



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>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 15th June 2023</p>	