



Area Planning Committee (South and West)

Date Thursday 22 June 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The minutes of the meeting held on 20 April 2023 (Pages 3 - 14)
5. Applications to be determined
 - a) DM/22/03737/FPA - Land To The South Of Highfield, Breckon Hill, Butterknowle, DL13 5QA (Pages 15 - 48)
Erection of 5 dwellings.
 - b) DM/22/01017/FPA - Land to the Southeast of Canney Hill, Coundon Gate, DL14 8QN (Pages 49 - 80)
14no. Affordable rent dwellings comprising 10no. wheelchair user bungalows and 4no. houses with associated landscaping and access.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Quinn (Chair)
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,
J Cairns, N Jones, L Maddison, M McKeon, S Quinn,
G Richardson, I Roberts, M Stead and S Zair

Contact: Martin Tindle

Tel: 03000 269 713

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in the **Council Chamber, County Hall, Durham** on **Thursday 20 April 2023** at **9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), V Andrews, J Atkinson, D Brown, L Maddison, M McKeon, S Quinn, I Roberts, M Stead, B Moist (Substitute) (substitute for J Cairns) and E Peeke (Substitute) (substitute for D Oliver)

Also Present:

Councillor J Cosslett

1 Apologies for Absence

Apologies for absence were received from Councillor E Adam, J Cairns, N Jones, D Oliver and S Zair.

2 Substitute Members

Councillor B Moist substituted for Councillor J Cairns, and Councillor E Peeke substituted for Councillor D Oliver.

3 Minutes

The minutes of the meeting held on 23 March 2023 were confirmed as correct record by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest.

5 Applications to be determined

a DM/22/01836/FPA - Land North Of Hill Top Cottage, Eggleston

The Senior Planning Officer, Gemma Heron gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the construction of 2no dwellings and was recommended for refusal, as per the reasons set out in the report.

The Chair thanked the Principal Planning Officer and asked John Taylor, Agent for the Applicant to speak in support of the application.

J Taylor thanked the Chair and Committee and asked Members if this one more development would tip the balance, given that Hill Top consisted of approximately 30 dwellings of various styles and ages, although mainly traditional in appearance. He added they were a mixture of small, terraced dwellings up to large, detached houses, approximately half of the properties being detached, he noted all in the main were built adjacent to, and on either side of, the B6278. He explained that there was no predominant building line, some properties were built tight to the public footpath, others set back at various distances, with the character of the area being traditional single and two storey dwellings with stone walling and slate roofs.

J Taylor noted the proposed site and the overall plot frontage being approximately 70 metres with the two plots taking up only 34 metres of that length. He added the plots were grouped centrally leaving substantial open space to the northwest and south east thus maintaining views to the open countryside, those open spaces complying with Durham County Council privacy standards in relation to adjacent dwellings. He noted the proposed designs were very traditional detached two storey houses in stone and slate, with the mass being fragmented to provide a series of blocks thus avoiding a single monolithic unit and reflecting the organic character of the area. He added that considerable amendments had been made in liaison with the Planning Department to produce an acceptable design and location on site. He noted the amendments included removing garages, adjusting window design and relocating the units closer to the main road.

J Taylor explained that, taking those points into account he would strongly argue that the application should be considered under Policy 6 of the County Durham Plan (CDP) "Development of Unallocated Sites".

He added that, as set out in the supporting statement, the proposal was fully compliant with all aspects of the policy. He noted that Planning Department had assessed the scheme under Policy 10 of the CDP “Development in the Countryside”, while the site sits within the Hill Top settlement. He noted as regards the notion of rural living, comments on sustainability and not reverting back to a ‘category D’ village.

J Taylor concluded by asking Members to take the points made, particularly the number of properties within the Hill Top settlement and the identification as being part of Eggleston, as he believed the proposal sits within the body of Hill Top and could be justified as infilling within an established settlement, thus having no adverse impact on the countryside.

The Chair thanked J Taylor and asked the Committee for their comments and questions.

Councillor J Atkinson asked as regards sustainability and category D’. J Taylor noted that ‘category D referred to old policy which would hold back development within a village. He added things had moved along and people wanted to stay in the area, with sustainability policies being in terms of access to services.

Councillor A Savory asked as regards plans and provision for a garage. J Taylor noted there originally were, though it had been suggested they were removed.

The Chair asked as regards individual access. J Taylor noted that it had been desired not to share facilities as this could create issues in the future, however, there would not be an issue to have a single access if required. The Principal DM Engineer, Jarvis Robinson noted no issues in terms of access, and would not disagree with single access, as it would not impact upon congestion.

Councillor V Andrews noted after visiting the site, she would think the application would be in keeping with the area and another building would not impact. The Chair noted the application was adjacent to the North Pennines an Area of Natural Outstanding Beauty (ANOB).

Councillor A Savory noted that she had attended the visit and she had no objections to two dwellings in the middle of the settlement that may help, adding that neither of the Local Members or local council representatives were in attendance to give local information, with only seven objections.

Councillor I Roberts agreed that it was in the middle of the village, however, there were seven objections from a small settlement, and the buildings would split the area.

Councillor M McKeon noted she was torn in relation to the application, and noted the 'settlement' argument was key, if it was part of the settlement, then by being connected it was sustainable. However, if not, then with no bus service it would not be suitable for those that did not drive.

Councillor S Quinn noted the issues raised, especially in terms of access and sustainability, with no support locally for the application.

Councillor B Moist noted the issue was in terms of consideration under Policy 10 or Policy 6. He added he found it difficult to go against the Officer's recommendation, the design look obtrusive, would change the settlement and approval would mean the area would lose character. He reiterated it would be difficult to go against the recommendation.

Councillor J Atkinson noted he too felt it was difficult to go against the recommendation, given the sustainability issues.

Councillor M Stead noted he was struggling to get past Policy 10 and felt Officers had got their recommendation right.

Councillor V Andrews moved that the application be refused as per the Officer's recommendation, she was seconded by Councillor I Roberts.

Upon a vote being taken it was:

RESOLVED

That the application be **REFUSED**, as per the reasons set out within the report.

b DM/21/00749/FPA - Meadow Farm Caravan Park Ramshaw Lane Ramshaw Bishop Auckland DL14 0NB

The Principal Planning Officer, Steven Pilkington gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting.

The application was for change of use of land to facilitate the siting of 18no. static caravans for holiday use, camping and a 16. touring caravan site; formation of permeable hardstanding and access tracks; siting of amenities block; installation of foul drainage facilities; associated landscaping and planting; and manager's accommodation (part retrospective) and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Principal Planning Officer and asked Councillor J Cosslett, Local Member to speak in relation to the application.

Councillor J Cosslett noted he was in objection to the application, noting that it was stated it was part retrospective as there were six caravans on site, he noted it was actually eight and asked why there had been no enforcement. He added that it was also stated that development was beyond that granted in November 2015 and asked again why no enforcement action had been taken. He noted no sewer connection and complaints regarding this. He noted that the report stated the site had been in operation for three years, with no financial information submitted to demonstrate the business was financially viable. He added that Northumbrian Water was not billing the site and only recently had recharged the neighbour. Councillor J Cosslett noted that there had been no information as regards the cesspit, or when it was last emptied. He added that while the applicant had stated they had brought the site up to standard, they had disregarded for the neighbour and environment and therefore the application should not be approved.

The Principal Planning Officer noted that six caravans were in use, not eight, two being empty. In terms of enforcement action, the Authority was proactive, and the Applicant was investigating use that maybe acceptable as evidenced by engaging an Agent and submitting the application. However, should the application be unsuccessful, enforcement would need to be revisited, if approved then a suite of conditions would apply. In respect of sewage, this had been investigated by Environmental Health, and noted that the applicant had improved management, with no recent complaints.

The Chair thanked the Principal Planning Officer and asked Steve Barker, Agent representing objectors to the application.

S Barker thanked Members and explained he was from Prism Planning and was at Committee speaking on behalf of Mr and Mrs Proudfoot, who lived at Sandbed Farm, immediately adjacent to the caravan site.

He explained that they had objected to the proposed development, not because of the principle, but because of the way it was run. He noted that as the Officer's report made clear, there was a long history of unauthorised development on the site over several years which had not been rectified by the applicants.

He added that the applicants had imported hundreds of tonnes of waste onto the site to change levels without permission, and their wholly inadequate drainage facilities had resulted in raw human sewage flowing from their land over onto Mr and Mrs Proudfoot's land, not just on one occasion but on multiple occasions as the applicants failed to properly empty their cess tank.

S Barker explained that there was no effective landscaping scheme in place and the cladding that the Officer's report talked about being applied to amenity blocks only goes round the public sides that are facing into the site. He noted that from the Proudfoot's side, one would still see the bare frame of the tired caravans and portable buildings.

He asked Members to consider whether they would like raw human sewage flowing over their land and whether they would find that acceptable, even on a temporary basis. He added his clients were concerned that there had been a history of wholly ineffective enforcement action on this site, with the reasons for that ineffective action being opaque. S Barker noted that therefore, on behalf of his clients, he was extremely concerned that Officers would not effectively enforce the various conditions that had been put forward. He added that the conditions as drafted were flawed, with the history of the site showing that the applicants had been given free passes so far, even when the raw sewage flowing over the site should have brought about an immediate full closure of the site.

S Barker concluded by noting that it was hoped that Members will question Officers closely on the way in which they were going to regulate the site and protect his clients' amenity.

The Chair thanked S Barker and asked John Lavender, Agent for the applicant to speak in respect of the application.

J Lavender explained that time had been taken over the application, and it built upon current permission and was the evolution of a popular site. He noted that the site was used for stop-overs for those touring and more latterly for those wishing for a longer stay. He noted the number of local attractions in County Durham and the need and demand for such camping provision. He noted the 2015 application and the desire of the applicant in terms of modernising and referred to landscaping and foul drainage installation. He explained as regards the majority of complaints coming from one source, and that all complaints that had been raised with the applicant had been dealt with. J Lavender explained that the applicant had accepted the criticism and issues had now been dealt with, with the applicant now wishing to invest in the site and asked that the Committee would help a popular site to continue.

The Chair thanked J Lavender and asked the Committee for their comments and questions.

Councillor J Atkinson asked as regards raw sewage being discharged into water courses and whether it was illegal. The Legal Officer (Planning and Highways), Laura Ackermann noted that such issues would be dealt with under other legislation and would fall outside of the planning process.

Councillor S Quinn asked as regards enforcement and in terms of unauthorised use and renting. The Principal Planning Officer noted that in terms of static caravans, that use was unauthorised, and the application sought to regularise the situation, with touring have prior approval. Councillor S Quinn asked as regards provision for travellers who go between sites. The Principal Planning Officer noted that permission was for holiday use. Councillor S Quinn asked as regards unauthorised use as a traveller site. The Legal Officer (Planning and Highways) reiterated the permission being sought was for static caravans, not for an unauthorised traveller site, rather to regularise the current situation.

Councillor B Moist asked as regards any enforcement as a result of any breaches of conditions within the 2015 permission. The Principal Planning Officer noted that an issue in terms of the site manager and access had been raised, this had been subject to a standalone application, with that permission having been granted.

Councillor M McKeon asked as regards the applicant not realising permission was required. The Chair asked J Lavender to respond. J Lavender noted it was an element of naivety on behalf of the applicant, mistaking touring for caravan use, and noted there had been demand to bring static caravans on to the site. He added that the caravans had been brought on to site and not built on site. The Principal Planning Officer noted issues in relation to non-compliance, residential use, storage, hard standings and the history of the use of the site and that they were material, however, application were looked at on their own merits and it was understood that the application was part retrospective.

Councillor M Stead asked as regards how residents would have known about the application. The Principal Planning Officer noted the usual site notices were placed.

Councillor B Moist referred to the retrospective aspect and the Committee's duty to look at what has happened. Councillor A Savory noted the issues raised as regards the site, the history of the site as explained and the position today with vastly improved conditions. She added she would support the application, with conditions.

Councillor V Andrews noted that there appeared to be a plan in place and there was an opportunity and room to see an improvement.

Councillor I Roberts echoed the comments from Councillor V Andrews and noted that it was important that the plans were adhered to, the situation needed to be monitored and any issues needed to be followed up.

Councillor M McKeon explained she appreciated the views that had been expressed, however, she had some concerns, with the Local Member objecting to the application, however there would need to be solid planning reasons. She noted concerns relating to landscaping and drainage, noting Environmental Health had not objected, however had raised concern. She noted that on the basis of the issues raised in terms of landscaping and drainage she would support refusal of the application, noting that the drainage issues were as a result of the development.

Councillor M Stead noted he would struggle to support approval, noting issues of enforcement that had not been taken forward and the history meant it was difficult to trust the applicant.

Councillor J Atkinson noted that if the conditions were adhered to then he felt the application was acceptable, noting the potential economic benefits and that the application would help regularise the situation, he seconded the motion for approval. The Chair noted approval had been proposed by Councillor A Savory and seconded by Councillor J Atkinson.

Councillor S Quinn noted she had listened to all the points raised and noted she would be minded to approve, with the application regularising the position that had been ongoing, though with eight years she felt there had been no excuse for things to have been done properly.

Councillor E Peeke noted she took no solace from the application and noted the history of the site and would second refusal of the application.

Councillor L Maddison noted the issues that had occurred and noted the economic benefits of the application, however, emphasised that it was essential that all conditions were adhered to, and the situation monitored carefully.

Councillor B Moist noted he was the Chair of the Economy and Enterprise Overview and Scrutiny Committee and that he understood as regards the demand for tourism accommodation. He noted that there would be a maximum of 31 days for letting, and temporary use for the manager for 12 months only.

The Principal Planning Officer noted that the application was to be determined on the basis of the application submitted, adding that Members should consider material planning grounds, noting there were conditions within the report in relation to landscaping and drainage.

He added that Officers were satisfied as regards enforcement of the conditions, and the temporary 12 months for the manager's accommodation as a condition allowed for use of direct action if not complied with.

Councillor D Brown noted as regards the points raised and explained he could not support the application until the conditions in respect to sewage was solved. The Principal Planning Officer noted the relevant conditions within the report had been in consultation with Environmental Health, however, there would be environmental regulations that would also need to be complied with. He reiterated that Officers were content that the cesspit could be effectively managed and that issues could be dealt with through planning enforcement should they arise. He added that the Environment Agency would also have specific powers and therefore there would be multiple powers under which action could be taken.

Councillor M McKeon noted that drainage required the upkeep of a complex system and had concerns as regards upkeep of the system and noted a history of regulatory powers not being used to enforce and she had concerns as regards the access visibility splays being maintained.

Councillor J Atkinson noted Officers were assuring the Committee that there were powers to enforce should any issues arise and there were benefits in terms of the economy.

Councillor M McKeon noted that while people had been using the site for eight years, and it did not mean that the situation should be regularised. Councillor M Stead asked if there was any merit in deferral of the application, in terms of the plans that had not been supplied. The Legal Officer (Planning and Highways) noted there would need to be a reason for a deferment. The Principal Planning Officer noted that the unauthorised situation with the caravans and reiterated that the application was to regularise that position. Councillor M Stead noted he felt Members were being backed into a corner and that issues could persist with the site.

Councillor S Quinn noted she felt if the application was refused that the current situation would continue, however, if approved it would present a chance for the applicant to improve the site and tackle those issues that had been raised. Councillor V Andrews noted the applicant would only have 12 months to get it right, the Principal Planning Officer reiterated that enforcement would be taken should condition not be adhered to.

The Chair reiterated that Councillor A Savory had moved approval, she had been seconded by Councillor J Atkinson and upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report.

c DM/22/01553/FPA - 2 Sudburn Avenue, Staindrop, Darlington, DL2 3JX

The Principal Planning Officer, Steven Pilkington gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a proposed driveway, dropped kerb, change of use of open space to allow parking and hard stand on front garden with gates and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Ian Royston, representing Staindrop Parish Council to speak in relation to the application.

Parish Councillor I Royston explained that Staindrop Parish Council objected to this application, however, added that to be clear it did not object to the proposed driveway per se, but to the appropriation of that land for parking and the precedent that sets.

Parish Councillor I Royston noted that seventy years ago, when the Sudburn Avenue and Coronation Gardens development was built, it was designed to provide a pleasant approach into the village, where dwellings were set off the highway separated by an area of open space. He added that, in short, the developers of the time made a valiant attempt to make local authority housing to fit within the aesthetic of the traditional village with its wide greens and open spaces. He noted that though over the years cars have become more commonplace, however, the visual amenity of the area had not been significantly diminished as, in the case of very many properties, parts of the front gardens had been converted into driveways and indeed, under the previous application, DM/22/00616/FPA - Formation of parking area to front of property, the greater part of the front garden had been given over to a block paved parking area.

He added that Members would note that this previous development already provided sufficient space for three vehicles within the curtilage of the property.

Parish Councillor I Royston noted the current application sought to appropriate a further portion of open space to provide yet another parking place which would directly diminish the visual amenity of the area.

He added that Councillors would also note that the site lies between public footpaths which formed part of the adopted highway and that being the case, it was not permitted under current guidance to use that proposed parking place for the recharging of an electric vehicle as that would necessarily involve trailing cables across the public footpath. He noted that providing a parking place for a diesel or petrol-engined vehicle, which will be banned in less than seven years, appeared contrary to both National and Local Plan Policies in terms of reducing greenhouse gas emissions.

Parish Councillor I Royston concluded by noting that it was clear therefore that the development did not retain the settlement's valued facilities in the way of open space, did not contribute positively to the area's character, and was at best of limited utility.

The Chair thanked Parish Councillor I Royston and asked the Committee for their comments and questions.

Councillor A Savory noted she had attended the site visit and noted the applicant had gone through the right channels and she would move approval. Councillors V Andrews and S Quinn noted as regards the issues of cars parked and asked as regards for clarification. The Principal Planning Officer noted that the permission was for access, permission to park and hardstanding. Councillor J Atkinson seconded the motion for approval.

Councillor M Stead noted looking at the map it suggested that a wall had been built around a caravan to the right. The Principal Planning Officer noted that the construction was historic, in excess of 10 years and if a car was parked the authority could not take action. Councillor M Stead noted he would be minded to approve the application.

The Chair noted that Councillor A Savory had moved approval, that she was had been seconded by Councillor J Atkinson and upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/03737/FPA
Full Application Description:	Erection of 5 dwellings (amended 06.04.23)
Name of Applicant:	Mr E Tribe
Address:	Land To The South Of Highfield, Breckon Hill, Butterknowle, DL13 5QA
Electoral Division:	Evenwood
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the western edge of the village of Butterknowle, in the west of the County. The site itself comprises a parcel of undeveloped agricultural grassed land that measures approximately 0.30ha in area.
2. The site is framed by a low stone wall and the B6298 along its southern boundary. A row of terraced dwellings is located to the eastern boundary fronting Pinfold Lane and to the north west fronting Loop Lane. Immediately to the north and north east lie 4 no. detached bungalows. Agricultural/grazing and the wider open countryside lies beyond Pinfold Lane to the southern boundary of the site. To the south east on the southern side of Pinfold Lane lie 6 no. recently constructed detached bungalows.

The Proposal

3. The application seeks full planning permission for the erection of 5 no. detached dwellings. The dwellings would be arranged to front Pinfold Lane and continue the line of the terrace to the east, following the curve of the southern site

boundary. The dwellings are proposed to comprise a square form over two storeys with stone external walls and a dual pitched roof finished in slate effect roof tiles. Features such as front bay windows with a lean-to canopy above and a stone external chimney are also proposed. Internally, the dwellings would comprise a living room, kitchen/dining area, study and utility room on the ground floor, with 4 bedrooms and a bathroom on the first floor.

4. Each dwelling would be served by a pedestrian access from Pinfold Lane through the existing stone wall, a small front garden, and a larger rear garden along with a detached garage and two in-curtilage car parking spaces per house. A new vehicle access is proposed to be taken from Pinfold Lane to the west of 1 West View, directly serving Plots 4-5 and leading to a private shared drive serving Plots 1-3.
5. The application is being reported to planning committee at the request of Councillor Potts on the grounds of highway safety, with concerns specifically raised regarding the proposed development generating additional traffic and the position of the access point on the edge of the 60mph area and on the end of a bend in Pinfold Lane.

PLANNING HISTORY

6. Application 6/2003/0132/DM for the erection of the bungalow known as Stone Lee to the north east of the current application site was approved on the 21st of May 2003.
7. Outline application 6/2004/0229/DM for the erection of 8 no. dwellings on the current application site was refused on the 5th of October 2004. At that time the site was allocated for housing under Policy H1 of the Teesdale District Local Plan and the application was refused due to concerns that the proposal would not represent efficient use of land, falling below the minimum density of 30 dwellings per hectare. An appeal against the decision to refuse the application was subsequently dismissed.
8. Outline application 6/2006/0122/DM with all matters reserved for 10 dwellings was approved on the 21st of February 2008.
9. Application 6/2011/0046/DM for the renewal of outline application 6/2006/0122/DM was approved on the 27th of January 2015.
10. Outline application DM/15/00259/OUT for the erection of 8 no. dwellings on land 40m away to the south east of the application site was approved on the 14th of December 2015. This development has since been built out with the erection of 6 no. detached bungalows.

PLANNING POLICY

National Policy

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. 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.
13. 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.
14. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. 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.
16. 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.
17. 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.

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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

22. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either

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

24. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
25. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
26. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
27. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
28. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
29. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-

speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation

30. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
31. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
32. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
33. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
34. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
35. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character,

quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts

36. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
37. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
38. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

40. *Lynesack And Softley Parish Council* – Object to the application raising highway safety concerns regarding the position of the site access on a bend and the proposals generating an increase in parking demand. Consider that the boundary wall along Pinfold Lane should remain in situ with no pedestrian access through if the application is to be approved.
41. *Highways Authority* – Advise that a satisfactory speed and traffic survey has been carried out and that the required visibility splays for the proposed new junction onto Pinfold Lane can be achieved. Consequently, no objections to the application are raised.

42. *The Coal Authority* – Confirm that the application site lies within the defined Coalfield Development High Risk Area, within an area where historic unrecorded underground coal mining is likely to have taken place in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. Conditions are therefore recommended to secure further site investigations prior to the commencement of development.

Non-Statutory Responses:

43. *Landscape Section* – Advise that further details of the proposed materials, windows and doors, soft landscaping and management be provided for consideration, but raise no fundamental concerns over the proposed development.
44. *Ecology* – Advise that the proposed development would see an overall loss of -1.34 habitat units and that the applicant provides 2 Biodiversity Units in order to deliver a clear and measurable net gain. This equates to a financial contribution of £10,000 to ensure a net gain can be achieved, to be delivered strategically.
45. *Environmental Health Nuisance* – Raise no objections.
46. *Environmental Health Contamination* – Advise a conditional approach in relation to land contamination to secure further testing and monitoring.

External Consultees

47. *Northumbrian Water Ltd* – No comments received.

Public Responses:

48. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
49. Eight letters of objection were received to the originally submitted proposals, raising concerns over the following issues:-

Highway Safety

- The position of the proposed access relative to a bend in Pinfold Lane,
- On street parking along Pinfold Lane restricting visibility for cars pulling out of the site,
- Additional parking demand being generated which would further restrict sightlines,
- The frequent speeding of cars in the village,
- That the site should be accessed from Pinfold Lane rather than Loop Lane during the construction phase,
- That the 30mph sign on Pinfold Lane should be relocated to the west and double yellow lines added.

Residential Amenity

- The proposed development resulting in a loss of light and privacy for, and have an overbearing impact upon, the occupiers of the properties to the north at Breckon Hill,
- Additional noise and light pollution from cars,
- That site compounds and facilities for workers should be sited away from residential properties,
- That a condition should be imposed to restrict construction working hours to 8am-4pm Monday to Friday only.

Design

- The proposed design and scale of the dwellings is out of character to the village,
- The forming of pedestrian entrances within the stone boundary wall along Pinfold Lane affecting the structural integrity of the wall,
- Consider the proposed development to cause unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty and tranquillity of the countryside.
- The lack of boundary treatment proposed along the eastern boundary of the site.

Other

- That there is no need for the proposed development,
- That the village will not be able to sustain the development,
- The site is not well served by public transport and the existing bus service is inadequate,
- The loss of a greenfield site,
- Potential ground instability due to previous coal mining activity at the site,
- A lack of detail regarding where water and electricity supplies will come from and leftover soil from any excavation to accommodate new connections,
- The land has recently been used for agricultural purposes and so requires a change of use and a County Parish Holding number.

50. Upon receipt of amended plans reducing the number of dwellings proposed from six to five. Notification letters were sent to neighbouring residents and contributors. Four further letters of objection were received raising the following concerns:

- Reducing the number of dwellings proposed does not overcome concerns over the access,
- Whilst the visibility splay shown on the plans to have been achieved this does not take into account cars parked on the street,
- Existing on street parking causes difficulties for cars to pass,
- A request to relocate the 30mph sign further west and add parking restrictions to both sides of Pinfold Lane was repeated,
- Additional vehicle movements would generate noise and disturbance,
- Concerns over security and potential public access to the properties on Breckon Hill,
- Approving this application will set a precedent for future development along Pinfold Lane,

- A request to erect a stone wall between Highfield and Stone Lee to prevent pedestrian access is made (following receipt of this comment 1m high railings have been added to the most recent External Material and Boundary Treatment Plan).

Applicants Statement:

51. The scheme is a low-density development proposing an overall total of five dwellings laid out in a crescent arrangement to follow the existing boundary wall to Pinfold Lane. This provides continuity to the building line and streetscape of Pinfold Lane.
52. The proposed scheme seeks to provide an attractive development which will sit comfortably within the local context and character of the area. The scheme has been designed to integrate with the traditional building forms and facing materials used in the area while providing a contemporary feel to the development. All the proposed dwellings have pitched roofs and traditional window profiles which reflect the character of the area.
53. The scheme is laid out in a perimeter arrangement with the detached dwellings following the existing stone boundary wall to Pinfold Lane with a vehicular entrance to the application eastern boundary providing access to a private courtyard incorporating car parking and garages for each dwelling. The vehicular entrance also provides vehicular turning within the site for refuse collection / deliveries along with visitor parking bays.
54. The development consists of two storey dwellings and are arranged in a detached format. The height and form of the proposed dwellings has been chosen to reflect the building form to the nearby properties to Pinfold Lane whilst remaining in keeping with the semi-rural character of the setting.
55. The proposal provides four-bedroom properties in detached formats. The dwellings have been specifically designed for this site and for the privately-owned housing market. The internal layout of each dwelling provides M4(2) accessible compliant spaces and access ensuring futureproof living accommodation for families and occupants who are less mobile. Each dwelling includes a home office space at the ground floor level to support home working benefits for residents.
56. Providing a sustainable development has been a key component of the application and the proposal includes dwellings which have been designed with a highly insulated, thermally efficient building envelope. This is supplemented with the provision of an air source heat pump for non-gas heating and hot water provision. Each property is also provided with an electric vehicle charging point to the garages to support electric vehicle adoption and use.
57. The proposed layout has been developed with the existing boundaries and context in mind, and the proposal sees the retention and integration of the existing stone wall boundaries as an important element of the proposal in maintaining the existing character of the site.

58. The proposed scheme is the result of a proactive approach by the applicant, adopting close co-operation with local authorities planning, highways, ecology departments and wider statutory consultees. It is this considered and careful approach alongside a respect for the village context of the site and Butterknowle which provides this attractive, unique and desirable low-density housing development to the application site.

PLANNING CONSIDERATION AND ASSESSMENT

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Highway Safety, Design and Visual Impact, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Carbon Emissions, and Other Matters.

Principle of Development

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 County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
61. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
62. The site is not allocated for housing by CDP Policy 4 but has been previously assessed under the SHLAA under reference 6/BN/02. This assessment concluded that the site does not have any unresolvable development constraints and relates well to the settlement, whilst noting that the site has previously benefitted from planning consent for housing (most recently 6/2011/0046/DM) which has now lapsed.
63. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. As the site is not specifically allocated for development it is necessary to assess

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

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

65. However, due to its edge of settlement location and undeveloped appearance the site is also considered to be located outside of the main built-up area of Butterknowle and so is technically in the countryside, although well related to the village. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan. The proposed development is considered to be one of these forms of development as it is allowed for by Policy 6.
66. Subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 and the general design principles of Policy 10, the development of this site for five dwellings is considered to be acceptable in principle.

Locational Sustainability

67. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement. Criterion p) of Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
68. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
69. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
70. In addition, NPPF Paragraph 79 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby.
71. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for

Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.

72. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Butterknowle is a small village that sits on a hill, known as Diamond Hill, and is rated as having a settlement score of 8.5 (89th out of 230), reflecting the relatively limited number of services within the village. These comprise two public houses, a village hall, post office, Pinfold Medical Practice and Butterknowle Primary School. The closest shop to the application site is the Co-op in Cockfield which is located approximately 3.5km away from the application site and there are no lit footpaths from the bottom of Diamond Hill to Cockfield which would make walking to and from the site unattractive. This, along with the steep topography, is likely to deter walking and cycling from the site to nearby villages.
73. In terms of public transport, there is a bus stop within 400m of the application site. One service, the no.83 operated by Hodgsons, stops here and according to the operator's website provides eleven buses a day Monday to Saturday from 7:15am to 6:33pm into Cockfield and Barnard Castle via Butterknowle. This provides an alternative transport option to the private car for access to services, ensuring that the future residents would not be solely reliant upon unsustainable modes of transport. Each dwelling would have a pedestrian access point through the existing stone boundary wall to provide a direct link to Pinfold Lane and the bus stop present here.
74. It is noted that three local residents in their letters of objection raise concerns over the village not being able to sustain the proposed residential development, referencing that the residents of Butterknowle typically travel by car to Barnard Castle or Bishop Auckland for shopping. Two letters of objections also reference the no.83 bus service, commenting that only four daily buses run into Barnard Castle, with the bus often being a minibus, and with the service being unreliable in their experience.
75. In this regard NPPF Paragraph 79 acknowledges that access to services will vary between urban and rural areas and advises that where there are groups of smaller settlements development in one village may support services in a village nearby. It was considered at the time of outline application DM/15/00259/OUT for the erection of up to 8 bungalows to the south east of the current application site that, '*Butterknowle does however act as a focal point for the more sporadic development that has historically been a historic aspect of the surrounding area and contains some limited services.*', and that, '*It is considered that a modest and appropriate housing development within Butterknowle could assist in sustaining the village and nearby villages and associated limited services into the future.*' In addition, it is noted that the application site previously had outline planning permission for up to 10 dwellings, although this has now lapsed and was itself approved prior to the adoption of the CDP.

76. Overall, whilst it is acknowledged that the village comprises a relatively limited range of services and that the future residents of the proposed dwellings would be unlikely to walk or cycle to services in nearby villages, there is a bus stop close to the site that provides an alternative mode of transport to the private car for access to services in nearby settlements, preventing the site from being solely reliant upon unsustainable modes of transport. In the context of NPPF Paragraph 79 it is acknowledged that the access to services is likely to be poorer in rural areas compared to more urban areas and it is considered that a scheme for five dwellings represents an appropriate scale of development for the size and level of service provision within Butterknowle, helping to sustain the services within the village and in nearby villages, particularly in relation to school provision.
77. Taking all of the above into account, no objections are raised having regards to the locational sustainability of the site and the proposed development is considered to accord with CDP Policies 6 f), 10 p), 21 and Parts 5 and 9 of the NPPF.

Highway Safety/Access

78. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criteria e) and q) of Policy 6 and 10 do not permit development where it would be prejudicial to highway safety.
79. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 111 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
80. The application proposes a new access to be taken from Pinfold Lane and a 10m turning radii to facilitate an adoptable standard 5.5m wide access road leading to a 6m wide private shared drive. An adopted turning head will also be provided within the site to accommodate the turning movements of a refuse and delivery vehicle.
81. The Parish Council and local residents have raised concerns regarding the safety and suitability of the proposed new access. Concerns have referenced the proximity of the access to a bend in Pinfold Lane and the presence of cars parked on-street restricting visibility for drivers when egressing from the new junction to the detriment of highway safety.
82. The applicant carried out a speed survey in March 2022 to provide an up to date, post lockdown reflection of the speed of vehicles on the surrounding road network and to identify the requirements for the junction visibility splay. The applicant has also provided a Supporting Transport Statement which contains a Proposed Site Access Arrangements and Visibility Assessment drawing at

Appendix B. The visibility splay shown on this drawing takes into account the results of the speed survey, the bend in Pinfold Lane to the west, and the 60mph speed limit in force to the west of the access. The speed limit to the east of the access reduces to 30mph. The visibility splay drawing demonstrates that a 2.4m deep 45m long visibility splay will be achieved to the west, and a 2.4m deep 34m long splay to the east. The Highways Authority have reviewed the submitted information and indicated their satisfaction with the speed survey undertaken, concurring with the level of visibility required and confirming their acceptance that the required visibility splay can be achieved. A condition is recommended to ensure that the visibility splay is created prior to the commencement of development and maintained for its lifetime, with no boundary treatments or planting to exceed a height of 1m within the visibility splay. Given its height, the majority of the existing low stone boundary wall, which positively contributes to the character of the area, can be retained.

83. It is acknowledged that stretches along Pinfold Lane either side of the proposed new access point are frequently occupied by parked cars. Whilst the visibility splay does not take into account cars that may be parked along Pinfold Lane and within the visibility splay, it is noted that Rule 243 within the Highway Code states that cars should not stop or park opposite or within 10 metres of a junction so that visibility is not impeded. Whilst adherence to the Highway Code is not enforceable by the Local Planning Authority, it establishes good driving practice and responsibility for any accidents occurring would lie with the drivers concerned, who would need to ensure they drive, and park, appropriately given the speed limit and having regard to any hazards posed by parked vehicles, buses or other obstructions in the public highway, and vehicles emerging from junctions. Overall, in instances where vehicles presently obstruct the adopted footway this is subject to legislative control via the Highways Act and cannot be afforded weight in the determination of this application.
84. Some residents have questioned whether double yellow lines could be introduced to prevent parking along Pinfold Lane. Parking restrictions such as double yellow lines can be introduced through a Traffic Regulation Order (TRO) if parking is causing an obstruction on a regular basis, such as preventing access for other vehicles on multiple occasions, and this can be evidenced. In this instance, parking on Pinfold Lane already takes place and the Highways Authority do not consider the introduction of double yellow lines necessary to make the proposed development acceptable in planning terms, with the creation of a safe and suitable access considered to be feasible. The TRO process is undertaken separately to the planning process, including its own statutory consultation period, and so could be explored independently of this application if required in the future.
85. Residents have also questioned whether the existing 30mph speed limit sign could be relocated and extended further to the west to include the bend in Pinfold Lane. In this regard, the speed survey carried out by the applicant demonstrates that the average 85th percentile speeds relating to traffic travelling along Pinfold Lane is within the speed limit, both to the east and west of the site. In line with the Highway Code, it would be expected that people drive responsibly and in a manner appropriate to the conditions and this would

include slowing down to navigate the bend in the road, which is reflected by the relatively low 85th percentile speeds recorded by the applicants' speed survey. Typically, a 30mph zone would usually commence on the edge of the urban form marking the entrance to the built up residential area, although in this instance the new dwellings located outside of the existing 30mph zone will not front the highway and as such an extension of this zone may not be required. Ultimately, the Highways Authority are satisfied that a safe and suitable access to serve the development can be achieved and any decision to extend the 30mph zone would be taken separately to and outside of the planning process. In addition, it is noted that there is no history of personal injury collisions (PIC's) on Pinfold Lane or Loop Lane within the past five years.

86. Concerns have also been raised regarding the proposed development generating additional traffic. Whilst the development of five dwellings would inevitably generate some additional traffic, the proportion of additional vehicular trips is expected to be insignificant in the context of the current level of traffic at peak times which is relatively low, as demonstrated by the applicant's speed survey. Therefore, the Highways Authority is satisfied that the proposals would have a minimal impact on existing peak traffic flows and would not be prejudicial to highway safety.
87. Each dwelling would be served by two in-curtilage car parking spaces and a garage which accords with the Council's current parking standards. Two visitor parking bays are proposed to the east of the access road upon entering the site which is considered to be sufficient to serve the scale of the development.
88. A condition is recommended to secure details of a Construction Management Plan, which would be expected to include details regarding the proposed access into and out of the site for construction vehicles.
89. Overall, the applicant has demonstrated that speeds along Pinfold Lane are relatively low and that the required visibility splay can be achieved. Therefore, it is considered that the proposed development will not adversely affect highway safety and that a safe and suitable access can be achieved, according with CDP Policies 6, 10, and 21, and Part 9 of the NPPF.

Design and Visual Impact

90. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. CDP Policy 10 at part l) also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside, and at part o) seeks to avoid development that would impact adversely upon the setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for.
91. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape

features, helping to create and reinforce locally distinctive and sustainable communities.

92. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
93. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 130 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
94. The dwellings have been designed to reflect the design of the row of terraced houses to the east, comprising a square form over two storeys. The use of stone for the external walls, single storey bay windows and canopies to the front elevations, vertical casement windows with stone heads and cills, and external chimney features helps to assimilate the development into the wider street scene, with the use of anthracite front doors and window frames defining the development as a more contemporary addition. The dwellings would provide a natural continuation of the established settlement pattern and urban form through the rounding off and consolidation of an undeveloped parcel of land at the edge of the settlement, whilst providing an active frontage to Pinfold Lane and screening the rear elevations of the properties facing Loop Lane to the north. Garages would match the external materials used for the dwellings and would not be visible from Pinfold Lane given their position to the rear of the dwellings. The scheme has been revised to omit one dwelling which is considered to be more appropriate for the size of the site.
95. The existing stone boundary wall along the southern perimeter of the site is to be retained, with short sections to be removed to accommodate a new vehicular access to the site as well as gated pedestrian access to individual plots. A condition is recommended to secure the retention of this wall.
96. A condition to agree precise details of external materials, windows and doors is considered appropriate to ensure final finishes of the development relate acceptably to the character of the surroundings. A condition to secure details of a landscaping scheme, to include details of planting to the areas indicated on the External Materials and Boundary Treatments Plan, is also recommended. The Landscape Officer has advised that tree planting should be undertaken to screen bin areas, with the narrow strip of land to the east of Plot 5 to be planted

with low maintenance shrubs and these details would be expected to be provided as part of a future landscaping scheme to discharge this condition.

97. Overall, and subject to these conditions, the proposed development is considered to be of a high quality appropriate for the area, according with CDP Policies 6, 10, 29 and 39, and Parts 12 and 15 of the NPPF.

Residential Amenity

98. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
99. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
100. Criterion a) of Policy 6 seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land, whilst criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
101. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The proposed dwellings would comply with the NDSS.
102. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. The rear gardens of each dwelling would comply with this requirement.
103. The SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey.
104. There is a distance of 17m between the centre of the side elevation of the dwelling on Plot 1 and the closest part of the rear elevations of no. 2 Breckon Hill to the north. This distance would increase to 18m to the closest part of the rear elevation of no.1 Breckon Hill given the angled siting of these two dwellings in relation to the dwelling proposed on Plot 1. The side elevation of this

proposed dwelling would feature a door serving the utility room and a small secondary ground floor window serving a kitchen, with a non-habitable bathroom window above. The typically required separation distance is therefore 13m, which is exceeded in this instance. A condition is recommended to require the bathroom window to be obscure glazed.

105. The dwelling on Plot 1 does not sit directly behind the rear elevation of no.3 Breckon Hill, ensuring that the occupiers of this property would continue to receive sufficient levels of natural light after the development and would not suffer from any overbearing impact, whilst it is not considered that there would be any issues regarding a loss of privacy given the position and angle of the proposed dwelling relative to no.3 Breckon Hill.
106. The proposed development would see additional vehicular movements associated with the new dwellings and residents have raised concerns over this generating additional noise and disturbance as well as light pollution from car headlights. Whilst the internal access road and parking areas would be within close proximity to residential properties, particularly Stone Lee to the east and High Field to the north, noise audible at these properties from car engines is not considered to be significant given the number of dwellings proposed and in the context of Pinfold Lane and Loop Lane nearby which have a national speed limit. Stone Lee is sited so that its side elevation with adjoining garage faces north west and so light pollution affecting this property would be expected to be minimal. The rear of High Field, and Claremont further to the north, is bordered by a low stone wall and so there is some potential for light from car headlights to spill onto the windows within the rear elevations of these properties upon entering the site. A condition is recommended to secure details of a landscaping scheme to include planting to the communal area to the south of High Field, as well as to the area west of Stone Lee which will help to minimise any light pollution from car headlights to acceptable levels that will not have a significant adverse impact upon the amenity currently enjoyed by the occupants of these properties.
107. There is also a small area identified to be landscaped to the north of the garage serving Plot 1 and to the rear of no.3 Breckon Hill, which is currently bordered by a timber post and rail fence. The resident has raised a concern that the proposed development would increase public access to their property. The rear boundary of no.3 is approximately 19m long and a 3.5m long stretch would adjoin the landscaped area, with the remaining 15.5m stretch adjoining the north western side boundary of Plot 1 which would be defined by a new 1.8m high close boarded timber fence. Given the position and size of this landscaped area, it would not allow public access to the rear garden of no.3 or give rise to any significant security concerns.
108. Given the scale of the proposed development, the construction phase is likely to be relatively brief and a condition is recommended to restrict construction working hours and to secure details of a Construction Management Plan to ensure the amenity of surrounding residents is safeguarded during the construction phase of the development. It is recommended to restrict construction hours to between 8am-6pm Monday to Saturday which is

considered sufficient to minimise disruption to neighbouring residents to acceptable levels whilst allowing the development to be completed expeditiously.

109. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 29e) and 31 and Part 12 and 15 of the NPPF.

Drainage

110. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
111. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
112. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. The applicant has explained that British Geological Survey Data indicates that the site is underlain by clays which have low permeability and so infiltration has been discounted. There are no watercourses on or near the site, and so in line with the hierarchy of preference surface water is proposed to be discharged to the nearest public sewer. The application is supported by a Drainage Layout Plan which identifies that surface water would be discharged to this combined sewer at a rate of 3.5 litres per second via permeable paved drives and underground attenuation tanks beneath the internal access road and car parking spaces, with road gullies to provide treatment. Foul water is proposed to be discharged to the main sewer.
113. Overall, these details are considered to be sufficient to accord with CDP Policies 35 and 36 and Part 14 of the NPPF, with the proposal not considered to increase the risk of flooding on or off site.

Ecology

114. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP

Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

115. The application is supported by a Preliminary Ecological Appraisal (PEA) which considers the site to be of moderate ecological value to ground nesting birds and low ecological value to other protected species. The proposals would see the loss of 1.34 habitat units, resulting in an overall on-site net loss in biodiversity of -66.15%, due to the loss of grassland. The grassland loss cannot be sufficiently offset through enhancement of the retained areas of grassland within the site.
116. The County Ecologist has advised that in order to deliver a clear and measurable net gain the applicant should a financial contribution of £10,000, to be put towards strategic biodiversity enhancements steered by the Council's Local Nature Recovery Strategy and achieve a net biodiversity gain. The contribution will need to be secured via a legal agreement, to which the applicant has indicated their agreement.
117. A condition is also recommended to secure adherence to the planting and management measures proposed to enhance the remaining grassland areas within the site after the development, as well as the mitigation and enhancements measures recommended by the PEA. These include restricting the timing of clearance works to outside bird nesting season, the implementation of a sensitive lighting scheme to avoid indirect disturbance to foraging and commuting bats, birds and small mammals, and the installation of bird and bat boxes.
118. Subject to this condition and the legal agreement, the proposals are considered to accord with CDP Policies 41 and 43, and Part 15 of the NPPF.

Ground Conditions

119. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
120. The application site lies within the defined Coalfield Development High Risk Area, within an area where historic unrecorded underground coal mining is likely to have taken place in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.
121. The application is accompanied by a Phase I Geo-Environmental Site Assessment. Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that there exists a high risk of unrecorded mine workings being present at shallow depth beneath the site, which may lead to instability and cause subsidence. Accordingly, it goes

on to advise that an intrusive investigation will be required to confirm the presence or otherwise of shallow workings.

122. The Coal Authority has reviewed the submitted information and concurs with the recommendation for the undertaking of intrusive site investigations. They advise that these should be designed and carried out by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.
123. The submitted report does not outline what measure may be required in the event that underground mine workings are encountered at depths within influencing distance of the proposed development. The results of the investigations should therefore be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole, including the buildings and external parts of the site such as the access road, driveways and vehicle parking areas. Such works/measures may include grouting stabilisation works and foundation solutions.
124. Given the above, the Coal Authority recommend two conditions to secure the implementation of remediation works and mitigation measures prior to the commencement of development, and the receipt of a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development prior to its first occupation. These conditions would be necessary to address land instability arising from coal mining legacy to ensure that the site is made safe and stable for the development proposed.
125. A resident has raised a concern that a full Coal Mining Risk Assessment has not been provided prior to the determination of the application. However, it is considered that a suitably worded pre-commencement condition, as recommended by the Coal Authority, can be imposed to ensure it can be demonstrated that the site can be made safe and stable for the development before it is built out and occupied. Therefore, in line with NPPF Paragraph 56, it is not considered that there are any reasonable grounds relating to land stability to withhold the granting of planning permission in this instance, as further details could be secured via suitably worded conditions.
126. The Contaminated Land Officer has indicated their satisfaction with the information provided in the submitted Phase 1 report which identifies that further investigation is required. Therefore, they recommend conditions to secure the submission of a Phase 2 site investigation and, if the Phase 2 report identifies any unacceptable risks, a Phase 3 remediation strategy.
127. Subject to these conditions, the proposal is considered to comply with CDP Policy 32 and NPPF Paragraph 183.

Carbon Emissions

128. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
129. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
130. The submitted Design and Access Statement explains that a 'fabric first' construction approach and will be developed to meet as a minimum, the requirements of Building Regulations Part L in providing a thermally efficient envelope to each dwelling. It is also proposed that an air source heat pump will be installed to each dwelling. In addition, BRE Green Guide 'A' rated materials are stated to be utilised which have sustainable credentials in their production, use, and lifecycle.
131. Since the submission of this application the Building Regulations have changed and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations. There have also been changes to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as this is covered under separate legislation there is no need for a condition to reflect this. However, a condition is recommended to secure further details regarding the specification and location of the air source heat pumps.
132. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Other Matters

133. CDP Policy 15 states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. The applicant has completed the Council's Accessible and Adaptable Homes Statement to screen the proposed house type against the requirements of Building Regulations standard M4(2). This confirms that the house type proposed is capable of meeting this standard. Accordingly, conditions are recommended to secure this.
134. As the application proposes five dwellings, there is no requirement to provide any affordable homes or for the dwellings to be of a design and type that will increase the housing options of older people.

135. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, but it is considered appropriate to secure these details via a suitably worded condition.
136. The site is below 1ha in size and has an Agricultural Land Classification Grade of 4 which reflects its poor quality for agricultural use. Therefore, no Agricultural Land Classification Report or similar is required in this instance.
137. A concern has been raised over the approval of this application setting a precedent for future development on the opposite side of Pinfold Lane. This is not a material planning consideration as each planning application must be judged on its own merits. Any future application for development to the south of the application site would have to demonstrate compliance with CDP Policy 6 and 10 which seek to direct development to sites that are within or well related to settlements.

CONCLUSION

138. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
139. In this instance, it is concluded that the application site occupies a position on the edge of Butterknowle in a position well related to the settlement and so the proposed housing development can draw support from CDP Policy 6. The village contains a small number of services and a bus stop providing access to services in nearby settlements. Therefore, the proposed development would not be solely reliant upon the private car for access to these services and would help to support and sustain them, in line with CDP Policy 21 and NPPF Paragraph 79.
140. Local residents have raised concerns regarding the position of the proposed new access, however the applicant has demonstrated that speeds along Pinfold Lane are relatively low and that the required visibility splay can be achieved. There are no recent records of personal injury collisions on Pinfold Lane and it is the responsibility of drivers if parking on the street to park in appropriate locations. Therefore, it is considered that the proposed development will not adversely affect highway safety and that a safe and suitable access can be achieved, according with CDP Policies 6, 10, and 21, and Part 9 of the NPPF.

141. The proposals are considered to be of a high quality design appropriate for the surroundings whilst also providing good standards of amenity for existing and future residents, according with CDP Policies 29 and 31. No concerns are raised regarding the proposed method to manage and dispose of surface and foul water. Conditions are recommended to secure further details regarding land contamination and stability, as well as a scheme to minimise carbon emissions, in line with CDP Policies 29 and 32.
142. Overall, whilst recognising the concerns of local residents, the proposed development is considered to accord with the relevant national and local planning policies and, with no material considerations to indicate otherwise, the application is recommended for approval subject to conditions and a legal agreement to secure a financial contribution of £10,000 to go towards the provision of Biodiversity Units off site, in line with CDP Policies 25 and 41.
143. It is therefore considered that the application is acceptable and complies with Policies 6, 10, 15, 21, 25, 27, 29, 31, 32 35, 36, 39, 41 and 43 of the County Durham Plan and Parts 2, 5, 9, 12, 14 and 15 of the National Planning Policy Framework.

Public Sector Equality Duty

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

RECOMMENDATION

That the application be **APPROVED** subject to a legal agreement to secure a financial contribution of £10,000 to secure the creation of two Biodiversity Units off site and the conditions below:

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

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

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

Site Location Plan DR-A-0500 REV P02

External Material and Boundary Treatment Plan DR-A-1410 REV P04
HT2 4 bed dwelling (4B7P) – Elevations DR-A-1610 REV P03
HT2 4 bed dwelling (4B7P) – Floor Plans DR-A-1510 REV P04
Single Garage Plan and Elevations DR-A-1521 REV P01
Double Garage Plan and Elevations DR-A-1520 REV P01
Swept Path Assessment JN2427Dwg0007B
Proposed Site Access Arrangements JN2427Dwg0001A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 6, 10, 15, 19, 21, 25, 29, 31, 32, 35, 36, 39, 41, 43 of the County Durham Plan and Parts 2, 4, 5, 6, 9, 12, 14, 15 of the National Planning Policy Framework.

3. No development other than ground clearance and remediation works shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

4. Prior to the first beneficial occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the site has been made safe for the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

5. No development other than ground clearance or remediation works shall be carried out until a land contamination scheme has been submitted to and

approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, including a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. Notwithstanding any details of materials submitted with the application, prior to the construction above ground level of any of the dwellings hereby approved details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

8. Prior to their installation, details of the materials and specification of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. No development other than ground clearance or remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.
Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of 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 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

11. No development other than ground clearance, demolition, or remediation works shall commence until the visibility splay shown on the Proposed Site Access Arrangements and Visibility Assessment drawing at Appendix B within the Supporting Transport Statement by Amsted Developments dated April 2023 has been laid out. Thereafter, the visibility splay shall be maintained for the lifetime of the development. Any planting or means of enclosure within the visibility splay shall be maintained at a height of no more than 1m for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy 6 e), 10 r), and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12. The Electric Vehicle Charging Points (EVCP) shown on External Material and Boundary Treatment Plan Rev P04 shall be installed prior to the first beneficial occupation of the relevant dwelling. Thereafter, the EVCP shall be retained for the lifetime of the development.

Reason: To minimise carbon emissions and to accord with the requirements of County Durham Plan Policies 21 and 29, Part 2 of the National Planning Policy Framework, and the Councils Parking and Accessibility Standards 2019.

13. A minimum of 4 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

14. Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard as approved under condition 13, a verification report compiled by a suitably competent person demonstrating that the dwelling has been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

15. The stone boundary wall along the southern boundary of the site shall be retained for the lifetime of the development. If the construction works require the removal of any sections of the wall, with the exception of the new vehicle and gated pedestrian access points, the wall shall be rebuilt to match its former condition, including the length, height, and use of materials, prior to the first occupation of any dwelling and shall thereafter be retained for the lifetime of the development.

Reason: To provide an attractive roadside boundary and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

16. In undertaking the development that is hereby approved:

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

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

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

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

17. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. 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 in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

18. The development shall take place in strict accordance with the Enhancement of Neutral Grassland and Mitigation and Enhancement Measures within Sections 4.5 and 5 of the submitted Preliminary Ecological Appraisal by Naturally Wild dated 18th May 2023.

Ground clearance works on the site shall take place outside of the bird nesting season, which is defined as running from March to August. If this is not feasible for any reason, a nesting bird survey must be carried out by a suitably qualified ecologist shortly prior to the start of works to ensure no active nests are present. In the event that any active nests are found during this survey or at any point during the works, a suitable exclusion zone should be put around the nest, with no work taking place in this area until such time as the nest can be confirmed as no longer active.

Reason: To conserve protected species and their habitats, and due to the suitability of other neutral grassland to support nesting birds, according with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

19. Prior to the first occupation of the dwellings details of the size, location, and specification of the air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the air source heat pumps shall be installed in accordance with the approved details and retained for the lifetime of the development.

Reason: To utilise renewable technologies as the main heating source and safeguard residential and visual amenity in accordance with Policy 29c) and 31

of the County Durham Plan and Parts 2, 12, and 15 of the National Planning Policy Framework.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor bathroom window within the north west facing side elevation within the dwelling on Plot 1 shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

21. No development shall commence above damp proof course until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Plan Settlement Study 2018
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Erection of 5 dwellings (amended 06.04.23)</p>	
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	<p>Date: 15th June 2023</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01017/FPA
Full Application Description:	14no. Affordable rent dwellings comprising 10no. wheelchair user bungalows and 4no. houses with associated landscaping and access
Name of Applicant:	Canney Communities CIC
Address:	Land to the Southeast of Canney Hill, Coundon Gate, DL14 8QN
Electoral Division:	Coundon
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an undeveloped grass field (measuring approximately 0.48 hectares) located to the east of Canney Hill and north west of the A688 Bishop Auckland bypass. The site is bordered by residential development on Canney Hill to the west, Hazelbank to the south and a new residential development to the north. A shelterbelt of trees forms the eastern site boundary providing screening to the A688 carriageway, situated at a lower level compared to the application site. The site generally slopes from west to east with a level change of approximately 3 metres.

The Proposal

2. Full planning permission is sought to construct 14no. dwellings for affordable rent comprising 2no. wheelchair user bungalows, 8no. bungalows and 4no. two storey dwellings. The dwellings would be laid out in an informal courtyard arrangement in a mix of detached, semi-detached and short terraces. All dwellings would be designed to meet Nationally Described Space Standards (NDSS) and be compliant with M4(2). The 2no. wheelchair user bungalows will be built to comply with Building Regulations M4(3). The wider site would

incorporate landscaping treatment and a sustainable drainage system (SuDs) with access being from the adjacent residential cul de sac to the north.

3. The application is submitted by Canney Communities who are a community-led housing group established in August 2019 and registered as a Community Interest Company (CIC) in partnership with a registered provider.
4. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

5. No relevant planning history.

PLANNING POLICY

National Policy

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. 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.
8. 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.
9. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. 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.

11. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. NPPF Part 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.
15. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. 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 existing and future generations,

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

National Planning Practice Guidance:

17. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of

matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

18. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
19. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
20. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
21. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
22. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

23. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
24. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
25. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

26. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
27. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.
28. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural

environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

29. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
30. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
31. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
32. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
33. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
34. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
36. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
37. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
38. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

40. *Lead Local Flood Authority* – No objection, the proposed surface water management for the proposed development is acceptable.

41. *Highways Authority* – Advise that the proposal is satisfactory on highways safety grounds subject to conditions requiring the submission of full engineering details of the access and that the access road that will need to be constructed prior to the first occupation of the development. The applicant has satisfactorily confirmed the land of unknown ownership will be determined via the process under S228 of the Highways Act 1980 which allows for the adoption of land in unknown ownership which can be incorporated into a S.38 Agreement.
42. *The Coal Authority* – No objection to the proposed development. However, further, more detailed considerations of ground conditions and foundation design may be required as part of any subsequent buildings regulations application.

Non-Statutory Responses:

43. *Spatial Policy* – Advise that within the CDP this site is treated as a windfall proposal as this site is not allocated for housing within Policy 4. The site is contained to the east by the A688 so Policy 6 (Development on Unallocated Sites) would be relevant to assessing the proposal.

The site has not been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) for its appropriateness for housing, however, the land parcel is sandwiched between two sites which have both been developed out for housing (Ref: 3/BA/48 and 3/BA/54 respectively). In both cases, housing was found to be acceptable, and the application site shares similar characteristics to both sites.

In terms of open space, a contribution of £24,347.00 should be sought to provide off site open space.

44. *Affordable Housing Team* – Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The site is proposing to provide a 100% affordable housing scheme as a mixed development of 2 and 3 bedroomed homes and bungalows. Given the specialist nature of this development to provide much needed affordable rented units for households with support needs no objection is raised that all units would be provided as a single tenure, thus ensuring affordable rented properties in the locality long term.
45. *Viability* – Following a detailed analysis of the costs and revenues of the development submitted for consideration, the limited viability of the scheme allows for the Local Planning Authority to waive the contributions in relation to open space from the Section 106 agreement.
46. *Ecology* – Advise that while the development would maintain small area of habitat on site, it will still result in a net loss). In order to ensure a net gain is achieved and offsite contribution of £7,000 to deliver biodiversity net gain is sought. The recommendations and mitigation detailed in Section 6 of the EclA Report should be conditioned, including but not restricted to: the provision of integrated bat and bird boxes into the new dwellings on the site as detailed in the EclA; the seed mixes/species list, establishment methodology and management of the onsite habitats to be created; sensitive timing of works for breeding birds, and careful working methods and mitigation for hedgehogs.

47. *Landscape Section* – Advise that the revised landscape information is acceptable.
48. *Education* – No requirement for financial contribution.
49. *Environmental Health Nuisance* – The development is considered to be noise generating during the development phase and noise sensitive once operational. The applicant has provided a noise impact assessment which is carried out to suitable methodologies and identifies relevant mitigation measures to protect future occupants. These include boundary treatments and ventilation. As such a relevant condition should be applied requiring that the measures stated within the noise assessment are installed on the completed project.

In relation to the development phase, there are concerns regarding impact upon neighbouring amenity due to construction noise. A construction hours condition is sufficient to mitigate the potential of statutory nuisance.

50. *Environmental Health Contamination* – No objection and recommend that a condition requiring the submission of Phase 2 – 4 Report is attached.
51. *Archaeology* – The site is known to be one of an historic pottery. This was shown on the first edition Ordnance Survey of 1850s and was cleared sometime around the 1940s. Remains of this may still survive and therefore, archaeological works in the form of a watching brief is required to allow recording of any remains that may be encountered which can be secured via condition.
52. *Tree Officer* – The site has a shelterbelt woodland just off site along its southeast boundary, between it and the A688. The area is not protected by a TPO or conservation Area. The proposed design will not require the removal of any trees and those buildings on the woodland side of the site are outside the Root Protection Area of those trees. Should approval be granted, a condition should be attached to ensure appropriate tree protection fencing is installed prior to commencement of any works on the site to ensure the integrity of the root protection area of the adjacent woodland.
53. *Design and Conservation* – The proposed site layout comprises dwellings located around a shared courtyard space which is considered appropriate for the size of the site and the layout of the dwellings from a design perspective. With regard to detailed design, the applicant has proposed a simple, contemporary approach to architecture with a limited material palette, which responds to an assessment of the local character, architectural detailing and materials. This approach is welcomed and addresses the comments previously provided in relation to responding positively to the local material palette.

External Consultees

54. *NHS* – No requirement for any financial contributions.
55. *Northumbrian Water Ltd* – No response received.

Public Responses:

56. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
57. Seven letters of objection have been received raising concerns over the following issues:-
- Health and safety issues in relation to no safe access as the road is not suitable with the site often blocked due to existing residents parking on footpaths.
 - Believed that this site would not be developed for housing when purchased house.
 - Concerns with the existing access being a thoroughfare for 14 houses and impact upon children playing in the area.
 - The existing street is not wide enough for two cars to safely pass.
 - Concerns over the construction traffic.
 - The company that built the housing estate, CMW Utilities Ltd, still owns a metre strip of land where the planned access is required and would not allow this to be used for access.
 - Concerns over the occupation of the dwellings and if a disabled person no longer lives there, that the property would not necessarily be occupied by another disabled person.
 - Concerns over the layout of the site. It would be less intrusive to current residents if the dwellings were built along the tree line on the A688.
 - Quality of the land as it was used as a landfill in the 1960s/70s when there were no restrictions in place regarding what could be tipped into the ground.
 - Concerns over increased traffic.
 - Current obstruction of drivers view at the existing junction leading to safety concerns.
 - The existing lane and area experiences flooding when there is substantial rainfall and the application site acts as a soakaway for this. The proposal would exacerbate the flooding issue in the area.
 - Loss of privacy via overlooking into habitable rooms.

Applicants Statement:

58. Canney Communities CIC was set up in August 2019 as a Community Led Housing Group, founded by a group of like-minded individuals who had a vision of enabling disabled people and carers to be at the forefront of developing much needed accessible homes. Canney Communities have been working with Durham County Council's Housing Development Team since 2018 to provide specialist supported housing for persons with various disabilities on the applicant site.
59. Canney Communities were successful in obtaining funds from the Community Housing Fund via Homes England to begin work on site surveys and community engagement.
60. In early February 2020, Canney Communities went door-to-door explaining their vision and proposals and using this opportunity to engage with local residents to ascertain their thoughts on the scheme and offered them an invite to an in-person consultation event held in late February 2020.

61. The consultation was held at the local Park Head Hotel and offered the opportunity for local residents to come together, voice their opinions, see the proposed layout of the scheme as shown by the architect with the use of visuals, and have any concerns/questions addressed. A housing needs survey was also given to all attendees/local residents, along with contact details for Canney Communities and offered those who wanted to be kept up to date with the scheme to leave their contact details.
62. The consultation event indicated that there was support from local residents for an accessible housing development, both from those with physical disabilities and older residents whose current homes were no longer suitable.
63. Since our in-person consultation in spring 2020, we have used social media, email, and postal services (89 households) to update interested parties on our progress. As a result, we have fielded queries from several individuals and groups, from which 3 households have expressed an interest in registering for one of our dwellings.
64. All queries have been dealt with to the satisfaction of the enquirers and have covered topics such as removal of footpath to Hazelbank, SUDS tank, and general access to the site. We have welcomed all callers from the general public and are endeavouring to keep them in the loop via all means possible as we proceed.
65. A small group of disabled people and their families are involved in supporting the development, one of whom has been seeking accessible accommodation for their family for over seven years. Other families are involved to explore the possibility of supporting their family member to move into independent living in the future and share a home with friends. To date we have had interest in 50% of the proposed properties.
66. More recently, consultation has begun to involve people who live in supported living in the town and who will be in need of more accessible and modern homes in the future. They will be actively supported to contribute to the development.
67. A further consultation event was held in a Bishop Auckland town centre venue during Aug-22 and well-attended by some 20 people.
68. A cornerstone of Community Led Housing is to ensure that all residents are actively involved in managing their homes on an ongoing basis and this is what we are aiming to achieve for this development in Canney Hill.

PLANNING CONSIDERATION AND ASSESSMENT

69. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Highway Safety, Design / Layout, Landscaping and Visual Impact, Residential Amenity, Open Space, Affordable Accessible and Adaptable Housing, Ecology, Heritage and archaeology, Flooding/Drainage, Ground Conditions, and Sustainability.

Principle of Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
71. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
72. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The application site is not allocated for housing within Policy 4 of the CDP and is within the built-up area of Canney Hill. Therefore, the application falls to be considered against CDP Policy 6, this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
- a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

- h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, make as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, reflect priorities for urban regeneration.

It is considered that criteria a), b), c), d), e) and f) will be the most relevant in this case, all of which are covered in more detail in the main body of this report.

73. The proposals would comprise a mix of house types including bungalows located within an existing residential setting. The site is bound to the north, south and west by existing residential development as well as the A688 to the east and is considered to be within the existing settlement of Coundon. The site is located adjacent to the main approach into Bishop Auckland settlement to the south west and is well served by existing public transportation infrastructure and links to local services. The application site is considered to be in a sustainable location.
74. The site has not been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) for its appropriateness for housing, however, the land parcel is sandwiched between two sites to the north east and south west which have both been developed out for housing (Ref: 3/BA/48 and 3/BA/54). In both cases, housing was found to be acceptable, and the current application site shares similar characteristics to both of these sites.
75. With the principle of re-developing this site considered to be acceptable under Policy 6 of the CDP, the main issue with this proposal is whether the impacts in terms of landscape, townscape and integration with the settlement pattern and form would be within acceptable parameters. Subject to the above and the following material planning considerations, no objections are raised to the principle of the development which is consistent with Policy 6 of the CDP and principles of the NPPF.

Locational Sustainability of the Site

76. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.

77. The NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
78. In considering this, the application site is located within Canney Hill, bound by existing residential development to the north, west and south with the A688 to the east. The CIHT 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400m falls within the 'desirable' range. There are two existing bus stops within 65 metres from the access of the site which is well within the 400 metres desirable range which would comply with this standard. Also, there is an existing highway and footpath links from the application site into Bishop Auckland with its town centre being located approximately 1500 metres as the crow flies where there is a wide range of facilities and services.
79. Overall, it is considered that the site has access to an array of services and facilities to serve the development proposed and that these are within a relatively easy reach of the site and can be accessed by public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor car to access services and facilities.
80. In conclusion, the development would promote accessibility by a range of methods in accordance with Policy 6 criterion f, Policies 21 and 29 of the County Durham Plan and the National Planning Policy Framework.

Highway Safety/Access

81. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Policy 6 criteria (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
82. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
83. Concerns have been raised by objectors in relation to highway safety of the site. These concerns range from the impact of increased traffic, the width of the existing highway, parking, visibility and how this impacts highway safety. Concerns have also been raised in relation to the ownership of a 1 metre section of land between the application site and the adopted highway. Objections have also been raised regarding the accessing the development through an existing cul-de-sac.

84. The Council's Highways Team have reviewed the application and assessed the proposal against the Council's Parking and Accessibility Standards. They conclude that with the proposed access route, highway geometry and parking provision is acceptable and that the proposal would not adversely impact on highway safety. Conditions are however recommended requiring the submission of full engineering details of the access and the completion of the access road prior to the first occupation of any of the dwellings. The development will also require the provision of an electric vehicle charging point per dwelling which to be secured by planning condition.
85. In relation to the land ownership concerns, the Highways Team have confirmed that in discussion with the applicant, this can be address under the process for completing a Section 228 application under the Highways Act 1980 which allows for the adoption of land in unknown ownership. A Grampian condition will be used to require the completion of the access road before development commences.
86. Overall, whilst recognising local objections subject to conditions, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policies 6 and 21 and Part 9 of the NPPF.

Scale/Design/Landscaping and Visual Impact

87. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
88. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
89. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
90. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
91. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. 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.

92. The application site is located within an established residential setting comprising a mix of older terrace properties to the west and larger new build detached units to the north and south. The site currently comprises a grassed field bordered to the north, south and west by existing residential development. To the east is a shelterbelt of broadland trees which provides extensive screening from the A688 carriageway beyond, which is set at a lower level than the application site.
93. The site is not located within a conservation area and contains no designated heritage assets. Also, there are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
94. The Design and Conservation Team have been consulted on the application and comment that the site layout around a shared courtyard is considered appropriate for the size of the site and the layout of the dwellings from a design perspective.
95. With regard to detailed design, the applicant has proposed a simple, contemporary approach to architecture with a limited material palette, which responds to an assessment of the local character, architectural detailing and materials. This approach is welcomed and addresses the comments previously provided in relation to responding positively to the local material palette.
96. Although bungalows would introduce a new housing form, these would not appear incongruous to their residential surrounds and provide a much-needed housing mix to the area in accordance with Policy 19 of the CDP.
97. The application is submitted alongside a detailed landscaping scheme and Arboricultural Impact Assessment, both of which are acceptable by the Landscape Team and the Tree Officer. The proposed design would not require the removal of any trees to the east, with buildings on the woodland side of the site being located outside the Root Protection Area of those trees. In this respect, the proposal complies with Policy 40 of the CDP.
98. A condition will be attached to ensure that appropriate tree protection fencing is installed prior to the commencement of the development to ensure the integrity of the root protection area of the adjacent woodland.
99. Therefore, the proposal complies with Policies 6, Policy 29, Policy 39 and 40 of the County Durham Plan in terms of design and landscape impacts, alongside Parts 12 and 15 of the National Planning Policy Framework.

Residential Amenity

100. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
101. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not

be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

102. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
103. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with. It states that a minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable rooms window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'
104. In regard to separation distances, the 4no. dwellings on the western section of the site are two storey and there will be at least 25 metres separation between the main facing elevation with habitable windows and the two storey dwellings to the west of the application site. The layout of the site allows for the development to comply with the required separation distances as set out in the Residential Amenity Standards SPD apart from Plot 10.
105. In relation to Plot 10, this dwelling would be a single storey bungalow with a gable elevation facing towards No.1 Potters Close which is a two-storey dwelling that has a main facing elevation directed towards the gable elevation. It is considered there would be a substandard separation distance of 10 metres between these two properties where the SPD would require there to be 13 metres. In reviewing this, although a 13 metres distance would be desirable, the SPD is guidance. No.1 Potters Close would face towards a hipped style roof which would reduce the massing and perceived overbearing from the new bungalow to acceptable level. Notwithstanding this the non-compliance with the required separation distances needs to be weighed in the overall planning balance of the application.
106. Given the non-compliance with the separation distances outlined above, it is considered to be reasonable and necessary to remove permitted development rights for Plot 10 in order to protect the amenity of neighbouring resident due to the close relations. Also, Plots 7, 8 and 9 are close in proximity to the existing residential development to the south of the application site and it is considered reasonable and necessary to remove the permitted development rights for these plots too. This would ensure that the Local Planning Authority can retain control over any further development on the site and would allow for continued consideration of the impacts of any future development upon the residential amenity.
107. Environmental Health Officers have been consulted on the application and have reviewed the submitted Noise Assessment. They state that the development is considered to be noise generating during the development

phase and noise sensitive once operational. The submitted Noise Impact Assessment has been carried out to suitable methodologies and identified relevant mitigation measures to protect future occupants which include boundary treatments and ventilation. These include a 3 metre high acoustic grade boundary fence along the eastern and a section of both the north and south boundaries; acoustic grade 1.8-metre-high close boarded fence to the rear of Plots 1-2; 9-14 and acoustic grade 1.2 metres high close boarded fence in between the gardens of each plot. This information has been reviewed by Environmental Health Officers who comment that the mitigation proposed is acceptable and a condition should be require these measures to be installed on the completed project.

108. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 29(e) and 31 and Part 12 and 15 of the NPPF. The non-compliance with the separation distances for Plot 10 is required to be weighed in the planning balance.

Infrastructure and open space provision

109. Policy 26 of the CDP (Green Infrastructure) seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirement.
110. The application site comprises an area of privately owned, contained scrubland which is not designated as amenity open space within the Open Space Needs Assessment. There are no Public Rights of Way (PROWs) across the site which would otherwise allow for public access through the land and there are nearby areas of usable amenity space to the north in the form of allotments and accessible natural green space. In considering this, there would be no objection in principle to the loss of this grassland and the proposal would comply with Policy 26 in this regard.
111. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
112. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
113. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not

appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.

114. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
115. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
116. Given the scale of the development, it would generally be expected that all amenity space and play space would be provided through a commuted sum secured by a legal agreement. In this respect the Council's Spatial Policy Team confirmed that a contribution of £24,347.00 should be sought for open space. However, the applicant has advised that this contribution would make the development economically unviable.
117. Policy 25 of the CDP sets out that planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. This approach is replicated in the NPPF and the NPPG setting out that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
118. Accordingly the applicant has submitted a detailed viability appraisal setting out in detail the costs and revenues associated with the development. This information has been reviewed by the Council's Viability Team. It is advised that based on the information submitted the costs of the open space contribution could not be borne by the development and remain viable. The lack of mitigation in respect of open space is required to taken into account in the planning balance.
119. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. NPPF Paragraph 95 confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

120. The Council's Education Team have been consulted on the application and confirm there is no requirement in this instance for a financial contribution for education.
121. NPPF Paragraph 93 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
122. The NHS have been consulted as part of the application and confirm that there is no requirement in this instance for a financial contribution for the NHS.
123. Overall, no financial contributions for education or the NHS are required to be secured via this application as confirmed by our consultees. Therefore, the proposal is compliant with Policy 25 of the County Durham Plan and Paragraph 34 of the National Planning Policy Framework.

Affordable, Accessible and Adaptable Homes

124. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
125. Based on a scheme of 14no. units, this equates to a minimum of 1no.unit. In accordance with Policy 15 of the CDP, this would need to be provided as discount market sale. The supporting 'Affordable Housing' statement confirms that the proposal would seek to provide a 100% affordable housing scheme as a mixed development of 2- and 3-bedroom homes and bungalows meet local housing needs for supported affordable housing in Bishop Auckland. Although it is unclear whether Canney Communities CIC are a Registered Provider (RP), the applicant will be utilising Homes England grant funding to deliver the scheme and as a consequence, all units will need to be tied as affordable housing (via a Section 106 agreement) to ensure they remain so in perpetuity, the applicant has agreed to this requirement. The benefits of securing affordable home ownership is considered to outweigh the lack of first home products on the development.
126. Although Policy 15 of the CDP requires a minimum of 1no. unit for discount market sale, the application proposes 100% affordable rent. The Council's Affordable Housing Team have been consulted on the application and offer no objection given the specialist nature of the development to provide a much-needed affordable rented units for households with support needs. The Housing

Team comment that the information provided in the application demonstrates that the units will meet the affordable needs of the area in respect of location and as such the Affordable Housing Team are happy with the proposal. In respect of affordable housing, the proposal complies with the requirements of Policy 15 of the CDP.

127. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- Level access flats;
 - Level access bungalows; or
 - Housing products that can be shown to meet the specific needs of multi-generational family.
128. In this regard, 9no. of the 14no. units proposed would be required to be built to M4(2) standard and 1no. of the 14no. units would be required to be of a type suitable for older people. The proposed layout of the site includes 10no. bungalows which would meet and exceed the policy requirement of Policy 15. Also, information has been submitted to show that all of the site would comply with either M4(2) or M4(3) standard which also surpasses the requirement of Policy 15 of the CDP.
129. Overall, the application proposes 100% affordable housing for rent, over 10% of units would be suitable for older people and the scheme will be fully compliant with either M4(2) or M4(3) standards. The proposal would comply with Policies 15 and 29 of the County Durham Plan in this regard.

Ecology

130. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
131. The application is submitted alongside an Ecological Impact Assessment and Defra Biodiversity Metric. It is concluded that the proposal would fail to achieve a net gain in biodiversity which is against the requirements of planning policy and the Environment Act 2021.
132. However, the applicant has confirmed that they wish to address the proposed biodiversity losses by a financial contribution to provide the required offset. As

advised by the Councils Ecology team the amount of financial contribution therefore required to ensure a minor net gain will be £7,000.00. The applicant has agreed to secure this by a Section 106 planning agreement.

133. Subject to the above, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework subject to adherence to the working methods outlined in Section 6 of the EclA Report being conditioned.

Heritage and Archaeology

134. Policy 44 (Historic Environment) of the County Durham Plan seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
135. The application site is not located within a Conservation Area and there are no Listed Buildings or structures within the immediate vicinity. The Council's Archaeology Team have been consulted and comment that the site is known to be of an historic potter which was shown on the first edition Ordnance Survey of 1850s and was cleared around the 1940s. Remains of this historic potter may still survive and therefore, archaeological works in the form of a watching brief is required to allow recording of any remains that may be encountered which can be secured via condition.
136. In conclusion, subject to the imposition of planning conditions to secure a watching brief and relevant required work on the site from an archaeology perspective, the proposal accords with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.

Drainage

137. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
138. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

139. The site is not located within a flood zone. The application is supported by a Flood Risk Assessment and a Drainage Strategy. The drainage strategy proposes to attenuate water on the site using an attenuation tank and then discharging it at a greenfield run off rate. The Lead Local Flood Authority have reviewed the submitted information and confirm that the proposed drainage strategy is acceptable from their point of view. Subject to adherence to the approved drainage documents, no further drainage conditions are required.
140. The application is considered to demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by Policy 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

141. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
142. Policy 56 of the CDP seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56.
143. The Coal Authority confirm that the application site falls marginally within the defined Development High Risk Area. Their records indicate that the potential zone of influence of an off-site recorded mine shaft abuts the northern site boundary. The Coal Authority has reviewed the submitted information and confirm they are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority have no objection to the proposed development but state that more information in regard to ground conditions and foundation design may be required by Building Regulations which is outside of the planning remit.
144. Concerns have been raised by members of the public in relation to the quality of the land as it is believed to have been used as a landfill in the 1960s/70s. In considering this, the Contaminated Land Team have been consulted and comment that a Phase 2-3 report to include ground gas risk assessment and a remediation strategy will be required for the development as well as a Phase 4 verification report to verify the required works have been carried out. This can be secured via planning conditions.
145. With this condition, the proposal is considered to comply with CDP Policy 32 and 56 of the County Durham Plan and National Planning Policy Framework Paragraph 183.

Sustainability

146. Criterion c) of CDP Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
147. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
148. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
149. No energy assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.
150. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Other Matters

151. Policy 27 of the County Durham Plan relate to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
152. In considering this policy requirement, due the location of the development near Bishop Auckland, there will be existing high-speed broadband availability in the area to comply with Policy 27. A condition will be imposed requiring the precise broadband details to be submitted which is considered to comply with Policy 27 of the County Durham Plan.

CONCLUSION

153. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.

154. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. However, Policy 6 of the CDP does permit development on unallocated sites on the basis that specific criteria are met. It is concluded that the development of this application site for housing would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character, is sustainably located with access to public transport and services, acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
155. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of site, it is not considered that this would cause harm to the wider area given the bounds of the application site between the A688 and existing residential development. An acceptable landscaping scheme has been devised which will be carried out on the site to aid in assimilating the site into its wider context. The proposal complies with Policies 29 and 39 in this regard.
156. Concerns have been raised by members of the public in terms of the highway safety implications of the development. However, these concerns have been taken into consideration in the assessment of the application, with the Council's Highways Team reviewing the details and having no objection to the development. Conditions will be imposed onto the consent to require specific engineering details of the new access and for this to be completed prior to the first occupation of any of the units. On balance the proposal complies with Policy 21 in this regard.
157. In terms of the residential amenity, concerns have been raised in relation to the loss of privacy and the impact of the development upon existing residential dwellings. The proposal does comply with the required separation distances as set out under the Residential Amenity Standards Supplementary Document with the exception of Plot 10 which would have a substandard relationship. However, this substandard relationship will be outweighed in the planning balance when considering the affordable housing the site will bring to the area, alongside its compliance with other policies in the plan.
158. In regard to the open space requirement, whilst a contribution of £24,347.00 is sought for open space to be secured via a Section 106 agreement, the applicant has submitted a detailed viability appraisal setting out in details the costs and revenues associated with the development. This has been reviewed by the Council's Viability Team and they advise that based on this information the open space contribution could not be borne by the development and would make it unviable for the scheme. The benefits of providing affordable dwellings on the site outweighs this in the planning balance.
159. The proposal is considered to comply with the requirements of the policies of the County Durham Plan in relation to ecological impacts, drainage, ground conditions and archaeological considerations.

160. Overall, the proposal is considered to be acceptable and in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 44 and 56 of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework. Accordingly, the application is recommended for approval subject to a Section 106 Agreement.

Public Sector Equality Duty

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

RECOMMENDATION

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

- A financial contribution totalling £7,000.00 to deliver biodiversity net gain; and
- Provision of 100% affordable housing on site in perpetuity.

And the following conditions:

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

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

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

- Location Plan. Drawing Number: 19007/L01 received by the Local Planning Authority on 5th April 2022
- Site Plan. Drawing Number: 19007 F01 Rev L received by the Local Planning Authority on 5th April 2023
- Landscape Plan. Drawing Number: 832/LA1B received by the Local Planning Authority on 7th March 2023
- Plot 01 Elevations. Drawing Number: 19007 P10 received by the Local Planning Authority on 5th April 2022
- Plot 02 – 04 Elevations. Drawing Number: 19007 P11 received by the Local Planning Authority on 5th April 2022
- Plot 05 – 06 Elevations. Drawing Number: 19007 P12 received by the Local Planning Authority on 5th April 2022

- Plots 07-08 Elevations. Drawing Number: 19007 P13 received by the Local Planning Authority on 5th April 2022
- Plots 09 – 10 Elevations. Drawing Number: 19007 P16 received by the Local Planning Authority on 5th April 2022
- Plots 11 – 12 Elevations. Drawing Number: 19007 P14A received by the Local Planning Authority on 8th September 2022
- Plots 13 – 14 Elevations. Drawing Number: 19007 P15A received by the Local Planning Authority on 8th September 2022
- Floor Plans – Plots 01 to 14. Drawing Number: 19007 P27A received by the Local Planning Authority on 8th September 2022
- Floor Plans 4B6P House. Drawing Number: 19007 P24A received by the Local Planning Authority on 8th September 2022
- Floor Plans 2B3P Bungalow. Drawing Number: 19007 P20 received by the Local Planning Authority on 5th April 2022
- Floor Plans 2B3P Wheelchair-User Bungalow. Drawing Number: 19007 P21 received by the Local Planning Authority on 5th April 2022
- Floor Plans 3B5P Bungalow. Drawing Number: 19007 P22 received by the Local Planning Authority on 5th April 2022
- Floor Plans 3B5P House. Drawing Number: 19007 P23 received by the Local Planning Authority on 5th April 2022
- Roof Plans. Drawing Number: 19007 P30 received by the Local Planning Authority on 5th April 2022
- Flood Risk Assessment and Drainage Strategy by Portland Consulting Engineers Reference: 2020012 Rev H received by the Local Planning Authority on 15th May 2023
- Drainage Strategy. Drawing Number:000-00 Rev M received by the Local Planning Authority on 15th May 2023

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 43; of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework.

3. Notwithstanding the information shown on the submitted plans, no development shall commence until details of the means of access, including the engineering and construction details, layout and phasing of works have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan (Appendix 1: Tree Protection Plan as included in Arboricultural Impact Assessment by Dendra dated March 2022) to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

5. No development shall be carried out unless in accordance with the 'Ecological Impact Assessment' prepared by Dendra dated 7th March 2023.

Reason: To conserve protected species and their habitat in accordance with Policy 41 of the County Durham Plan.

6. Notwithstanding any details of materials submitted with the application, no development shall be carried out above damp proof course level until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

7. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

8. The development shall not be occupied until the archaeological post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

9. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Ground gas risk assessment and Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. electric vehicle charging point per dwelling as shown on 'Site Plan' Drawing Number: 19007 F01 Rev L shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity unless replaced with an equivalent or better low carbon vehicle power source.

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12. Prior to the first occupation of any of the dwellings hereby approved, bat and bird boxes as shown on Figure 7 of 'Ecological Impact Assessment' by dendra dated 7th March 2023 shall be installed on the site and remain so in perpetuity.

Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. Prior to the first occupation of any of the dwellings hereby approved, the boundary treatments as detailed on 'Site Plan' Drawing Number: 19007 F01 Rev L shall be fully installed on the site and remain so in perpetuity.

Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.

14. Prior to the first occupation of any of the dwellings hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan.

15. The development shall be carried out in accordance with 'Noise Impact Assessment' prepared by Apex Acoustics received by the Local Planning Authority on 5th April 2022.

Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.

16. The drainage for the approved development shall be completed in accordance with the following:

- Flood Risk Assessment and Drainage Strategy by Portland Consulting Engineers Reference: 2020012 Rev H received by the Local Planning Authority on 15th May 2023
- Drainage Strategy. Drawing Number:000-00 Rev M received by the Local Planning Authority on 15th May 2023

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2 Part 1 Class A, AA, B, C, D or E for Plots 7, 8, 9 and 10 only shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

18. In undertaking the development that is hereby approved:

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

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

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

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

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

19. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme (Landscape Plan Drawing Number: 832/LA1B) 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.

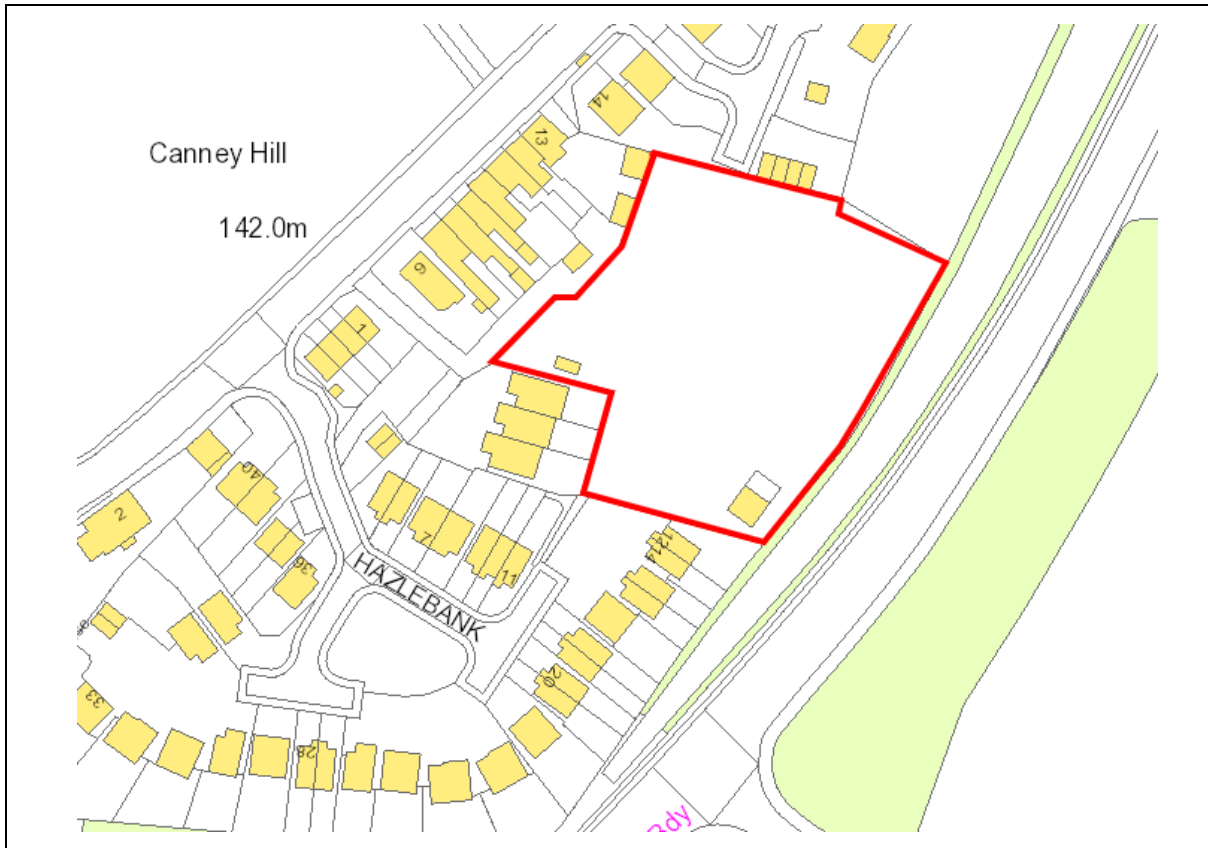
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Strategic Housing Market Assessment 2019
County Durham Plan Building for Life Supplementary Planning Document 2019
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>14no. Affordable rent dwellings comprising 10no. wheelchair user bungalows and 4no. houses with associated landscaping and access</p>	
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	<p>Date: 22nd June</p>	