

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03082/FPA
FULL APPLICATION DESCRIPTION:	8 new build bungalows and associated infrastructure (re-submission)
NAME OF APPLICANT:	Mr Jonny Abbass
ADDRESS:	Land to The East Of Davison Terrace Sacriston
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.89ha of land between St. Bede's RC Church and St. Peter's Court Veterans' Accommodation, due east of Davison Terrace, Sacriston. The site and an adjacent area owned by the applicant have been cleared of all vegetation during the course of the application, having previously been covered in rough scrub. The land slopes gently from west to east down, away from Davison Terrace. Davison Terrace is two blocks of traditional terracing, first appearing on the 1923 OS map. It is separated from the front Street (B6532) by Church Parade (part-terraced, part detached dwellings), with which it shares and adopted back lane.
2. To the south of the site St. Bede's Church and Presbytery, the grounds of which are shared functionally to some degree with St. Bede's Primary School, a line of trees protected by Preservation Order (TPO) defines the boundary, this Order served in response to previous development proposals on the site. To the north of the site The Old Church, a Victorian Church now run as a community venue sits aside a lane that accesses Hollyacres and St. Peter's Court, a part-implemented scheme of accommodation for the elderly currently used as veteran's accommodation. Again, the trees on this access lane are subject to TPOs. Neither church is listed.
3. Beyond the site and extended land ownership to the east is further scrub, then open public amenity land maintained as mown and semi-improved grassland, with paths and a children's play area apparent. The site and Davison Terrace are visible from this direction.

The Proposal

4. The application proposes a residential development of 8, 4 bed-room, dormer bungalows in the form of two private drive cul-de-sacs, each accessed from the Front Street at either end of Church Parade. Both serving less than 6 dwellings, the drives would not be built to an adoptable standard. The open land owned by the applicant to the east of the site would be used for an ecology mitigation scheme.
5. To off-set the highways implications, the applicant has agreed to expunge the remaining unimplemented part of the consent for the elderly/veteran's accommodation east of St. Peter's Court. That consent approved erection of two accommodation blocks, the second of which has not been built. A formal agreement under S106 would be necessary to remove the consent for the unimplemented block.
6. This application is reported to Committee at the request of local Ward Member, Cllr. Heather Liddle, raising concerns on the access and highway safety.

PLANNING HISTORY

7. DM/19/01759/FPA – A directly comparable application was submitted and withdrawn earlier this year when land ownership issues were identified. These have been resolved in the current submission.

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), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains 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.
9. In accordance with paragraph 48 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 below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *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.

12. *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.
13. *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. It should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, 'so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.
14. *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.
15. *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.
16. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including, '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'.
17. *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.
18. *NPPF Part 15 - 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 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
21. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.
22. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
23. *Land affected by contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
24. *Flood Risk and Coastal Change* – sets out the required assessments, tests and thresholds developers are expected to undertake, and Local planning authorities must assess when considering new development of different types.
25. *Natural environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
26. *Planning Obligations* – may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

27. The following is a summary of those saved policies in the Chester-le-Street District Local Plan 2003 (saved policies) relevant to the consideration of this application:
28. *Policy NE11 – Tree Preservation and Planting* – Consent will only be granted for the cutting down, lopping, topping or uprooting of any tree protected by a Tree Preservation Order if the proposed work is necessary because the survival or growth prospects of other protected trees is threatened; it can be proven that the tree is causing structural damage and no remedial action to the tree is possible; or the tree is a danger to life or limb.

29. *Policy HP6 – Residential within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
30. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy T8 – Car Parking Provision* – The design and layout of new development should seek to minimise the level of parking provision.
32. *Policy T15 – Access and Safety Considerations in Design* – sets a range of criteria including that: a safe access to the site and the classified road system should be provided, the development should not create levels of traffic which would exceed the capacity of the local road network or create a road safety hazard, make adequate provision for service vehicle turning and allow effective access at all times for emergency vehicle access.

RELEVANT EMERGING POLICY:

33. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://www.cartoplus.co.uk/durham/text00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Highways* – The requested detailed amendments in particular directed towards the interactions between the proposed access drives and the adopted highways but have confirmed the visibility splays for both proposed accesses are adequate. Signage and other street equipment would be needed to be relocated to facilitate the development.
35. *Northumbrian Water* – raise no objection to the proposals subject to a condition to agree details.

EXTERNAL CONSULTEE RESPONSES:

36. *The Coal Authority* – Raises no objection to the proposals subject to a standard form of condition. The condition is required pre-commencement.
37. *Durham Constabulary* – note access issues to the site and the potential for site traffic to affect the drive of 1 Church Villas in particular.

INTERNAL CONSULTEE RESPONSES:

38. *Environmental Health, Contamination* - are satisfied with the information contained in the reports and agree with the risk assessments, suggesting standard conditions and an informative.
39. *Archaeology* - The applicant has submitted the results of a trenching survey which has not identified any archaeological interest on the site. A condition to report the results of the site survey is requested by condition unless submitted pre-determination (this has been requested).
40. *Trees* – The submitted arboricultural report complies with current standards. Tree protection during the construction process must be to British Standards, with the driveways constructed in a way that respects the presence of the trees. Further detail on proposed tree planting is suggested.
41. *Ecology* – have considered the applicant's updated proposals to mitigate the bio-diversity implications both on-site and on the adjacent land in the applicant's ownership. Subject to an appropriately worded condition ensuring long-term maintenance, the proposed mitigation is considered acceptable.

PUBLIC CONSULTATION EXERCISE:

42. A public consultation exercise consisting of 52 direct letters was undertaken. This resulted in 7 objections and 1 representation. One of the objections is made by the Manager of the Veteran's accommodation at St. Peter's Court, through Kevan Jones, MP.
43. The overriding concern of residents relates to the traffic implications of the scheme.
44. The 7 objections are from residents of Davison Terrace, the Headteacher of St. Bede's Primary School and the Manager of the specialist flats. Principal concerns relate to highways issues. The proposals are considered to have an unacceptable effect on pedestrian safety – particularly for children accessing the school 70m to the south. A second element of this highway's proximity concern is the relationship of the proposed south access to the immediately adjacent existing vehicular access/egress to the Church/Presbytery/school car park. There is concern at the cumulative effects of accesses to pedestrian and vehicular safety, including the recent addition of that serving the new housing scheme opposite. The narrowness of the access also serving St. Peter's Court is a concern to the residents there.
45. Additional issues raised include the effect of the noise of construction works disrupting the school community, again with a cumulative effect with other recent developments near the school.

46. One resident has concerns at the potential for the same to affect personal health issues.
47. One resident of Davison Terrace notes that given the short gardens of that street facing the site, particular care needs to be taken with fences to maintain the quality of life in existing dwellings. Assurance is sought that vehicular and parking access to residents in Davison Terrace at either end of the back lane will not be physically obstructed by the erection of fences or walls. That correspondent notes a development of 8 dormer bungalows could improve the environment of Sacriston providing appropriate measures are taken to improve the quality of life of existing residents.

APPLICANT'S STATEMENT:

48. Design Positives for the Proposed Scheme:

Density: - The scheme is a low-density development proposing an overall total of 8 dwellings laid out in a loose courtyard arrangement. This creates a central focal point to the site and allows for the existing green boundaries to remain untouched.

Appearance: - The proposed scheme seeks to provide an attractive development which will sit comfortably within the local context and character of the area. The scheme has been designed to integrate with the traditional building forms and facing materials used in the area and yet provide a contemporary feel to the development. The scheme is laid out so that the dwellings form a loose courtyard arrangement with a co-ordinated internal street scene. Thought has been given to the positioning of green open space areas creating safe attractive spaces that will ensure integration with the existing tree lined areas. All the proposed homes have pitched roofs and traditional window profiles which reflect the character of the area.

Scale: - The development consists of two storey dwellings with the second storey being in the roof space. The properties are arranged in a detached format. The height and form of the proposed dwellings has been chosen in order to have minimal visual impact on nearby properties whilst remaining in keeping with the semi-rural character of the setting.

Flexibility of housing design: - The proposal is for four-bedroom properties delivered in detached formats. The dwellings have been specifically designed for this site for the privately-owned housing market. The house layout includes an en-suite bedroom on the ground floor expanding its market audience to families with occupants who are elderly/less mobile.

Retention of existing green boundaries: - The proposed layout has been developed with the existing mature trees in mind, the proposal sees the retention and reinforcement of the existing tree lined boundaries with the new houses positioned away from them helping to maintain the existing landscape character.

Location: - The site location lends itself to sustainable development having good access to local bus services. There are bus stops on Front street to Consett, Stanley, Chester Le Street and Newcastle. The design proposal also utilises the existing two access roads.

49. Benefits of the Development:

The proposed development will provide an attractive area of sustainable infill. Being located between two existing housing areas, development of the currently vacant parcel of land will see the introduction of a low-density desirable housing development, helping to rejuvenate the surroundings for the existing residents and add to the community on the whole.

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PYFV2NGD0BK00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

50. 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 principle of development, highway safety, trees and ecology, and residential amenity are the principle issues involved in this instance. Other issues in the application process will also be considered.

The Development Plan

51. 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 Chester-le-Street District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

52. This Local Plan was adopted in 2003 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

53. This is an application for housing development. The most important Policies within the Development Plan relating to this topic are considered out of date either because their evidence base is too old, or because they are contrary to the advice in the NPPF – i.e. where they relate to overly restrictive planning restraints such as settlement boundaries and restricting windfall development to previously developed sites. Consideration of the development must therefore be led by paragraph 11 of the NPPF.

The NPPF

54. Paragraph 11 advises in the first instance to grant permission for sustainable development unless there is specific advice in the Framework that protects areas or assets of particular importance that gives a clear reason for refusal. The affected policies are listed (footnote 6). There are no topic areas that affect this site. Paragraph 11 then goes on to advise that permission should be granted unless 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. This application therefore benefits from this 'presumption in favour'.

Sustainability

55. In terms of locational sustainability, the proposed development is within a short walking distance (350m) of the village centre that has a range of commercial, leisure, social and retail facilities. The village is well served by public transport. There is a range of schools in the area.

Highways

56. There have been a number of approaches for development on this site and a SHLAA assessment all of which floundered on the implications for vehicular access.
57. In discussions with the applicant Highways have agreed that if the unimplemented elements of a historic planning application (2/91/00546/FUL) that are still capable of construction are formally expunged, the displaced highways implications for the use of the lane alongside The Old Church would permit a quantum of new development to a level usually allowed on a shared private drive without the need for construction to an adoptable standard – i.e. up to 5 dwellings. Despite the time that has passed since its approval in 1991, the construction of the first block (St. Peter's Court) constitutes a part-implemented consent where a further two-storey block of 12 warden controlled sheltered bed-sit flats could still be built-out without further consent.
58. Effectively the traffic implications of the 3 proposed dormer bungalows are accepted to offset the likely traffic that could have been generated by the sheltered 12 bed-sit block. Subject to a legal agreement to formally prevent the 1991 consent being completed, this argument is accepted.
59. Highways have confirmed that for the 8 dwellings proposed – i.e. five dwellings from one access, three from the other – the design standard of the private roads proposed, and the available visibility onto the B6532 Front Street are, subject to detailed requirements are adequate as means of access. As the new drive alongside St. Bede's is not required to be built to adoptable standards, a root-friendly construction can be used to respect the protected trees.
60. There are no proposals to impede access from either end of Davison Terrace as part of the proposals, a stated concern of residents. A condition could ensure that the construction works would not physically result in this. Long term however this would be a civil, land ownership issue. The applicant has discussed and agreed the relocation of guyed Northern Power electric pole that affects one of the proposed drives with that undertaker.
61. The proposals are concluded compliant with the requirements of Policies T8 and T15.

Scale, Character and Residential Amenity

62. The application proposes small scheme of dormer bungalows, a form of development acknowledged as in short supply and high demand. This would add to the range of housing available in the village, with resonance to part 8 of the Framework: Promoting healthy and safe communities. Sitting separate from the main arteries through the village, the scheme is in a location where it can have a character of its own. The elevational approach proposed is attractive and the palette of materials shown reflects the traditional elements of the local vernacular. The layout meets required residential separation guidelines, avoids likely direct and indirect pressures from relationships to trees and provides for a high degree of amenity space for the new residents.
63. A correspondent has requested special attention be paid to the potential effect of a new boundary fence on the site boundary shared with Davison Terrace, where short front gardens look across the site. Existing dwellings have a range of fence heights on this boundary. The applicant has responded to this with a plan showing a new supplementary 1.5m high fence on this boundary and have provided a site section showing. Taking into account the difference in levels shown on submitted plans, Officers consider this is a reasonable compromise between the privacy the new houses can

reasonably expect to enjoy, and the openness existing gardens should expect. To ensure the development is implemented in the expected manner a 'levels' condition is proposed.

64. The proposals are concluded compliant with the requirements of Policies HP6 and HP9 in so far as they are compliant with the NPPF and with part 12 of that document.

Other Issues

65. The County Ecologist has agreed that subject to a suitably worded condition to ensure the proposed ecology mitigation scheme shown on the revised Landscape Strategy Drawing (721 rev.02), that the scheme meets the requirement for net bio-diversity gain set out in the NPPF.
66. The effect of noise from the construction process in disrupting the nearby primary school and local residents is a temporary effect, and capable of a level of control by the Council.
67. The proposal is not of a size where a Construction Management Plan would usually be expected. However, in terms of the proximity of the site to the school and ensuring construction traffic does not compromise child pedestrian safety at the beginning and end of the school day, identifying in particular the need to avoid impact on private property as highlighted in the Police's response, a condition proposes one in this instance.
68. Requirements for Drainage, Coal, Contamination and Archaeology implications can be met by conditions suggested by the relevant consultees.
69. The application is not a major development and therefore does not meet the thresholds where affordable housing provision, public open space, play equipment, or mitigations for health and education can be requested given the tests for such set out in Government advice and legislation.

The Tilted Balance

70. The policies most important for determining the application in the Development Plan, i.e. the housing policies, are out-of-date and as a consequence, the 'tilted balance' set out in paragraph 11 of the Framework and the resultant presumption in favour of sustainable development is engaged.
71. The application site is considered a sustainable location. The application proposes housing, in a form that adds variety to the local housing supply and market. These are significant benefits of the scheme. Additional, albeit unquantified, benefits include the economic activity that will derive from the development process, and from the economic activity of new residents in the lifetime of the development.
72. The consent can be framed by conditions that protect the TPOed trees on and adjacent the site and provide the required biodiversity gain advised in the NPPF. This achieves what is required for NPPF compliance and is neutral in the planning balance
73. The principle contention and therefore potential negative in the consideration of the planning balance relates to highways. The proposed Construction Management Plan is considered an appropriate way of dealing with this in so far as it relates to potential construction traffic interaction with pedestrian school access. Highways Officers have

examined the likely traffic movements that will be generated by the development and their implications for highway safety and consider the proposals adequate. Therefore, it is advised that the proposal would not have '*an unacceptable impact on highway safety*' (NPPF paragraph 109).

74. Taken with the school and resident's noise concerns, the highways implications of the development – that in large part relate to the temporary construction process, are not such that '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (sic) Framework taken as a whole*' (paragraph 11 of the NPPF).

CONCLUSION

75. Whilst the site is greenfield land, it is within the developed area of Sacriston, well related to a range of facilities, services and sustainable transport opportunities. The positive effects of new dwellings that increase the range of accommodation in the settlement is of positive material weight in addition to other positive elements highlighted above. This has led to the conclusion that in principle the proposals represent sustainable development and therefore benefit from the Framework's 'presumption in favour'.
76. Residents' concerns for highways safety, both from the construction process and in the function of the development as proposed are not shared by the County Highways Engineer. Conditions to help mitigate the former and to ensure the later meets required standards are proposed. Ultimately, in terms of the required process, no objections in this regard have been presented that would have such weight that they would outweigh the benefits of the scheme.
77. Conditions can address technical implications and ensure an acceptable form of development along with detail for issues including foul water disposal, contamination, archaeology and landscaping. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.
78. Further conditions are required to give precision in the development process for establishing levels and ensuring access arrangements for existing residents.

RECOMMENDATION

79. That the application be APPROVED, subject to the applicant entering into a legal agreement to:
- Prevent the unimplemented elements of approval 2/91/00546/FUL from being constructed, this being the erection of the second accommodation block.

And the conditions detailed below:

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 following approved plans:

Proposed site plan	200/101 (Rev 6)
Landscape strategy plan	RES 721 - Rev 02
Location plan	05/00 (Rev 2)
Proposed boundary treatment plan	14-00 (Rev 1)
Floor plans	300-01 rev.P01
Elevations	300-02 rev.P01
Proposed site elevations	300-03 rev.3
Extent of adopted highway to be stopped up	C004
Visibility splays at site access	C005

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies NE11, HP6, HP9, T8 and T15 of the Chester-le-Street Local Plan 2003 (saved policies).

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies).

4. The approved development of the two private access roads must not be constructed in a manner to physically prevent or obstruct the pedestrian and vehicular access and egress between Davison Terrace and the B6532.
Reason: In the interests of residential amenity and highway safety in accordance with Policies HP9 and T15 of the Chester-le-Street Local Plan 2003 (saved policies).

5. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of plots 1-3 inclusive and those facing dwellings in Davison Terrace, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.
Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies) and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

6. Contaminated Land (Phase 2 - 3) - No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.
Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. Contaminated Land (Phase 4) - Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 14 of the NPPF. Required to be pre-commencement to ensure that the development can be accommodated in the existing drainage network without causing wider flooding or capacity problems.

9. Prior to the development being beneficially occupied, a hard copy of the analysis detailing the findings of the archaeological investigations undertaken in line with the WSI DS19.408 and in discussion with the County Archaeologist shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 199 of the NPPF which ensures information gathered becomes publicly accessible.

10. For the Coal mining legacy, before development commences the developer must undertake an appropriate scheme of intrusive site investigations; submit a report of findings arising from the intrusive site investigations; submit a scheme of remedial works for approval in writing by the Local planning authority; and where identified implement those remedial works in full before occupation of any of the dwellings hereby approved.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

11. Before development commences the developer must agree in writing a scheme of site operating hours based on the Council's standard requirements that no external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and 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. However, the developer must develop this basic criteria to further include within said scheme measures and timings to prevent site traffic conflicting with the pedestrian traffic associated with the beginning and end of the school day at the nearby St. Bede's Primary School, to compliment the detailed requirements of the Construction Management Plan. The restrictions will apply to all site traffic and all contractors and the scheme must undertake to ensure all contractors are aware of their responsibilities for such. The site must be operated at all times with the details of the agreed scheme of working hours.

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: In the interests of residential amenity and paragraph 180 of the NPPF.

12. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: In the interest of residential amenity site as required by part 15 of the NPPF.

13. Site works must be carried out in full accordance with the methodologies and recommendations set out in the WGY Arboricultural Report A087215, including protective tree fencing being erected prior to any construction in line with section 7.7 of said report. The fencing must comply with BS 5837 2012 and be retained in place for the full length of construction works. The access to the southern end of the site must be of a root friendly construction as shown within section 7.8 of the report and within DRG TPP1.

Reason: In the interest of bio-diversity and ecological interests on the site as required by part 15 of the NPPF.

14. Notwithstanding the submitted information on Landscape Strategy plan RES721 rev.2, prior to the first occupation of the development hereby approved, a more detailed version of the landscaping / ecology scheme shall be submitted to and approved in writing by the Local Planning Authority. This enhanced landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection
- Details soft landscaping / ecology planting including planting species, sizes, layout, densities, numbers;
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment of a maintenance plan, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- Submission of a written 25-year management plan for the semi-natural habitats on site (blue line boundary area and wildflower grasslands within the development - RES721 rev.2). This should contain details of target habitats and an appropriate monitoring regime to ensure that the target habitats are met, and a schedule for monitoring reports to be submitted to the LPA.
- A plan showing the public/structural landscaping and private/in-curtilage landscaping.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan 2003 (saved policies) and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>8 new build bungalows and associated infrastructure (re-submission). Application DM/19/03082/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	<p>Site and additional land in applicant's ownership</p>
	<p>Date 28th November 2019 Scale NTS</p>	