

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/18/00139/FPA

FULL APPLICATION DESCRIPTION: Replan of part of permission DM/16/04052/FPA comprising 99 dwellings, incorporating 27 additional dwellings (Total of 230 dwellings).

NAME OF APPLICANT: Avant Homes Ltd

ADDRESS: British Oxygen Co
Vigo Lane
Chester-le-Street
DH3 2RD

ELECTORAL DIVISION: North Lodge

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 British Oxygen Company (BOC) site on Vigo Lane between Chester-Le-Street and Birtley, and is currently being developed for housing by Avant Homes under approval DM/16/04052/FPA and reserved matters DM/17/01512/RM. These applications granted a total of 203 dwellings, of which approximately 35 units have currently been constructed and 7 are occupied.
2. The site is located to the south east of the A167, Durham Road and C8, Vigo Lane in Chester-le-Street, and extends to 8.04 hectares of previously developed land. The administrative boundary of Gateshead Council lies along the A167. The site had been occupied by the British Oxygen Company (BOC) since circa late 1920s. It was subsequently closed and demolished by 2013. Sandwiched between road and cycle routes, the site is broadly orientated on an east-west axis and features Durham Road to the western boundary, Vigo Lane to the northern boundary, the C2C cycle route (once a former railway until 1960s) atop a tree-lined embankment to the southern boundary. A further factory site, Arizona Chemicals, lies to the eastern boundary which has also now been demolished. The Durham Road/Vigo Lane roundabout forms a busy road junction to the north west corner of the site. Located part way along the northern boundary of the site is a small number of residential properties (1-6 Vigo Lane) located immediately adjacent to the application site.

3. Within the site the ground is generally level, indicative of the previous built use, but with a gradual somewhat imperceptible slope from east to west. The pre-existing boundary treatments and landscaping features remain, such as the factory access points, gates and posts and high perimeter fencing which encloses the site to all four boundaries. Trees are features of all boundaries to some degree, with dense, mature tree belts to the C2C embankment and Durham Road forming significant screens, with the latter being subject to a Tree Preservation Order. More sporadic, individual trees to the northern boundary exist some of which once formed part of the landscaping scheme to the previous BOC use. Built development surrounds the site, with residential properties of Barley Mow to the north of the site across Vigo Lane, and across the C2C line at Picktree Lodge and Sinclair Drive to the south. Park View School's North Lodge campus lies directly to the south of the western portion of the application site, again separated by the C2C line, with mixed residential, industrial and commercial development to the west of Durham Road to the entrance to Drum Industrial Estate.
4. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Pelaw Hill Railway Local Wildlife Site lies approximately 380m to the south west, beyond the A167 via the C2C route; with Waldrige Fell SSSI a popular and well used public amenity space located to the west of Chester le Street. No recorded public rights of way are contained within the application site. 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 Vigo House; the grade II listed structure which lies 350 metres to the east.

The Proposal

5. This application seeks planning permission to re-plan the eastern portion of the development site granted consent under both DM/16/04052/FPA. This involves the introduction of new house types known as the 'Bridge Range' and a re-planning of the layout to provide 27 additional units, resulting in a total of 230 dwellings overall.
6. As part of the re-plan, the main internal road which links the two access points would remain in its approved location, with minor modifications to the three cul-de-sac's which lead from it. The re-plan would be focused around the eastern entrance from Vigo Lane and to housing behind the Vigo Lane frontage from an area roughly in line with No. 6 Vigo Lane, an existing house which fronts the main road, to the site boundary to the east. The proposal would see 3 detached, 50 semi-detached and 21 link/terraced dwellings.
7. Access to the site remains as approved from Vigo Lane at two separate points, one existing access to the western portion of the site and one new access point to the eastern portion, with the main access road running west to east through the site linking the two proposed accesses.
8. The re-plan would not materially affect the amount of approved open space around which the re-plan would take place, with the SUDs drainage system and basis remaining to the north west corner of the site adjacent to the Vigo Lane/Durham Road roundabout. 15% of the dwellings proposed for the site as a whole would be offered on an affordable basis, with those being split 13 dwellings to the west and 21 dwellings to the eastern part of the site.

9. The overall development retains the original requirements for offsite highways works to Vigo Lane and also to the junction with A167 Durham Road, including the provision of bus laybys and protected right hand turns for the new access points and improved pedestrian access to/from the north.
10. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

11. Prior notification of the Local Planning Authority was not required in 2013 for the demolition and removal of the BOC plant and its associated buildings, ground slabs, tanks and associated plant.
12. A hybrid application secured planning permission for the erection of 203 dwellings and landscaping in outline form (ref: DM/16/04052/FPA). Subsequent reserved matters for the remaining landscaping proposals was also secured (DM/17/01512/RM). Both applications have been implemented on site.

PLANNING POLICY

NATIONAL POLICY

13. 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’.
14. 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.
15. *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.
16. *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.

17. *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.
18. *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.
19. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
20. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
21. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, 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.
22. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

LOCAL PLAN POLICY:

The Chester-le-Street District Local Plan (2003) (CDLP)

24. *Policy HP6 – Residential development within settlement boundaries* – identifies Chester le Street 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.
25. *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.
26. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester le Street falling within the Northern Delivery Area where a 15% provision is required.
27. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
28. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
29. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
30. *Policy T17 – General Transport Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.
31. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m² children's play space and 250m² informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.
32. *Policy BE2 – Public Art* – Developers of larger schemes will be required to contribute 1% of development costs to the provision of works of art in new projects accessible by the public.
33. *Policy BE22 - Planning Obligations* - Chester le Street Council will enter into legal agreements to either enhance the quality of the proposed development or enable a proposal to go ahead that might otherwise be refused.

RELEVANT EMERGING POLICY:

The County Durham Plan

34. 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> (Chester le Street Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Gateshead Council* – Raise no objections. The proposed development would have some impact upon the Vigo Lane / Portobello Road junction as a result of increased traffic movements as a result of the development. Mitigation would be required at this junction to off-set this increase in traffic.
36. *Highway Authority* – Raise no objections. The additional dwellings would only create a likely maximum of 24-26 trips in total, of which distribution analysis predicts 45% would be at Durham based junctions (circa 11-12 trips). This is well within the expected daily variation at all junctions and on that basis no additional detrimental impacts upon the highway network in Durham would result. No objections are also raised to the revised internal road layout, with access to Vigo Lane following previously agreed junction improvements and engineering details.
37. *Northumbrian Water* – Raises no objections as discharge rate from scheme remains the same.
38. *Drainage and Coastal Protection* – Raise no objection noting that whilst the proposal fulfils the Source Control element of the management train outlined in the Council's SUDs Adoption Guide 2016, there is a lack of Site Control which would be expect for a new development such as this. Greenfield run-off rate of 36.9 l/s should be achieved by the development at all times.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation* – The revised proposal is substantially different to the original approval meaning that the two sections of the site will be very different in character to the point where there are few if any defining characteristics which will link them together, the relationship will therefore be somewhat uncomfortable within the site. The density, scale of dwelling, layout and visual impact are all considerably

different to the original principles. The site is resultantly heavily car dominated with excessive parking. Moving through the site is going to be a visual experience of parked cars, both in curtilage and in more public spaces. At the density proposed it is difficult to see how this can be avoided. Overall this proposal fails to live up to the limited achievements in originally creating a pleasing, appropriate and enjoyable environment in which to live.

40. *Landscape* – Raise no objections subject to an increase in shrub species mix options across the development.
41. *Landscape (Arboriculture)* – Raise no objections. Officers consider that the arboricultural report supplied is satisfactory and complies with current standards. Tree Preservation Order CLS 42 covers 70 trees to the western boundary and retention is crucial and welcomed.
42. *School Places and Admissions Manager* – Raise no objections. The development is likely to produce 8 additional primary pupils and 4 additional secondary pupils. There are sufficient primary places available, but insufficient places within the secondary schools in Chester-Le-Street. Consequently a financial contribution will be required for the provision of additional teaching accommodation.
43. *Ecology* – Raise no objections.
44. Environment, Health and Consumer Protection (Contaminated Land) – Raise no objections. A planning condition is suggested requiring the submission of a verification report upon completion of the development.
45. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. A planning condition is suggested to ensure that the proposed dwellings are constructed in accordance with the mitigation strategy outlined within the submitted noise assessment. It is considered that impacts upon air quality in regard to the operational phase of the development would be negligible and that controls in relation to the construction phase of the development would be required, and the previously approved Dust Management Plan amended to take account of the revised scheme.
46. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. The additional dwellings proposed would lead to a negligible change in the levels of air quality pollutants. Revisions to the Construction Dust Management Plan to reflect the revised layout are satisfactory.
47. *Sustainable Travel* – Raised no objections. Site has good links to C2C and Great North Cycle Way to west of site. The submitted travel plan will need amendments and this should be conditioned.
48. *Housing Delivery* – Raise no objections. The 15% affordable housing requirement is proposed by the applicant at a tenure mix of 70% affordable rent and 30% affordable home ownership, which is acceptable.
49. *Access and Public Rights of Way* – Raise no objections, noting that no public rights of way are within or abutting the site.

PUBLIC RESPONSES:

50. The application was advertised within the press, on site and letters were sent to neighbouring properties. At the time of writing no representations were received

from local residents though 1 letter has been received from Durham Constabulary detailed below.

51. Durham Constabulary (Architectural Liaison) – Raises concerns in regard to the density of the development and likely high level of car ownership resulting in conflict.

APPLICANTS STATEMENT:

52. The application site is in a highly sustainable location and comprises a brownfield site that is readily available for development. Development of this sustainable, brownfield site will reduce pressure for development on greenfield sites within the County.
53. The development proposes a range of family housing which has been informed through discussions with both the Council and local residents. The development will also provide 34 affordable homes, offering a mix of two and three bedroom properties.
54. Avant Homes has engaged with the Council throughout the design and conception of this amended scheme. The discussions have led to various amendments to the design and layout in order to arrive at the proposals presented today. The proposed scheme is well-designed and the proposed landscaping secures the retention of protected and important trees, and the creation of areas of public open space and facilities for play.
55. The development will deliver economic, environmental and social benefits, not least the creation of jobs through the construction period, and will provide well-designed homes to improve choice for the community and help Durham County Council in delivering its housing targets. The proposed development also incorporates public open space and play facilities, as well as contributing towards ecology, education provision and improvements to local open space which will all be secured through a Section 106 Agreement.
56. Avant Homes are firmly committed to delivering homes on this site which can be seen today. It is, therefore, our firm view that planning permission should be granted for this application in order that the Council can deliver this important site and in doing so, support the wider regeneration of the County, and deliver the homes that are needed.

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

57. 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. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, landscape impact and layout and design, affordable

housing, residential amenity, public open space, highway safety and access, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

58. The principle of developing the site for housing has been established under planning applications DM/16/04052/FPA and DM/17/01512/RM, which permitted the erection of 203 dwellings in total. The planning permission has been implemented on site, with approximately 35 units being constructed (of which 6 are occupied) along with a large part of the highway infrastructure. This application seeks to re-plan the eastern part of the development site, to introduce 27 additional dwellings overall. This planning permission would sit in alongside approvals for the implemented permissions.
59. Notwithstanding this, in line with the previous applications, policies within the CDLP are considered out of date. CDLP Policy HP6 supports the principle of residential development on non-allocated sites within settlement boundaries provided the site comprises previously-developed land; however this policy is afforded reduced weight as a result of being informed by now out of date housing need figures. . Therefore, in line with the previous planning applications, the acceptability of the development largely rests on the NPPF Paragraph 14 tests. This requires a balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Five Year Housing Land Supply

60. In September 2017, the Government published a consultation document entitled “Planning for the Right Homes in the Right Places”, which introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum.
61. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, ‘in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance’.
62. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case here, the starting point for calculating land supply will be local housing need using the standard methodology.
63. Taking all of this into consideration, the Council’s view is that the standard methodology should be used for measuring the 5-year housing land supply position. Against the 1,368 figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance whilst recognising that this site is a committed site that is taken into account in the Council’s 5 year calculation and continued at an increased yield would assist the council in terms of housing delivery and maintaining a five years supply.

Locational Sustainability of the Site

64. In the original planning application it was concluded that the application site has access to an array of services and facilities, all adequate to serve the approved development, and that these are within relatively easy reach of the site. It was also concluded that the development would be of a scale commensurate with the role of Chester-Le-Street in the settlement hierarchy. It was also considered that the walking distances, improved pedestrian and cycle links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. Therefore, the development would remain 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 CDLP Policies HP9, T15 and T17, which are considered consistent the NPPF in this respect.

Landscape Impact, Layout and Design

65. CDLP Policy HP9 requires that developments should be designed and built to a high standard which provides an attractive and efficient residential environment that relates well to the built environment around the site, and which retains existing landscape features of the area. The Policy also gives direction upon housing densities and parking provision. CDLP Policy BE2 seeks a contribution to provide public art in publically accessible spaces, but does not discourage the incorporation of public art within developments where proposed. 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. However, the somewhat prescriptive nature of Policy HP9 is at odds with the flexible nature of the NPPF and accordingly less weight can be afforded to it.
66. 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. CDLP Policy HP9 again offers prescriptive guidance limits to specifics of the design and layout which is not consistent with the aims of the NPPF. Similarly, CDLP Policy BE2 has limited support from the NPPF though good design, in general, is supported and whilst the NPPG considers public art can contribute in forming well-designed spaces it reinforces the need for any planning obligation to meet the statutory tests in the Community Infrastructure Levy Regulations 2010. Overall, both Policies do broadly build upon the NPPF and NPPG requirements and so can be considered partially consistent as a result. Therefore the key policy consideration in this matter is whether the site is read together well with the built environment and the surrounding landscape features, and represents good design.
67. In this respect it was concluded in the original application that the design and layout of the proposed development was considered acceptable in accordance with relevant CDLP Policies as well as Parts 7 and 11 of the NPPF. In relation to the revised scheme now being considered, a denser development is proposed to the eastern portion of the site. Following amendments made during the course of the application, which has resulted in the loss of 14 units from the scheme, it is considered that the proposed layout is acceptable and would not result in an overly car dominated frontage and the development would be screened in views along Vigo Lane. While an overall smaller property size is proposed across the re-plan area, a common palette of materials would be used to harmonise the two areas of the

scheme in an appropriate manner. The concerns of Design and Conservation are noted, however, planning officers conclude that the design of the development remains acceptable.

68. As required by CDLP Policy BE2 artistic elements are proposed in principle, however no detail has again been put forward at this stage. As such, and following the direction taken to the original planning approval, a condition requiring specific detail of the artistic elements would be included with any recommendation for approval.
69. Overall, it is considered that the re-plan scheme would still deliver an acceptable form of development in design and visual impact terms, in accordance with CDLP Policies HP9 and BE2, and Parts 7 and 11 of the NPPF.

Affordable Housing

70. 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, whilst CDLP Policy HP13 encourages developers to provide an appropriate amount of affordable housing, but is only considered to be partially consistent with the NPPF as issues of viability and housing market area requirements are outdated with the more up-to-date evidence in the Strategic Housing Market Assessment establishing a requirement for 15% provision, amounting to 34 dwellings.
71. The Housing Delivery Team has requested that this be delivered in the form of 70% affordable rent and 30% affordable home ownership (i.e. discounted sale). 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.

Residential Amenity

72. CDLP Policy HP9 requires that the design and layout of development to have no adverse effect on the amenity of those living or working in the vicinity of the development site. 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.
73. The amended proposals are only located in proximity to no. 6 Vigo Lane, the eastern most of the line of six properties which lie to the northern boundary of the site and centrally located. The proposed change would see the removal of a pair of semi-detached, three storey dwellings and replaced with a pair of detached two storey dwellings. This is considered an improvement in terms of amenity of the existing residential dwelling. In reviewing the amended internal site layout, adequate separation distance are achieved which would protect the privacy and amenity of future residents.
74. In terms of noise, the application is accompanied by an updated noise survey which identifies that the roadside boundaries of the site have a relatively high background noise environment during the day, primarily as a result of the local road network, but reduced during the night when traffic movements would be limited nearby. Mitigation measures were however approved under the original development which included

acoustic ventilation. The Council's Environmental Health and Consumer Protection Team have advised that this approved mitigation should be implemented across the re-planned element of the site.

75. With regard to air quality, the application is accompanied by an air quality survey which finds that the impact of the development upon air quality once occupied to be negligible, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), was agreed as part of the original scheme. Environmental Health and Consumer Protection have considered a revised plan, in conjunction with a revised Construction Management Plan to reflect the changes as part of these proposals, and they consider the updated reports to satisfactorily address the potential issues that arise during the construction phase of any new development.
76. The revised scheme is therefore considered to be in accordance with CDLP Policy HP9 and T15, and Part 11 of the NPPF in this regard.

Public Open Space

77. CDLP Policy RL5 seeks to ensure adequate provision is provided in new housing development. This Policy is 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.
78. A contribution was secured by way of planning obligation for the original planning approval in lieu of the provision on site of some of the open space typologies. This requirement was based upon a figure of £1,000 per dwelling and as this proposal would see no increase in the amount of open space on site it is proposed to secure a further contribution in respect to the additional 27 dwellings proposed as part of this application. These would again be secured through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.
79. Overall therefore, the application is considered to be in accordance with CDLP Policy RL5 and Paragraph 73 of the NPPF with regards to the provision of public open space.

Highway Safety and Access

80. CDLP Policy T15 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. CDLP Policies T17 and T6 seek to ensure that safe, attractive and convenient footpath links are provided, and where appropriate, to serve new development and provide access to public transport. 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, except for Policy T15 which uses out of date guidance and so is only partially compliant. 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.

81. This revised scheme would be served by the same highways infrastructure as approved and which is currently being implemented at site. The Council's Highway Authority has reviewed the amended layout and following amendments, advises that the parking provision is acceptable and would accord with the Council's parking standards. They also considered that the revised number of units would not result in a detrimental impact upon the junctions within County Durham as a result of the increase in trips from the approved development and having regard to the distribution analysis provided to support the proposals.
82. 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.
83. The TA establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered "severe". The TA takes into account impacts which would occur to the highway network in both Durham and Gateshead Local Authority areas.
84. In Durham, the Highway Authority considers the impact from allowing the proposed development to take access from Vigo Lane to be acceptable and not lead to issues in capacity in the future. As was the case with the approved development modelling indicated problems at the A167 (Durham Road) / Vigo Lane roundabout adjacent to the site with traffic generated from the proposed development, which would have caused a significant impact upon the highway network through queuing up to the roundabout.
85. In order to address this impact, a scheme of mitigation is proposed, which remodels the area around the roundabout for traffic approaching from the east along Vigo Lane, the off-set of bus stops into new laybys to Vigo Lane and the provision of protected right-hand turns. The Highway Authority considers that these changes would be sufficient to reduce the impact upon the junction in the future to an acceptable level and accordingly, these matters will be secured by condition.
86. Finally, further to the south, the impacts from the development upon the A167 / A693 signalled junction are again considered to not lead to issues in capacity in the future.
87. In terms of the concerns about the impacts upon the public highway network to the north, and within the Gateshead Local Authority Area, the TA indicates that the development would lead to increased traffic utilising the network in the area. Gateshead Council have commented upon the application and have raised concerns over the impact of new development in the area upon traffic flows within their authority area. Of concern in regard to these proposals is the Vigo Lane / Portobello Road junction which sits to the north east of the application site. Here road widening to allow traffic from the north and turning east to no longer overrun the grass verge would be required and as such a condition requiring the implementation of the necessary highway improvements would be included with a recommendation for approval.
88. The proposed development retains previously agreed pedestrian links to the north and west of the development site, and the link eastward to potential future development should this come forward. These links serve to provide access to the

predominant sustainable transport option in the area, the bus. CDLP Policy T17 promotes the increased access of new development to sustainable transport links, and with the surrounding bus stops and the C2C route to the south of the site, this proposal is considered to adhere to the requirements of the Policy.

89. As a result, the impacts from the proposed development are, subject to additional mitigation at the Vigo Lane / Portobello Road junction, 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 CDLP Policies T17 and T6 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Flood Risk and Drainage

90. 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.
91. The original application was accompanied by a Flood Risk Assessment (FRA) which identified that the application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. The approved drainage strategy identified that surface water would be disposed of via a connection to Northumbrian Water drainage system as the ground conditions are unsuitable and the nearest water course is 550 metres away and inaccessible. The previously approved FRA agreed a discharge rate of 36.9 litres per second and the amended scheme would retain this rate through use of oversized pipes and further underground storage within the revised part of the development. Overall a SUDs scheme would provide surface water attenuation which will prevent external flooding for 1 in 30 year floods, and prevent buildings flooding up to 1 in 100 flood events.
92. 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 source control (permeable surfacing and hard surface soakaways) and the inclusion of a SUDs basin within the scheme. However, the development does not propose the use of overland water channels to transport surface water across the scheme to the attenuation basin. The applicant has explained that the site requires significant ground works as a result of its previous industrial use and so the implication of including overland swales and ditches would prove difficult. 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.
93. With regards to the disposal of foul waters Northumbrian Water raise no objections. A condition can be added in the event of an approval to ensure a suitable means of connection and rate of discharge.
94. 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 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.

Ecology

95. The closest sites of nature conservation interest are Pelaw Hill Railway Local Wildlife Site (LWS) which is located 450 metres to the west of the East Coast Mainline, accessed via the C2C route; and the Waldrige Fell SSSI that is located to the north and west of Chester le Street. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. 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 2017 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 County Ecologist has considered the content of the submitted information and has advised that the methodology and findings are sound.
96. The previously developed site has displayed some signs of regeneration having been cleared, and therefore providing some biodiversity value that would be lost through development. The Council's Ecologist had previously assessed these biodiversity losses as requiring compensation as they are significant at the local and parish level and a contribution towards creation of habitat off-site was secured as part of the original application. This application is proposed to retain the need for the financial contribution originally calculated with the original planning approval to ensure the impacts of the proposed development are mitigated appropriately.
97. 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 Paragraph 118 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

Heritage Impacts

98. The application site does not lie within nor contains any designated heritage assets. The closest being Vigo House, grade II listed and situated some 375m away, and with no direct visual relationship with the site as a result of topography and direction of Vigo Lane. Consequently, it is considered that there would be no harm upon the designated heritage asset, Vigo House. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site, this position has not changed.
99. 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.
100. 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 with Part 12 of the NPPF.

Other Issues

101. CDLP Policy HP15 expects developments to make contributions with regard to social, community and infrastructure facilities, and is fully consistent with the requirements of Paragraph 17 of the NPPF and its core principles and the thrust of the Policy is considered to be consistent with Paragraph 72 of the NPPF which attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.
102. The School Places and Admissions Manager has advised that the additional housing would produce 8 additional primary school pupils and 4 secondary school pupils. There remains sufficient primary school places to accommodate the increased pupil numbers, however there remains insufficient secondary school places in the Chester le Street area. As a result, additional school places would be required in order to accommodate the pressure upon school places likely to result from this development. An additional contribution of £66,176 is required in order to provide the additional capacity and this would be secured by means of a planning obligation.
103. A previously approved scheme for remediation of the site has been agreed by the Local Planning Authority, and this scheme is to be continued as part of this application. At the time of writing of this report the remediation works have predominately been completed across the site. A subsequent condition requiring validation of the results would be necessary to ensure the works are completed successfully across the development. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.

Planning Obligations

104. 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. CDLP Policy BE22 encourages the Local Planning Authority to enter into legal agreements to enhance the quality of developments, which is partially consistent with the above requirements of the NPPF. The proposed contributions towards education provision, improvements to biodiversity and offsite open space provision are all considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

105. The principle of developing the site for residential purposes has been established under the application DM/16/04052/FPA. However, as set out above 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 should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits.

Benefits

106. The development would assist in maintaining deliverable housing land supply in the short term at a time when housing supply policies within the CDLP are considered out

date. However in light of the Councils housing supply figure when assessed against the Governments OAN methodology this benefit is a limited one.

107. The development is proposed to a previously-developed site that is currently vacant awaiting re-development and within the built envelope of development. Locationally, the development has excellent access to most services and facilities including Chester le Street and Birtley town centres, 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.
108. Redevelopment of the application site for housing would result in a reduced impact upon the residential amenity of neighbouring properties than that of the previous BOC industrial operation.
109. 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.
110. The development would provide a range of house types including up to 34 affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

111. A shift from the previous industrial type development that once occupied the site would result in some adverse economic impact upon the local area through the loss of an employment site; however this site is not a designated employment site in the CDLP.

CONCLUSION

112. The principle of developing the site for residential purposes has been established under the application DM/16/04052/FPA. This application seeks planning permission to revise the layout of part of the eastern portion of the development site and in doing so would introduce an additional 27 dwellings.
113. Notwithstanding this, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF given the out of date nature of key relevant CDLP policies. In the absence of any specific policies that indicate development should be restricted, Paragraph 14 sets out that 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.
114. As set out above, the proposed development would result in limited adverse impacts, and they do not “significantly or demonstrably” outweigh the substantial benefits identified above, and as a result, the presumption in favour of granting planning permission in Paragraph 14 prevails.
115. 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 in addition to the original planning approval:

- provision of 15% affordable housing units on site (of which 70% affordable rent & 30% discounted sale)
- £66,176 towards the provision of additional capacity at secondary schools in the Chester-Le-Street area
- £27,000 towards the provision or improvements to open space and recreation within North Lodge Electoral Division
- Retain contribution of £22,000 towards off-site biodiversity improvement at Waldrige Fell SSSI.

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 :-

Plan	Drawing No.	Date Received
FLOOR PLANS & ELEVATIONS – BAMBRIDGE	BG/BR/BAM/001	17 Jan 2018
PLANTING PLAN	N598-ONE-XX-00-DR-L-0201 P08	20 Apr 2018
FLOOR PLANS & ELEVATIONS – KNIGHTSBRIDGE	SITE/KNI/001	17 Jan 2018
FLOOR PLANS & ELEVATIONS – STOURBRIDGE	SITE/STO/001	17 Jan 2018
FLOOR PLANS & ELEVATIONS – WEYBRIDGE	SITE/WEB/001	17 Jan 2018
FLOOR PLANS & ELEVATIONS – NEWBRIDGE	5173/NEW/001 Rev A	06 Apr 2018
FLOOR PLANS & ELEVATIONS – CRANFORD	VIG/CRD/001	06 Apr 2018
FLOOR PLANS & ELEVATIONS – ASHTON	VIG/ASN/001	06 Apr 2018
SITE LAYOUT	VIG_BR_SL_01 Rev G	20 Apr 2018
LOCATION PLAN	VIG_BR_SL_02	20 Apr 2018
BOUNDARY TREATMENTS AND EXTERNAL HARD LANDSCAPING	VIG_BR_BT_01 Rev #	20 Apr 2018

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, HP15, T6, T8, T15, T17, RL5, BE2, BE22 of the Chester le Street District Local Plan.

Drainage Details

3. Within three months of the date of commencement of development a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Parts 10 and 11 of the NPPF.

Tree Protection

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

Reason: In the interests of the visual amenity of the area having regards to Policy HP9 of the Chester le Street 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.

Landscape implementation and management

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme (plan ref: N598-ONE-XX-00-DR-L-0201 P08, Planting Plan) shall be carried out in the first available planting season following the practical completion 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 HP9 of the Chester le Street Local Plan and Parts 7 and 11 of the NPPF.

6. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. 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 and cutting schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester le Street Local Plan and Parts 7 and 11 of the NPPF.

Site Levels

7. Prior to the commencement of the construction of the first dwelling hereby approved, details of existing and proposed site levels and the finished floor levels of the dwellings hereby proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policy HP9 of the Chester le Street District Local Plan and parts 7 and 11 of the NPPF.

Embed Sustainability

8. Prior to the commencement of the construction of the first dwelling hereby approved, a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Part 10 of the National Planning Policy Framework.

Delivery of highway access improvements

9. Prior to the occupation of the 30th dwelling highway access improvement works from Vigo Lane, as detailed and agreed by permission DM/16/04052/FPA (plan refs: 102513/2003 Rev B and 102513/2004 Rev C), shall implemented and available for use.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and part 4 of the NPPF.

10. No more than 10 dwellings hereby permitted shall be occupied until full engineering details of improvements to the Vigo Lane / Portobello Road junction to mitigate the impact of this development have been submitted to the Local Planning Authority. No more than 70 dwellings shall thereafter be occupied until the junction improvements have been implemented in full in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and part 4 of the NPPF.

Maintenance of highway

11. No dwellings shall be occupied until full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and Part 4 of the NPPF.

Public Art

12. No dwellings shall be occupied until a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE2 of the Chester le Street District Local Plan and Part 7 of the NPPF.

Lighting Strategy

13. No dwellings shall be occupied until a lighting strategy for the development hereby approved shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development.

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

Travel Plan

14. Within a period of six months of the first occupation of any part of the development of the development hereby approved, 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 Policy T6 of the Chester le Street District Local Plan and Parts 4 and 10 of the NPPF.

Ecology Mitigation

15. The development shall be carried out in accordance with the mitigation outlined within the "Ecological Impact Assessment, Vigo Lane, December 2017".

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

Working Hours

16. 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 Part 11 of the National Planning Policy Framework.

Noise Mitigation

17. 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 Vigo Lane, Birtley, Avant Homes (North East), 29 November 2017; Ref AH/VL/002" 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 Part 11 of the National Planning Policy Framework.

Construction Methodology

18. The development shall be carried out in accordance with the following documents: -

- Construction Method Statement, Bridge Range, Vigo Lane, Chester-Le-Street, March 2018, Rev B;
- Construction Dust Management Plan, November 2017, (Ref: 002/Rev3).

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

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

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

Land contamination

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

- URS Phase 1 report 470528 dated 16th December 2013,
- URS combined Phase 2 report 470794 dated February 2015,
- Worley Parsons site investigation report 51326 dated 25th March 2009,

- Patrick Parsons Geo-environmental appraisal report N14225 dated February 2015, and
- Calabrian remediation strategy Reference 5073/1B dated April 2017.

Throughout both pre-construction and completion phases of the development, all documents submitted relating to Phase 4 (verification report, and any revised Phase 3 remediation works where necessary) as detailed below shall be carried out by competent person(s).

Completion

- a. During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be carried out and submitted in writing to the Local Planning Authority, and where necessary a revised Phase 3 Remediation Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with any amended specification of works.
- b. Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

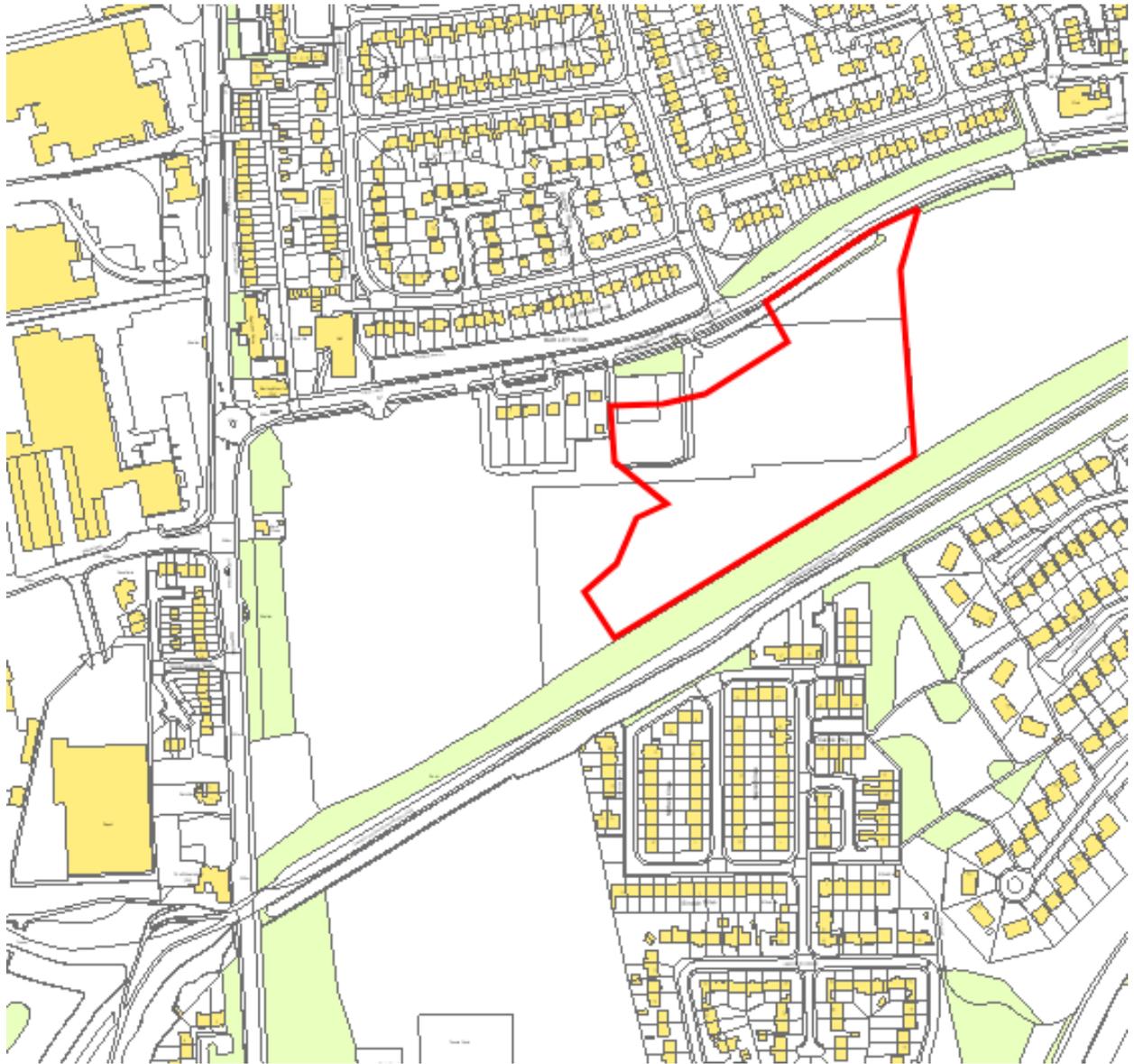
STATEMENT OF PROACTIVE ENGAGEMENT

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
- Chester le Street 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/18/00139/FPA

Replan of part of permission DM/16/04052/FPA comprising 99 dwellings, incorporating 27 additional dwellings (Total of 230 dwellings).
British Oxygen Co., Vigo Lane, Chester-le-Street, DH3 2RD

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Comments

Date May 2018

Scale Not to scale