

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00828/OUT
FULL APPLICATION DESCRIPTION:	Outline planning permission (all matters reserved except access) for the erection of up to 83 dwellings (Revised scheme 6 July 2018).
NAME OF APPLICANT:	Kraton Chemical B.V
ADDRESS:	Site Of Former Arizona Chemical Vigo Lane Chester-le-Street DH3 2EB
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 to the south of Vigo Lane in North Lodge, Chester-le-Street, and extends to 2.90 hectares of previously developed land. The administrative boundary of Gateshead Council lies along the northern side of Vigo Lane. The site had been occupied by industrial development since the 1960s and was subsequently closed and demolished by 2016. Sandwiched between road and cycle routes, the site is broadly orientated on an east-west axis and features 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 with housing beyond, and to the east Ambleside Court, a housing development erected in the last decade. To the west, the former British Oxygen Company (BOC) site is currently undergoing redevelopment for a total of 230 dwellings by Avant Homes North East. Further west, the A167 (Durham Road) provides access north and south. To the north of Vigo Lane lies the Barley Mow Social Club and Barley Mow residential estate.
2. 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 three of the four boundaries. Works to the BOC site and the new housing has seen the

perimeter fence in this location removed. Trees are features to northern and southern boundaries to some degree, with on occasion dense, mature tree belt to the C2C embankment forming a significant screen in places. More sporadic, individual trees to the northern boundary exist some of which once formed part of the landscaping scheme to the previous industrial use.

3. 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 Site of Special Scientific Interest (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 250 metres to the east.

The Proposal

4. Outline planning permission is sought for the erection 83 dwellings with matters of landscaping, layout, scale and appearance being reserved for agreement later. Access is therefore also sought for approval at the outline stage. Vehicular access is proposed from the eastern part of the site from Vigo Lane directly south east of the Barley Mow Social Club, with an additional three pedestrian links to the western part of the Vigo Lane frontage, west into the BOC site matching an approved access link, and south on to the C2C cycle route.
5. An indicative site layout has been provided by the agent for the proposal to demonstrate the delivery of 83 dwellings, pockets of open space and a Sustainable Urban Drainage System (SuDs) basin feature to the north west corner of the application site. Housing is shown as fronting Vigo Lane to the northern boundary, following the precedent set by the recent development approval to the BOC site adjacent. The application proposes to deliver 15% of the total proposed housing as affordable homes.
6. The application also includes offsite highways works to Vigo Lane, including the provision of a bus layby and protected right hand turns for the new access point and improved pedestrian access to/from the north. Further works are also proposed to the Portobello Road / Vigo Lane junction within the Gateshead Council administrative area to the north east of the application site. This is to elongate the protected right hand turn of traffic from the east turning north up Portobello Road.
7. This planning application is being reported to North Area Planning Committee because it is a residential development with a site area in excess of 1 hectare.

PLANNING HISTORY

8. No relevant, post demolition planning history.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
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 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *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 and that the needs of groups with specific housing requirements are addressed.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *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.

17. *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.
18. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *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.
20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

22. 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; climate change; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining a planning application;; flood risk and coastal change; health and well-being; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; renewable and low carbon energy; 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)

23. *Policy NE8 Sites of Nature Conservation Importance and Local Nature Reserves* – seeks to protect such sites by approving development which either enhance the site, do not harm the site or minimise and compensate for any damage to them.

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, Appendix I and other relevant policies in the Local Plan.
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* – seeks the provision of affordable housing on residential developments in excess of 15 dwellings.
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 T8 – Car Parking Provision* – seeks to minimise the level of general vehicle parking provision in new development.
30. *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.
31. *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.
32. *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.
33. *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.
34. *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

35. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP 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. 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:

36. *Gateshead Council* – Raises no objections subject to a condition requiring works to be undertaken to mitigate the impacts of the development at the Portobello Road / Vigo Lane junction.
37. *Highway Authority* – No objections have been raised on highway grounds, both in proximity to the application site and to the wider network whereby necessary mitigation will be secured by condition. The addition of 83 units would not see additions to traffic flows along Vigo Lane, the A167 or wider network in the Durham Council area that would lead to a cumulative impact upon highway safety.
38. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the finer detail of the drainage scheme.
39. *Drainage and Coastal Protection* – Raises no objection noting that the proposed drainage strategy would achieve greenfield run-off rates, with the indicative site plan having provision for Source Control element of the management train outlined in the Council's SUDs Adoption Guide 2016. Greenfield run-off rate of 12.6 l/s should be achieved by the development at all times.
40. *The Coal Authority* – Raises no objections subject to a condition requiring the necessary gas protection measures are implemented on site.

EXTERNAL CONSULTEE RESPONSES:

41. *Durham Constabulary Architectural Liaison* – No objections are raised noting that the crime risk assessment for this development is low. Some concerns over openness to railway embankment outlined and a number of amends to the layout are suggested.

INTERNAL CONSULTEE RESPONSES:

42. *Spatial Policy* – Raises no objections. The Council, through the revised NPPF and Standard Methodology for calculating housing supply figures, considers to have a housing supply in excess of 5 years required by Paragraph 73 of the NPPF; however as the planning policies in the development plan are out-of-date with respect to the housing figures which underlie them determination of this application therefore reverts to Paragraph 11 of the NPPF.

43. In the planning balance exercise, the boost to supply of housing is considered to carry less weight as a result of the Council being able to demonstrate a supply in excess of 6 years. Provision of affordable or specialist housing can be considered as benefits in terms of satisfying local housing need and the planning balance. Paragraph 8 of the framework considers the three dimensions of sustainability and in this application, the development of the site would contribute to the economy through the construction and delivery of houses, both during their construction but also via new residents supporting local services. This can be considered as a benefit.
44. Part 9 of the NPPF seeks to ensure patterns of growth are managed to ensure the fullest use of sustainable modes of transport. The location of this site is such that it provides opportunities for residents to access services and facilities locally and without necessarily having to rely on the private car. This can be considered as a benefit.
45. Consultation with relevant specialist teams will identify whether there are any additional matters to consider under the Paragraph 11 test which should be factored into the planning balance required of NPPF.
46. *Design and Conservation* – Raises no objections. Indicative layout goes some way to providing a level of development that is in keeping with recently approved development adjacent with attention paid to the Vigo Lane frontage. The site contains no designated or known non-designated heritage assets. Improvements to quantum of open space within the development should be made at the layout setting stage.
47. *Landscape* – Raises no objections. Layout is dense with work needed to the public open space elements of the scheme to improve these. Footpath links welcomed and should respect road furniture proposed as part of highways works. Vegetation to Vigo Lane should be protected where possible.
48. *Landscape (Arboriculture)* – Raise no objections. Officers consider that the arboricultural report supplied is satisfactory and complies with current standards. 23 Category B (moderate quality), 6 Category C (low quality) and 2 Category U (require removal) trees would be lost by the proposed development mainly to create sufficient visibility splay for the new vehicular access point. Applicant is proposing a new set of tree planting inside of visibility splay which should be robustly enforced at reserved matters stage.
49. *School Places and Admissions Manager* – The development is likely to produce 25 primary pupils and 10 secondary pupils. There are insufficient school places at both primary school age and secondary school age within the nearest primary school or wider Chester le Street Area for secondary school level to accommodate the development of this scale. Consequently contributions of £367,575 and £165,440 respectively will be required for the provision of additional teaching accommodation.
50. *Ecology* – Raise no objections. The site is of low ecological value as confirmed by the ecological assessment. Appropriate public open space within the development site would help meet the requirements of the NPPF to minimise impacts on biodiversity and provide net gains and requests to increase and consolidate green infrastructure on the site are made
51. Environment, Health and Consumer Protection (Contaminated Land) – Raise no objections. A planning condition is suggested requiring the submission of a revised site investigation and risk assessment, remediation strategy and subsequent verification report.

52. *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. A condition is also recommended so as to agree a construction management plan.
53. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. A Dust Action Plan is recommended to mitigate impacts during the construction phase of the development. No significant effects upon local air quality would occur during the operational phase. It is recommended that pedestrian and cycle routes are incorporated into the development to link to local facilities whilst consideration of means to encourage low and zero emission vehicle use should be made.
54. *Sustainable Travel* – No objections are raised, although some revisions to the Travel Plan are suggested and the potential for some cycle/pedestrian path amends queried. C2C link should be provided by this development.
55. *Affordable Housing* – Raise no objections. The 15% affordable housing requirement is proposed by the applicant and is suggested that a tenure mix of 70% affordable rent and 30% affordable home ownership be secured by planning obligation.

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

57. Fairhurst has been appointed to prepare and submit an outline planning application for a residential development with associated infrastructure on land at Vigo Lane, Chester-le-Street. The submission has identified a significant number of supporting factors and benefits to be derived from granting planning permission for the proposals, these include: -
 - Assisting the Council in achieving a 5 year supply of housing land;
 - Provision of a wider range of first-time buyer and family housing in the town;
 - Direct financial benefits to the area including New Homes Bonus payments;
 - Efficient use of a brownfield site and enhancements to the character of the local area;
 - Increased local employment both through the construction phase and indirect jobs created through increased expenditure in the area;
 - Provision of on-site open space and landscaping;
 - Creation, protection and enhancement of wildlife habitats on-site; and
 - Provision of new pedestrian and cycle links through the site.
58. The submission demonstrates that the proposal accords with the NPPF and the relevant Chester-le-Street District Local Plan policies that can be considered up-to-date. The application should therefore be granted planning permission without delay, in accordance with Paragraph 11 of the NPPF.

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

59. 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 advice within 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, highway safety and access, landscape impact and layout and design, affordable housing, residential amenity, public open space, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

60. 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 (CDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDLP was adopted in 2003 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

The NPPF

61. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. 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.

Five Year Housing Land Supply

62. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method*

in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).

63. 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 in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
64. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.
65. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

66. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policies reduced as a result. Paragraph 213 of the NPPF states that out-of-date policies should not be considered irrelevant in the determination of a planning application, with the amount of weight attributed to each policy in the decision making process being in accordance with their level of consistency with the NPPF.
67. CDLP Policy HP6 supports the principle of residential development on non-allocated sites within Chester-Le-Street's settlement boundaries provided the site comprises previously-developed land. As such, the proposals do, in principle, accord with the development plan. However, given the Policy is out-of-date as described above the weight to be afforded to the Policy is reduced. That weight is further reduced by the requirement in CDLP Policy HP6 that housing is only permitted on previously-developed sites, something which is not consistent with the NPPF. Consequently, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any NPPF policies that protect areas or assets of particular importance which provide a clear reason for refusal.
68. Remaining policies within the CDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.

Locational Sustainability of the Site

69. The County Durham Plan Settlement Study (2018) is an evidence based document whose scoring matrix rates Chester le Street as one of the main urban areas in the County. These larger towns will have access to all facilities expected within an urban

setting such as schools, doctors, community facilities and industrial estates. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.

70. The site also lies within the settlement boundary identified within the CDLP, to the northern part of the town. Consequently, the site has access to all of the facilities in the town and those nearest to the site (schools and public transport links) with a range of existing services available within Chester le Street and Birtley, with the development providing the potential to strengthen and support for these services.
71. Paragraphs 108 and 110 of the NPPF set out that development proposals should promote sustainable transport modes, prioritising pedestrian, cycling and access to public transport. CDLP Policy T6 encourages the use of public transport and reduce the reliance upon the motor car, and is consistent with the NPPF. From the application site, Park View (North Lodge) Secondary School is located at a walking distance of approximately 1.1km; a selection of services including Barely Mow Social Club (50m), Barley Mow Public House and Village Hall (550m); garden centre and DIY stores (650m) and local convenience store (650m) are nearby and the nearest doctors surgery is located 1km away (Rickleton) with others in Birtley (1.5km) and Chester le Street (2.2km). The Drum and Durham Road Industrial Estates lie 1km and 650m away respectively; while shops and services within the town centre of Chester le Street are to the south.
72. The proposed development encourages walking through the provision of access links in all directions, including the C2C to the south, the adjacent housing development to the BOC site to the west and nearby public transport. For services not available in the vicinity, bus stops are located adjacent to the site providing links to Birtley, Gateshead, Newcastle to the north, Chester le Street and Durham to the south (with buses running every 5-10 minutes in both directions throughout the day), and Washington to the east (buses running every 30 minutes in both directions). A range of transport options would therefore be available for future residents.
73. As a result, it is considered that in the vicinity the site has access to an array of services and facilities, more than adequate to serve the development proposed, and that these are within relatively easy reach of the site. The development would be comfortably assimilated within the built form of the area around Vigo Lane, in keeping with the role of Chester le Street in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. The re-use of previously-developed land is encouraged through the NPPF, which this site would achieve and so adds weight in favour of the development in the decision making process.
74. Overall, it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Paragraphs 108 and 110 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.

Highway Safety and Access

75. 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.

76. The NPPF sets out at Paragraph 108 that safe and suitable access can be achieved for all people while Paragraph 111 sets out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be unacceptable impact upon highways safety, or the residual cumulative impacts on the road network would be severe.
77. The application is accompanied by a Transport Statement (TS) 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.
78. The TS 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 TS takes into account impacts which would occur to the highway network in both Durham and Gateshead Local Authority areas.
79. 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. Modelling also takes into account improvements to the A167 (Durham Road) / Vigo Lane roundabout secured and being delivered currently by the adjacent BOC site and developer. This mitigation to widen the Vigo Lane approach to the roundabout is secured by way of planning condition to the permission granted for the BOC site and is in the throes of being implemented on site by the Council's Highways Authority. No other impacts upon the highway network within the Durham Council administrative area are shown by the modelling, and so the development would not lead to an impact upon highway safety in County Durham.
80. In terms of the concerns about the impacts upon the public highway network to the north, and within the Gateshead Local Authority Area, the TS indicates that the development would lead to increased traffic utilising the network in the area. Gateshead Council in response to the application have highlighted the junction at Vigo Lane / Portobello Road which sits to the north east of the application site, and whereby mitigation in the form of road widening to allow traffic from the east (Vigo Lane) and turning north (Portobello Road) to no longer lead to long queuing that has resulted in overrunning of the grass verge in this area. As such, to meet the objection from the adjoining authority a condition requiring implementation of the necessary highway works in this location should be included with a recommendation for approval.
81. The proposed development provides pedestrian links to the north, west and south of the development site. These links serve to provide access to the predominant sustainable transport option in the area, the bus, and the cycle network in the area. 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.
82. CDLP Policy T8 and associated Appendix X seeks to minimise parking provision within new development and establishes maximum parking levels. This is considered inconsistent with the NPPF which advises against maximum parking standards except

in compelling circumstances. Policy T8 is therefore given very limited weight. The Highway Authority have raised no objections to the parking provision proposed within the development.

83. As a result, the impacts from the proposed development are, subject to mitigation at the Portobello Road / Vigo Lane junction, considered insignificant and would not lead to a severe residual cumulative impact in the context of Paragraph 109 of the NPPF. The proposals therefore comply with CDLP Policies T15, T17 and T6 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Landscape Impact, Layout and Design

84. 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. 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 12 and 15 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 the Policy is at odds with the flexible nature of the NPPF.
85. Paragraph 127 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 and appendices it references offer some prescriptive guidance limits to specifics of the design and layout which are not entirely consistent with the aims of the NPPF. Similarly, CDLP Policy BE2 has limited support from the NPPF but public art is supported by the NPPG. 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.
86. The application is in outline form, with an indicative layout given to demonstrate the ability of the site to accommodate the number of houses proposed together with the various features expected from housing development, such as public open space and any drainage features. Matters of layout, landscaping, scale and appearance are all reserved for approval later, however officers are satisfied that these can be accommodated in a successful manner as demonstrated by the indicative layout. Access is a matter sought for approval at the outline stage, with detailed designs for the proposed junction and associated improvements to Vigo Lane included with the application.
87. The applicant has worked with officers to develop and improve the indicative layout, including the frontage of the development on to Vigo Lane and overall permeability. Following revisions, the number of proposed units was reduced by one from 84 to 83 dwellings, allowing more space across the development site to achieve a suitable layout at reserved matters stage. Pedestrian links west to the BOC site, which is factored into the approved layout in this development, and south to the C2C route atop the embankment are welcomed but also to provide permeability to the layout.
88. Tree losses would occur as a result of the development and this would cause some harm. In broad landscape terms, the position of the site within the built environment

would result in little or no impacts upon the wider landscape as would be expected from development beyond the edge of a settlement. This urban location results in no designated landscape restrictions, but also features a strong wooded landscape that characterises the southern boundary of the site and also screen users of the rail line C2C path from overlooking into the proposed new properties.

89. CDLP Policy BE2 requires contribution towards publically accessible art provision; however the detail of how any provision could be achieved on site would form part of the detailed proposed layout in the future. To ensure provision is made, a condition requiring a scheme of accessible art provision is provided on site would be appropriate to meet the requirements of CDLP Policy BE2.
90. The setback of properties to Vigo Lane is part of the character of the streetscene and would continue with this proposal as a result of the wide highway verge along Vigo Lane. All of the proposed dwellings along this northern boundary are shown to indicatively face out onto Vigo Lane, consistent with the existing development on both sides of Vigo Lane. Ambleside Court lies to the east of the application site and is set to a higher level following the general drop of ground levels from east to west along Vigo Lane. The proposal at this stage would be shown to match the layout of the housing here by offering back-to-back gardens or a continuation of the frontage facing building line.
91. Indicatively, the proposed layout would be potentially visually interesting and offer a high quality form of development that has taken into account the different aspects of the surrounding development to each boundary. Retention of existing, mature and substantial tree screening to the southern boundary would assimilate the development in the urban environment with ease and provide a green backdrop to views from within the development. As such, the development would be considered to comply with CDLP Policies HP9 and BE2 and be an appropriately designed and visually interesting development. Compliance with Parts 12 and 15 of the NPPF therefore follows and adds weight in favour of the development in the planning balance.

Affordable Housing

92. In order to deliver a suitable amount and variety of homes, local need should identify, among other things, affordable housing requirements for their area, whereby Paragraph 60 of the NPPF encourages the provision of affordable housing based on evidenced need. 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 13 dwellings.
93. 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

94. 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 Paragraph 127 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future users.

95. The indicative site layout for the proposed 83 dwellings satisfactorily demonstrates sufficient space is available within the development proposals in order to protect the residential amenity of the existing housing of Ambleside Court, and that of the proposed housing to the BOC site. Level differences would still require thorough assessment to ensure this is the case at the reserved matters stage.
96. In terms of noise, the application is accompanied by a noise survey which identifies that the impacts from the surrounding road network has a relatively high background noise environment during the day, but reduced during the night when traffic movements would be limited nearby. The Council's Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.
97. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. The report concludes that the noise environment of the proposed development would adhere to relevant recommended threshold levels outlined under World Health Organisation (WHO) Guideline Values, and contained within the TANs, of no greater than Lmax 45 dB(A) at night to the first floor of the proposed properties, subject to suitable mitigation in the form of type of window glazing used. Environmental Health and Consumer Protection officers advise that this arrangement is likely to reduce the likelihood of statutory nuisance. Additionally it is considered that the level of amenity available to future occupiers would be acceptable in accordance with the Council's TANs, subject to implementation of the mitigation strategy which can be secured by condition.
98. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regard to these measures, the application is considered to be in accordance with CDLP Policy HP9, and Part 15 of the NPPF in this regard.
99. 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), is proposed, and can be secured by means of a planning condition. Environmental Health and Consumer Protection have considered the content of the report and find its methodology and conclusions to be appropriate. The application is therefore considered to be in accordance with CDLP Policy HP9 and Part 15 of the NPPF in this regard.

Public Open Space

100. 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) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
101. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies,

either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, Play Space, and Semi-Natural Greenspace within the development. Therefore, taking into account the levels of open space proposed on site, which would be secured by condition, improvements to existing areas of open space, sport and recreation spaces in the vicinity would be required by way of an in-lieu financial contribution totalling £67,750, and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.

102. The public open space proposed within the site would take the form of peripheral open space to the A167 and Vigo Lane, with pockets of smaller landscaped areas within the central areas of the development forming focal points within development. The landscaped areas on the periphery of the site would have a lesser functional role in this regard, forming mainly semi-natural greenspace but still accessible by the public.
103. Overall therefore, the application is considered to be in accordance with CDLP Policy RL5 and Paragraph 96 of the NPPF with regards to the provision of public open space.

Flood Risk and Drainage

104. 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.
105. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
106. The FRA identifies that site is at low risk of flooding from fluvial, groundwater and sewer sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. Overland flows would form the highest potential threat to flood risk for the site and mitigation is proposed to address this within the FRA.
107. With regards to how the development would address drainage, the application demonstrates that the previously developed nature of the site and its risk of contaminants precludes the disposal of surface water by infiltration.
108. As a result, it is proposed to dispose of surface water via connection to Northumbrian Water's surface water drain subject to their future agreement. Northumbrian Water have confirmed acceptance of this in principle subject to a planning condition to agree the detail of the drainage scheme for the development. Discharge of surface water would be at a maximum rate of 12.6l/s, which is reflective of greenfield rates. Drainage and Coastal Protection officers are satisfied with this level of discharge. Surface water attenuation will be required to ensure this rate can be achieved and is proposed in the form of a SUDs scheme, which will prevent external flooding for both 1 in 30 year floods and up to 1 in 100 flood events. Again, detail of this scheme is subject to agreement of the final layout of the development, and as such, a condition to require the details of the proposed SUDs scheme should be used.

109. 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.
110. The development is proposed to meet the required level of surface water run-off at greenfield run-off rate through the provision of a SUDs scheme and is therefore considered acceptable and compliant with Part 14 of the NPPF.

Ecology

111. The closest sites of nature conservation interest are Pelaw Hill Railway Local Wildlife Site (LWS) which is located 380m and 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 15 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.
112. Details of landscaping are reserved for determination at a later date, however are likely to lead to some biodiversity gain.
113. Therefore, having regard to the submitted reports, the development would, it is considered, lead to no net loss in biodiversity in accordance with the aims of Paragraph 175 of the NPPF. No harmful impacts upon local or statutory ecological sites would occur in accordance with CDLP Policy NE8. Policy NE8 is considered consistent with the NPPF and can be attributed its full weight.

Heritage Impacts

114. The application site does not lie within any designated heritage assets. The closest being Vigo House, grade II listed and situated some 250m away, and with no direct visual relationship with the site as a result of built development north of Vigo Lane and sinuous directionality of Vigo Lane itself. 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.
115. 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.
116. Paragraph 196 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 16 of the NPPF.

Other Issues

117. CDLP Policy HP15 expects developments to make contributions with regard to social, community and infrastructure facilities, and is fully consistent with the requirements of the NPPF and the thrust of the Policy is considered to be consistent with Paragraph 94 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.
118. The School Places Manager has advised that there is insufficient capacity at both primary school age and secondary school age places in the Chester-le-Street area in proximity to the application site. Therefore, as a result of the proposed development, additional school places would be required in order to accommodate the pressure upon school places likely to result from this development.
119. Contributions of £367,575 and £165,440 are required respectively for the provision of primary and secondary school places in order to provide the additional capacity and this would be secured by means of a planning obligation.
120. Being previously-developed in nature, the site has been subject to Phase 1 study to assess the risk of contamination. These reports identify that contamination is clearly present, and has identified proposed remediation. Environment, Health and Consumer Protection officers raised no objection to the proposal subject to a planning condition requiring the submission of further work to the proposed remediation strategy and so as to ensure that this contamination is correctly mitigated. The proposed development complies with Paragraphs 170 and 178 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.

Planning Obligations

121. Paragraph 56 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 and offsite open space provision are all considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

122. This proposal is considered to accord with the development plan in principle, through the proposed redevelopment of a brownfield site within the established built environment. However, as a result of CDLP policies most important for determining the application being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

123. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date whilst acknowledging that the Council can

demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

124. This boost to housing supply would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
125. 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).
126. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

Adverse Impacts

127. 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. The development would result in tree loss from the front boundary of the site to facilitate appropriate access and visibility.

CONCLUSION

128. The residential development would draw support from CDLP Policy HP6 in terms of its location and previously-developed nature; however, the NPPF sets out that on the basis of the out-of-date nature of policies most important to the determination of the application that the presumption in favour of sustainable development is engaged. In the context of Paragraph 11, 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.
129. 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 proposed development can be considered to constitute sustainable development for the purposes of Paragraph 11, for which there is a presumption in favour.
130. The proposal has generated no public interest with no comments received at the time of writing.

RECOMMENDATION

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

- Provision of 15% affordable housing units on site;
- £367,575 towards the provision of additional capacity at secondary schools in the Chester le Street area;
- £165,440 towards the provision of additional capacity at primary schools in the Chester le Street area;
- £67,650 towards the provision or improvements to open space and recreation within North Lodge Electoral Division;

and subject to the following conditions:

Time Limit Outline

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Submission of Reserved Matters

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

No. of Dwellings

3. The development hereby approved shall comprise a maximum of 83 dwellings.

Reason: To define the consent and precise number of dwellings approved.

Approved Plans

4. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan	Drawing No.	Date Received
Site Location Plan Proposed Access	122344-8005 122344/1001 Rev A	16/03/18 06/07/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP6 of the CDLP and the NPPF.

Pre-Commencement Conditions

Contaminated Land

5. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

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

Completion

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

Reason: 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 15. This is required as a pre commencement condition in order to mitigate potential impact upon the sensitive end use of the site which needs to be considered before site works commence.

Construction Management Plan

6. Prior to the commencement of any works of demolition, remediation or construction hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority.
 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. The use of vibrating rollers during construction of roads and piling mats should also be included in these details;
 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 contractor 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: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Drainage

7. Prior to the commencement of the development hereby approved a detailed scheme for the provision of foul and surface water drainage informed by Flood Risk Assessment and Drainage Strategy, March 2018 (Ref: D/I/D/122344/01), shall be submitted to and approved in writing. The scheme for surface water drainage shall include sustainable urban drainage systems within the design in accordance with the Council's SUDs Adoption Guide 2016 and details of the management and maintenance regime for those systems. The scheme for surface water run-off shall not exceed 12.6 l/s. The drainage shall be completed in accordance with the details agreed.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 14 and 15 of the NPPF. This is required as a pre commencement condition to ensure that the proposed development provides adequate levels of drainage which needs to be considered before site works commence.

Tree Protection

8. No development work shall take place until all trees and hedges agreed for retention by plan ref: ARB/AE/1559, Appendix 1, Arboricultural Impact Assessment, February 2018, 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 Local Plan and Parts 12 and 15 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Time Limited Conditions

Accessible Art Provision

9. Prior to the occupation of the first dwelling hereby approved, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be completed in accordance with the approved details and timings thereafter.

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 12 of the National Planning Policy Framework.

Open Space Maintenance

10. Prior to the occupation of the first dwelling a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation 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 appearance of the area in accordance with Policy HP9 of the Chester le Street Local Plan and Parts 12 and 15 of the NPPF.

Travel Plan

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy T6 of the Chester le Street District Local Plan and Parts 9 and 15 of the NPPF.

Other Conditions

Amount of Open Space

12. Notwithstanding the indicative layout submitted with the application, a minimum of 0.3 hectares of open space shall be provided on site.

Reason: In the interests of appearance of the area in accordance with Policy HP9 of the Chester le Street Local Plan and Parts 12 and 15 of the NPPF.

Noise Mitigation

13. 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 former Arizona chemicals site, Vigo Lane, Birtley, Kraton Chemicals B.V., March 2018; Ref AH/AC/001" 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 15 of the National Planning Policy Framework.

Working Hours

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

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

C2C Connection

15. The reserved matters submissions required for compliance with condition 2 must include details of the provision of an access link to the C2C cycle route, and this link must be implemented in accordance with the details agreed at the reserved matters stage.

Reason: So as to promote sustainable transport options for the development having regards to Part 9 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2018)
- Conservation of Habitats and Species Regulations 2017
- National Planning Practice Guidance
- Chester le Street District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

DM/18/00828/OUT

Outline planning permission (all matters reserved except access) for the erection of up to 83 dwellings (Revised scheme 6 July 2018).

Site Of Former Arizona Chemical, Vigo Lane, Chester-le-Street, DH3 2EB

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Comments

Date September 2018

Scale Not to scale