieve a 38 dB(A) reduction in noise to the plots that front Heathway. Environmental Health and Consumer Protection officers are satisfied that the scheme of mitigation would ensure that the development militates against the impacts of noise sufficiently and that as a result the development complies with the TANs. A condition ensuring that the development complies with the mitigation strategy would be included with a recommendation to approve the scheme.
94. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. The applicant has acknowledged these concerns and has included a Construction Management Strategy so that impacts can be minimised. The Environmental Health and Consumer Protection Officers have reviewed the document and consider that this phase of the development is suitably mitigated by the methodologies outlined within the strategy, and as such the strategy would be conditional upon any approval of the scheme. Having regard to these measures, the application is considered to be in accordance with EDLP Policy 35 and Part 11 of the NPPF in this regard.
95. With regard to air quality, the application is accompanied by an air quality risk assessment which finds that the impact of the development upon air quality during the construction and once occupied would be negligible, with risk of air quality pollutants remaining low. Measures to suppress nuisance dust during the construction phase of the development have been included within the Construction Management Strategy, which is considered acceptable by Environmental Health and Consumer Protection Officers. The application is therefore considered to be in accordance with EDLP Policy 35 and Part 11 of the NPPF in this regard.

Ecology

96. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. EDLP Policies 14, 16 and 18 require all look to protect designated sites for importance and areas of ancient woodland. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low. The report also concluded that no further survey work was required. The County Ecologist has considered the content of the submitted information and has advised that the findings are sound, subject to the mitigation measures within the report being conditional upon any approval. As there would not be a disturbance to an Ecologically Protected Site (EPS), there is no need to consider whether an EPS Licence would be likely to be granted.

97. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2010 (as amended). The purpose of the Appropriate Assessment would be to determine whether the proposed mitigation would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated.(i.e. Durham Coast SAC). This would be undertaken by the carrying out of a screening exercise using information submitted by the applicant.
98. In order to take pressure from additional visitors away from the Durham Coast SAC, sufficient and appropriate green space needs to be provided in association with the proposed development. There is not an appropriate level of green space provided within the site to mitigate against this aspect; however a scheme has been submitted which indicates that the development would provide footpath links to the west and the wider woodland and informal footpaths. This would provide adequate walking routes and would result in a circular walking route west out of the development looping round to the north and back into the development. This together with publishing literature advertising the route would encourage walkers, including dog walkers, to use the path and would reduce the impact on the coastal designations. The submitted information provided by the applicant concludes that with the proposed mitigation there would be no adverse effect on the integrity of the Durham Coast SAC. Ecology officers have assessed these details and they are supportive of the scheme. Accordingly, the site has effectively been screened out and no HRA is required. A further condition requiring full details of the scheme and to ensure its provision should form part of a recommendation for approval.
99. Having regard to these proposed mitigation measures, the development would, it is considered, lead to an overall enhancement in biodiversity in accordance with the aims of Part 11 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

Public Open Space

100. EDLP Policies 66 and 90 seek to ensure adequate provision of open space is provided in new housing development. These Policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2010 is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
101. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, Play Space, and Semi-Natural Greenspace within the development. Therefore, improvements to existing areas of open space, sport and recreation spaces in the vicinity would be required by way of an in-lieu financial contribution of £97,440 (calculated using the OSNA, 2010), and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990 (as amended).

102. The public open space proposed within the site would take the form predominantly of peripheral open space to the eastern boundary of the site along the informal footpath, with a pocket of smaller landscaped area to the main vehicular entrance to the development. The landscaped areas to the eastern boundary would have a significant function in integrating the development into the views from and of the footpath and would bring a finger of green up from the ancient woodland to the north (approximately 75 metres away), the woodland would be unaffected by the proposals. The area at the entrance to the development would have a lesser functional role in this regard, forming mainly amenity open space but still accessible by the public.
103. Overall therefore, the application is considered to be in accordance with EDLP Policies 66 and 90 and Paragraph 73 of the NPPF with regards to the provision of public open space.

Highway Safety and Access

104. EDLP Policies 35, 36 and 37 all require that development proposals achieve a satisfactory means of access onto the wider highway network and encourage access to sustainable modes of transport and sufficient parking on site. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
105. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
106. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
107. The TA establishes that the impact of the development upon the highway network would be acceptable, and would not result in impacts that could be considered "severe". The Highway Authority considers the impact from allowing the proposed development to take access via Parkside onto Princess Road to be acceptable and not lead to issues in capacity in the future based upon the supplied modelling information.
108. The proposed development provides pedestrian links to the south on to Heathway through different points and serves to provide access to the predominant sustainable transport option in the area, the bus. Bus stops are located to the east and west of the application site within a short walk of the development.
109. EDLP Policy 37 requires new development to be designed to accommodate the requisite level parking provision within a scheme. The proposals include sufficient visitor parking that is well distributed throughout the development and includes a layout that is designed to meet the Council's requirement for 20mph residential street speed limit.

110. As a result, the impacts from the proposed development are considered insignificant and would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF. The proposals therefore comply with EDLP Policies 35, 36 and 37 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Flood Risk and Drainage

111. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
112. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
113. The FRA identifies that the site is at low risk of flooding from fluvial, groundwater and sewer sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. Overland flows ground water would form the highest potential threats to flood risk for the site and mitigation is proposed to address this within the updated FRA.
114. With regards to how the development would address drainage, the application demonstrates that the previously developed nature of the site and its risk of contaminants preclude the disposal of surface water by infiltration.
115. As a result, it is proposed to dispose of surface water into an unnamed watercourse to the north east which leads to Dawdon Dene. Discharge of surface water would be at a maximum rate of 11.15l/s, which is reflective of greenfield rates. Surface water attenuation will required to ensure this rate can be achieved and is proposed in the form of a SuDs scheme, which will prevent external flooding for both 1 in 30 year floods and up to 1 in 100 flood events.
116. The Council's Drainage and Coastal Protection officers have indicated that the development would adhere to the surface water management train to some degree by proposing the inclusion of a SUDs basin within the scheme. However, the development does not propose the use of permeable surfacing to each housing plot / shared driveways or overland water channels to transport surface water across the scheme to the attenuation basin. The applicant has explained that the lack of overland water channels is as a result of the complications of the land deal to acquire the site and the conditions attached to the former playing fields part of the development, which would preclude overland water channels as the SuDs basin is located to the north of the site. Officers advise that the SuDs structure would be adopted and maintained by the Council, in accordance with the SuDs Adoption Guide 2016, with costs being met through an estate rent charge.
117. With regards to the disposal of foul waters Northumbrian Water raise no objections subject to a condition with any recommendation for approval to ensure a disposal of foul surface water is undertaken in accordance with the FRA.

118. The development, while not securing all aspects of the Council's surface water management train does secure a suitable scheme of surface water drainage overall that would ensure that the development would meet the required greenfield run-off rate. The omission of permeable paving solutions and overland transport of the surface water is a negative against the proposed development and the habitats that could create, however this is balanced against the underlining requirement to ensure suitable and safe surface water run-off and is on balanced considered acceptable and compliant with Part 10 of the NPPF.

Heritage Impacts

119. The application site does not lie within any designated heritage assets. The closest being Dalden Tower, grade II* listed and situated approximately 380m away, and with no direct visual relationship with the site as a result of topography and woodland setting of the slopes of the Dene. Consequently, it is considered that there would be no harm upon this designated heritage asset. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
120. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site.
121. Paragraph 134 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance EDLP Policies 1 and 24 and Part 12 of the NPPF.

Other Issues

122. The unregistered footpath to the eastern boundary of the application site forms part of a one promoted walk ('South Seaham Circular Walk') and would be accommodated and improved through new surfacing, and in parts adopted highway footpath, by the proposal put forward with links from the development that is supported by Access and Rights of Way officers.
123. The School Places Manager has advised that there are sufficient places at both primary and secondary schools in the vicinity.
124. Phase 1 and Phase 2 ground investigation reports have been provided by the applicant, together with a gas risk assessment, in response to the proposed sensitive end use of the site and the partially brownfield nature of the land proposed for development. The reports have identified suitable means of remediation for the site and that there is no risk from ground gas emissions. Environmental Health and Consumer Protection officers raised no objection to the proposal. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.
125. Residential travel planning forms a part of encouraging future residents to utilise sustainable modes of public transport. Submitted with the application was a framework travel plan for the development. Revisions have been requested by the Council's Travel Planning Team and submission of a revised plan could be secured through condition.

Planning Balance

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

Benefits

127. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
128. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply; it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
129. Nevertheless, this boost would extend to the delivery of affordable homes as the development proposes the delivery of 10% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA).
130. The development is proposed to a partly previously-developed site that is currently vacant that sits to the edge of the built envelope of development at Parkside. Locationally, the development has excellent access to most services and facilities including the Parkside commercial centre, Seaham town centre, employment opportunities in these centres and beyond, as well as excellent access to sustainable modes of transport (bus and cycle links). These site characteristics offer substantial benefits in favour of the proposal.
131. A location within the buffer for the Durham Coast SAC protection zone for the heritage at risk coastline of County Durham has seen the improvement of existing footpath links and creation of new footpaths around the application site to encourage walkers to utilise the nearby Dawdon Dene and its woodland for recreation purposes, a benefit which carries significant weight in favour of the proposals.
132. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

133. The site has sufficient amenity open space and semi-natural greenspace on site but has an under provision in 3 out of the 6 open space typologies on site and has resulted in the developer contributing £97,440 in lieu of providing these on site giving a neutral gain in open space, mitigating against the development.

Adverse Impacts

134. The loss of historic playing fields once associated with the former school use would have some negative impact upon the community. However the Council's Playing Pitch Action Plan for East Durham would ensure that there would be sufficient playing pitches of the right type in the area.

CONCLUSION

135. The residential development would draw support from EDLP Policies 1 and 36 in terms of its location and access to sustainable travel options; however, the NPPF sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policies, that the presumption in favour of sustainable development is engaged. In the context of Paragraph 14, the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
136. As set out above, the proposed development would result in limited adverse impacts, but they do not "significantly or demonstrably" outweigh the substantial benefits identified above, and as a result, the proposal benefits from the presumption in favour of granting planning permission for the purposes of Paragraph 14.
137. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards offsite open space provision is considered to be in accordance with these tests, as is the securing of affordable housing.
138. The proposal has generated no public interest with no comments received at the time of writing.

RECOMMENDATION

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

- provision of 10% affordable housing units on site
- £97,440 towards the provision or improvements to open space and recreation within Dawdon Electoral Division,

and subject to the following conditions:

Time Full

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

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

Plans

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

1156-300-01 – Site Location Plan

1156-311-01_B (REV C) – Proposed Site Plan (Planning Layout)

917-1054-01 – House Type 1054V1

1156-740-01 – House Type 740

1156-867-01 – House Type 867

1156-1178-01 – House Type 1178

1156-651-01 – House Type 651

1156-764-01 – House Type 764

1156-851-01 – House Type 851

1156-955-01 – House Type 955

1156-301-01 – House Type 301

1156-311-01 – House Type 311

1156-339-01 – House Type 339

1156-368-01 – House Type 368

1156-339-01 – Garage Types (Plans and Elevations)

SALESOFF/SK1 (REV J) – Sales Office Plan and Elevations

CL01_A (REV A) – Compound Layout

C-1401-01 (REV A) – Detailed Landscape Proposals (Sheet 1 of 3)

C-1401-02 (REV A) – Detailed Landscape Proposals (Sheet 2 of 3)

C-1401-03 (REV A) – Detailed Landscape Proposals (Sheet 3 of 3)

AIA TPP (Rev A) – Retain Trees Shown on Proposed Layout

1156-330-01 Rev A – External Materials Layout (1 of 2)

1156-330-02 Rev A – External Materials Layout (2 of 2)

1156-03-01 Rev C Engineering Layout

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

Pre-commencement

Tree Protection

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

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

Time Limited

Engineering details of access and highway improvements

4. Prior to the occupation of the first dwelling hereby approved full engineering details of the closure and improvement works to the former access between 14 and 16 Heathway, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented in accordance with agreed details and timings.

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

Hard Surfacing Treatments

5. Prior to the construction of the first dwelling, details of all hard surfacing treatments shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, all works should be carried out in accordance with the agreed details.

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

HRA Footpath links

6. Notwithstanding the submitted information, within three months of the commencement of the development, full details of the proposed "Heritage Regulations Assessment mitigation footpaths" as set out on drawing "1156-311-01_B (REV C)" should be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall include: details of any equipment to be installed, surfacing of the areas, any boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved pathway shall be fully implemented in accordance with the approved details and timeframes thereafter.

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

Travel Plan

7. Within a period of six months of the first occupation of any part of the development of the relevant phase, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 1 and 36 of the Easington District Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Other Conditions

Foul and surface water

8. The development hereby approved shall be carried out in strict accordance with the 'Flood Risk Assessment, January 2017' by Queensbury Design Limited.

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

Construction Management

9. All work during the construction period shall be carried out in accordance with the "Construction Management Strategy, Heathway, Seaham" dated June 2017.

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

Landscape implementation and management and right of public accessibility

10. All works and mitigation shall be carried out in strict accordance with the submitted 'Arboricultural Impact Assessment (Revision A), All About Trees, 16th Feb 2017' and 'Arboricultural Method Statement (Revision A), All About Trees, 16th Feb 2017'.

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

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

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

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

Noise Mitigation

11. All dwellings hereby approved shall be constructed in accordance with noise mitigation measures as contained within "Assessment of Noise Levels and Noise Amelioration Measures, Proposed Residential Development at Heathway, Seaham for Keepmoat, February 2017; Ref KW/HW/001", the mitigation measures contained within the email dated 26th May 2017 and fully implemented prior to the first occupation of each dwelling and retained in perpetuity thereafter.

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

Ecology Mitigation

12. The development shall be carried out in accordance with the mitigation outlined within the "Preliminary Ecological Report Appraisal, Land off Heathway, Seaham, March 2017".

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

Working Hours

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

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

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

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

DM/17/01164/FPA

Erection of 116 dwellings, inc. associated infrastructure and landscaping

Former Parkside School, Heathway, Seaham

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Comments

Date July 2017

Scale Not to scale