



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No: 1/2011/0062 & 1/2011/0091

Full Application Description: Planning permission and Conservation Area Consent for the demolition of existing storage barn and for the erection of two detached dwellings.

Name of Applicant: Mr N Graham

Address: Greystone
Crow Hall
Lanchester
County Durham
DH7 0QJ

Electoral Division: Lanchester

Case Officer: Louisa Ollivere
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The Site: The site subject of this application is part of the rear garden land of Greystones property and a parcel of grassed open land within the north eastern corner of this small residential estate of Bishops Meadow which lies at the bottom of Maiden Law Bank in the village of Lanchester. The site is surrounded by housing to the north, south and west and pasture land to the east. The site topography is flat. A former barn building is sited adjacent to the western site boundary within the garden land of Greystone. The site is within the Lanchester Conservation Area and an Area of High Landscape Value. The western part of the site lies within the Lanchester village development limit and the eastern part of the site lies outside of this limit.
 2. Proposal: This application seeks conservation area consent for the demolition of the existing storage barn and planning permission for the erection of two detached
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dwellings on the site.

3. The barn that is proposed to be demolished is fully located with the garden of Greystone and originally formed part of the Crowhall Farm that once occupied the land. It is of traditional random rubble stone construction with a natural slate pitched roof. It is currently unused and in a poor condition. There is an extant planning permission for the partial demolition and rebuilding of this barn.
4. The proposed two new dwellings would each be five bed dwellings with an integral garage. The dwellings would be two storey in height with the second floor within the roofspace. Dormer windows and conservation rooflights would be incorporated within the roof. The materials proposed for construction are natural stone for the walls and slate for the roof. Windows and doors are proposed to be UVPC.
5. Each dwelling would incorporate a double width driveway to the front with access onto the existing Bishops Meadow estate road.
6. A Leylandii hedgerow would be lost as a result of the proposal. One Willow and two Oak trees adjacent to the site would be unaffected by the proposals.
7. These applications are being reported to Committee as Lanchester Parish Council have objected to the development.

PLANNING HISTORY

8. In 1988 a planning application for residential development was refused.

In 1991 an application for a proposed new workshop and offices was refused.

In 1996 planning permission was granted for a sun lounge at the front.

In 19978 outline planning permission was granted for the erection of 4 dwellings.

In 2000 planning permission was granted for the demotion of crow hall farm and erection of five dwellings.

In 2001 planning permission was granted for seven detached dwellings.

Planning permission was granted for a porch and dormer window to the front and a first floor extension to the rear and a detached garage and 3ft high wall.

In 2003 planning permission was granted for a new dwelling to the area and partial demolition of an outbuilding to provide a garage.

In 2008 planning permission was granted for a detached garage with 3 parking bays.

PLANNING POLICY

9. **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

PPS 3 – Housing – Amongst other things, the policy stresses the need: to ensure that everyone has the opportunity to live in a decent home; to increase affordability; and to create sustainable, inclusive, mixed communities in all areas. Housing should be well designed and built to a high standard. It should be easily accessible, well connected to public transport and community facilities, complement neighbouring buildings and the area generally in terms of scale, density, layout and access. Development should create or enhance a distinctive character that is well related to the surroundings. There should be a variety of high quality market housing as well as affordable housing.

PPS 5 – Planning for the Historic Environment – These policies are material considerations that must be taken into account in arriving at development management decisions. Developers should provide a description of the significance of the heritage assets affected and the contribution of their setting to their significance. Where appropriate, this should include a desk-based archaeological assessment. In considering applications, LPA's should take into account the effect of an application on the significance of heritage assets. There should be a presumption in favour of the conservation of designated heritage assets. Where substantial loss or significance, permission should be refused. LPA's should treat applications favourably where they preserve elements of the setting that contribute to the significance. Opportunities should be identified that enhance / improve setting or significance. Enabling developments that secure the future conservation of an asset should be assessed against the disbenefits of departing from the development plan. Where the loss of the whole or part of a significant asset is justified, LPA's should require the developer to record and advance understanding of the asset's significance before it is lost.

PPS 9 - Biodiversity and Geological Conservation - Decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests, giving appropriate weight to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

PPG17 – Planning for open space, sport and recreation – sets out the governments requirement to protect open spaces and playing fields from development and loss of open space for amenity use. Justifications are outlined mainly for sports fields.

PPS22 – Renewable Energy – Covers naturally occurring and repeated energy flows from the wind, the fall of water, the movement of oceans, the sun and also from biomass. It does not extend to offshore renewables. The Government's energy policy aims to cut CO2 emissions by some 60% by 2050 with real progress to 2020 and to maintain reliable and competitive energy supplies. The wider environmental and economic benefits of all proposals for renewable energy

projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. Planning applications should not be rejected because of the limited level of output from small scale projects. Community engagement should be promoted by Local Authorities and Developers for such schemes. Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimized through careful consideration of location, scale, design and other measures. LPA's and developers should consider the opportunity for incorporating renewable energy projects in all new developments.

PPS 23 – Pollution Control – The Government is committed to using the precautionary principle included in the 1992 Rio Declaration. Although the planning and pollution control systems are separate, they are complementary. In considering applications, the potential for contamination to be present must be considered. Any risks arising must be properly assessed developments must incorporate any necessary remediation and subsequent management measures to deal with unacceptable risks. Opportunities should be taken wherever possible to use development to assist / encourage remediation of contaminated land.

PPS 25 – Development and Flood Risk – Positive planning has an important role in delivering sustainable development. Proposals should take account of the avoidance of / reducing present and future flood risk whether inland or on the coast, including taking opportunities to utilise flood risk management plans, sustainable drainage systems, flood storage measures, re-creating functional floodplains and the setting back of defences.

10. **REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

- **Policy 2** - Sustainable Development (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development).
 - **Policy 8** - Protecting and Enhancing the Environment (which requires new development to maintain local distinctiveness).
 - **Policy 28** – Gross and Net Dwelling Provision (which requires details of a 5-year land supply of housing to ensure supply meets demand).
 - **Policy 29** – Delivering and Managing Housing Supply (requires the re-use of previously developed land to meet national and regional targets).
 - **Policy 31** - Landscape Character (planning proposals should, sustain nationally, regionally and locally valued landscapes).
 - **Policy 32** – Historic Environment – Planning proposals should seek to conserve and enhance the historic environment by encouraging refurbishment & reuse of appropriate disused / under-used buildings and seeking to preserve in situ nationally important archaeological sites and other
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remains of regional / local importance. Opportunities of heritage led regeneration should be used in a constructive way to achieve social / economic regeneration and encourage its potential for business, education and tourism

- **Policy 33** - Biodiversity and Geodiversity (proposals should ensure that the Region's resources are protected and enhanced to return key resources to viable levels).
- **Policy 39** - Renewable Energy Generation - planning proposals should, facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources by 2010.

11. LOCAL PLAN POLICY:

- **Policy GDP1** – General Development Principles – outlines the requirements that new development proposals should meet.
 - **Policy HO5** – Housing Development on Small Sites – Lanchester is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
 - **Policy HO7** – Development Limit for Lanchester and Burnhope – restricts new housing development outside the development limit for Lanchester
 - **Policy EN6** - Development within Areas of High Landscape Value - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.
 - **Policy EN11** – Trees and Development – states that throughout the district existing trees should be retained where possible.
 - **EN14** – Demolition in conservation areas – will only be permitted where the demolition will preserve or enhance the character or appearance of the area, or the demolition would enable a use or redevelopment which would enhance the appearance of an area and an acceptable replacement development has been granted planning permission.
 - **EN23** – Wildlife Corridors – when considering development regard must be had to the need to maintain the nature conservation value and integrity of The Browney Valley and if they do impinge on the corridor compensatory measures should be incorporated.
 - **Policy EN 27** – Development on or close to Landfill and Contaminated Sites permission will only be granted within a 250m radius of a landfill site, or mine workings, or on / adjacent to a contaminated site if the developer: (A) provides the results of an expert investigation to detect and monitor the presence and likely effects of any gases, leachates, corrosive materials, groundwater areas of permeable sub strata and the potential for subsidence within / around the site; and (B) identifies a detailed remediation programme to resolve known / potential problems to make the site, proposed development and surrounding area safe and stable.
 - **Policy TR2** – Development and Highway Safety – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.
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The Lanchester Village Design Statement – outlines guidance to conserve the valued aspects of the village and the land around it and seeks to enable appropriate development based on guidance and aspirations

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

National Planning Policy <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/>

Regional Planning Policy http://www.gos.gov.uk/gone/planning/regional_planning/

Local Planning Policy <http://www.durham.gov.uk/consett>

CONSULTATION AND PUBLICITY RESPONSES

12. STATUTORY RESPONSES:

Durham County Council (Highways): Advises that the principle of vehicular access to this site was granted by Derwentside District Council in 1997, against highway authority advice. In 2001 consent was given to an application for seven dwellings on the site. In 2002 there were two no. applications related to residential development at the adjacent garage site, including proposals that would have reduced the number of A691 vehicular accesses arising from the two sites from three to one. The first 2002 application was withdrawn and the later one was refused by Derwentside District Council.

As a result of Derwentside DC's consents, the Officer informs that the highway authority sought to ameliorate the situation, as far as possible, by creating an 's' shaped entrance road in order to maximise the junction offset distance between junctions at the Maiden Law road and the western garage access. It is that arrangement which exists today. Bishops Meadow is an adopted highway.

The Officer notes that this current proposal is to increase the number of properties served by Bishop's Meadow from 7 to 9. The Officer understands that the road leading to the east of the site (ie towards the uphill slope) is now deemed 'greenfield' in planning terms by DCC Planning Officers and unsuitable for further development.

Despite the shortcomings of the Bishops Meadow alignment and proximity to A691 junctions either side, the fact is that the Bishops Meadow highway is now built. The Officer therefore reluctantly considers that it would be difficult to sustain a highways refusal based on the additional traffic movements arising from two dwellings alone. In reaching that conclusion the Officer gains some comfort in that the current application would essentially complete 'infill' development within the bounded Bishop's Meadow site, and for which much stronger planning and highway reasons exist to oppose any subsequent proposal that it serve development on greenfield status land to the east.

The Officer advises that it will be necessary for the applicant to enter into an agreement under section 278 of the Highways Act 1980 in order to allow the required footway and dropped kerb works within the existing public highway verge to be carried out and that it may also be necessary to relocate an existing Council lighting column.

13. Natural England: state that as the County ecologist is satisfied with this proposal in

its revised form that they have assessed the bat survey against their standing advice and concluded that the application does not involve a medium or high risk building as defined in their standing advice and that permission could be granted (subject to other constraints) and that the authority should “consider requesting enhancement”. They also advise that the application be assessed against the standing advice in relation to badgers, barn owls and breeding birds, water voles or white clawed crayfish.

14. The Environment Agency: Originally objected to the application on the grounds that the Flood Risk Assessment submitted with the application did not comply with the requirements set out in Annex E, paragraph E3 of planning policy statement 25 in that it did not consider Flood emergency planning and surface water flooding. However they have subsequently withdrawn their objection providing that a condition is attached that the development is carried out in accordance with the approved flood risk assessment addendum 01 and its mitigation measures.
15. The Coal Authority: confirm that the application site does not fall within the defined Coal Mining Development Referral Area. They consider that there is no requirement to consider coal mining issues in any further details as part of this planning application. However they advise that if this proposal is to be granted planning permission that it will be necessary to include the Coal Authority’s standing advice within the decision notice as an informative note to the applicant in the interests of public health and safety.
16. Northumbrian Water: Have no objection to the proposed development.

INTERNAL CONSULTEE RESPONSES:

17. Durham County Council (Sustainability Officer): Has not commented to date.
18. Durham County Council (Landscape Officer): Advises that there is one small poor willow and two large prominent English oak trees located to the rear of Greystones, and that all three trees are located within the hedge line which runs north east to south west. It is advised that the willow is not protected under Tree Preservation Order (TPO) however is within the Lanchester conservation area, it is also advised that both oak trees are individually protected under TPO legislation 088 Crowhall Farm. The Officer confirms that the Leylandii hedge does not hold any amenity value, however advises that it should be checked for nesting birds before any removal (*Wildlife & Countryside Act 1981*)

The Officer advises that even though the two mature oak trees are located away from the proposed development, both trees should be protected prior to development. The Protection methods must comply with BS 5837 2005 and all tree protection must comply with BS 5837 2005

19. Durham County Council (Drainage engineer): Has no objection to the proposed development; however he points out that there are no details for surface water drainage. He notes that the flood risk assessment states that the development will be positively drained and not reliant on infiltration and that this goes against PPS25
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and the Building Regulations Part H. Also due to the known flooding problems within Lanchester he recommends that the surface water from the development is drained into soakaways and is positively drained as a last resort.

20. Durham County Council (Contaminated Land Officer): Has not commented to date.
21. Durham County Council (Design and Conservation Officer): Advises that the site is within the Lanchester Conservation Area and that the impact of the proposal upon the character and appearance of the Conservation Area, the existing site and the surrounding area should be material considerations in the determination of the applications. The Officer considers the proposed dwellings would match those on the existing housing estate and would therefore relate well to the existing development and to surrounding buildings and the landscape. It is considered that the proposal would relate acceptably to the constraints of the existing site, surrounding area and would not adversely affect the character and appearance of the Conservation Area. The Officer therefore has no objections to the principle of the proposal but advise that the following matters should be agreed by condition:
 - Method statement for demolition the barn
 - External materials to match those of existing Bishops Meadows development, sample details to be agreed by condition.
 - Landscaping scheme.
22. Durham County Council (Ecology): Considers that the amended bat report is fine and addresses the issues previously raised. He can see no reasons to object on ecological grounds. If possible he suggests that a condition be attached with regard to section '5.0 Recommendations' in the revised report relating to restricting the demolition works to outside of bat hibernation period, adherence to method statement and the installation of a bat tube within each building.
23. Durham County Council (Environmental Health): Recommend that if permission is granted a condition is imposed regarding contamination issues and a condition is attached restricting hours/days of building work and deliveries.

24. **PUBLIC RESPONSES:**

Thirteen letters and e-mails of objection have been received to date from ten neighbouring residents whose concerns are summarised as follows:

25. *Objections to the principle of development*

- One of the specific objectives of the Derwentside Local Plan is to provide and maintain adequate levels of open space within existing settlements and new development for the purposes of recreation, wildlife and habitat conservation, rain water absorption and as a visual balance to the buildings and works. The proposed development is not in accordance with any of those principles.
 - The barn is protected in the PPS3 declassification and is further protected
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under PPS5.

- The reclassification of the garden and the barn as Greenfield under PPS3 gives the local planning authority (LPA) the power to reject this planning application as it comprises two new dwellings on Greenfield land that is objected to by local people and will have a significant detrimental effect on the character of the Bishops Meadow seven house estate.
- The site is not a sustainable site.

26. *Concerns over loss of open space*

- The area is landscaped as per the original intention of the developers and it is well maintained by contractors and provides significant amenity value to residents and their children.
- Relevant policy dictates that it is important for LPA's to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.

27. *Residential Amenity*

- There will be a considerable loss of daylight to our property due to the positioning of the proposed house very close to us and well forward of our building line together with this height.
- The raised level of the houses will greatly reduce our privacy and that of our neighbours.
- The development would impair our privacy as the gardens are too small for children to play in so they would play elsewhere.
- The development will have a detrimental impact upon new residents and those at number 2,3,4,6 and 7 in terms of light, outlook and privacy.
- Garden space within the plot is not sufficient for a 5 bedroom family home.
- The proposed and existing properties of 6 and 7 Bishops Meadow would have a significant number of principal windows that will be directly facing each other at the nominal distance of 17.5m. There would be significant detrimental impact upon the residential amenity of these neighbouring properties both old and new in terms of light availability, outlook and privacy.

28. *Concerns over highways safety*

- There will be a significant increase in traffic using this already hazardous junction.
 - There is already planning permission for a house with access from the A6096.
 - Such development clearly defeats the object of constructing the bypass. Will we reach a point where we will need another by-pass?
 - Why is an access onto the A6076 considered unsuitable, this would be safer as that road is far quieter than the entrance to the close?
 - Turning in and out of the close onto the main road is at the best of times hazardous which is sure to be made more dangerous with additional traffic from homes in the close in the long terms.
 - In the short term I am concerned about construction traffic making the close dirty and slippery particularly at the junction.
 - Since the close was completed the petrol station has come back to life which adds to the dangers/hazards of getting in and out of the close.
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- The access junction to Bishops Meadow is not clearly defined and does not therefore provide a safe point of access or exit from the estate.
- The off street parking facility for the two houses does not appear to be adequate for the size of the properties and the resultant on street parking would severely restrict pedestrian access and free moving of visiting vehicles on the estate resulting in the estate no longer being the safe place for children to play that it currently is.
- The isolating effect of the A691 does not allow safe pedestrian and cycle access to and from local service in Lanchester, especially access to local facilities and primary schools
- The position of the off road parking for the properties opposite number 6 and 7 implies that any form of on-street parking will not be possible if free movement of vehicles is to be maintained.
- On-street parking elsewhere by visitors or service vehicles will require the restriction of pedestrian access and further loss of amenity.
- Traffic is presently unable to leave the existing estate access junction safely at peak times and has to turn left to travel through the village adding to traffic problems in the village.
- The A691/A6076 Junction has 1-2 road traffic accidents per year requiring the attention of the emergency services.
- The estate already suffers from on-street parking by students of St Bedes, their parents and driving instructors. This restricts use of pavement and pedestrian access and this development would worsen the situation.
- During the 1997 planning application for four houses DCC highways recommended refusal of the application on the grounds of highways safety that the increased use of the existing access, together with the generation of additional conflicting traffic movements (in the vicinity of a junction with a previous history of road traffic accidents) resulting from the proposed development, would be prejudicial to highway safety. The access road by reason of its poor alignment and substandard junction with the A691 is considered unsuitable to serve as a mean of access to the proposed development. This recommendation was repeated under the subsequent detailed application for five houses.
- The problems with the access to and from that estate have increased since the opening of the service station with the additional traffic it generates including three fuel deliveries by tankers.
- The access junction is not clearly defined as it is confused with the filter lane for the A6076 junction and the petrol station. It does not provide a safe point of access and exit to the adopted road network.
- The developer cannot carry out work on the existing highway without a Section 278 agreement under the Highways Act 1980.

29. *Concerns regarding the impact upon the character of the area*

- Lanchester has a degree of protection with Conservation Area status and Tree Preservation Orders in order to enhance Lanchester as a whole and protect its wildlife. Such development will act as a threat to this protection.
 - The height of these properties will be detrimental to this locality, where views up and along the bank will be diminished.
 - No reference has been made to the trees on the open space.
 - The development requires the demolition of a heritage asset which is currently in a good condition and in use and the development does not
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maintain or enhance the landscape asset of the barn.

- The houses would not be in keeping with the original houses as the design is too large and the gardens are too small.
- The barn that is to be demolished is in sound structural condition and in regular use. It only requires minor repairs to the pointing slates and rainwater goods.
- The fact that that garden boundaries has now been increased underlines concerns that the garden areas are too small to serve a family home and acknowledges the weakness of the proposal with regard to Local Policies GDP1 and ho5 and the principle of the development.
- The amended plans do not improve the quality of the proposal. The acute angles within plot will not allow for the creation of a well designed, safe and stimulating play area. The rear gardens of both plots will also remain in shade from the houses and the boundary wall for most of the day.
- The application intends the demolition of a heritage asset; the structurally sound and useful stone barn with slate roof. It gives character to the Bishops Meadow Estate and its loss is not appropriate to the form and cultural heritage of Fenhall/Crow Hall area of Lanchester. Development would not maintain or enhance the landscape character or the heritage asset of the barn.
- The barn compliments the stone and slate construction that is required at his location in accordance with Derwentside Local Plan Policy GDP1. It has been positively identified as having a degree of significance by meriting consideration in this and previous applications, the barn is a heritage asset and policies HE7, HE8 and HE12 of PPS5 also apply in support of its retention.
- The Derwentside Local Plan states that many undesignated buildings are crucial in forming the character of the Conservation Area. Buildings and structures should be retained unless it can be demonstrated that demolition or redevelopment would be of greater benefit to the locality. The barn is a greater asset to the locality than two 5 bedroom houses and a significant loss of open space.
- The demolition of the barn will remove the last remaining link in the built environment to the previous history of the site within the Conservation Area.
- A previous application recognised that the garage had greater value for redevelopment through retention in preference to total demolition.
- The existing design principles of Bishops Meadow are compromised by the proposal as it is inappropriate to the existing pattern and form of development of the settlement.
- The footprint of the individual plots proposed is markedly different to what currently exists in Bishops Meadow; particularly with respect to the scale and height to the neighbouring dwellings and their design features and amount of garden and offstreet parking provision.
- The character and appearance of the Lanchester Conservation Area relies as much upon the spaces between buildings as on the buildings themselves. The sub-division or development of these open spaces or gardens will nearly always have an adverse effect on the character of the area.

30. *Concerns regarding flooding*

- Flooding is a great concern; the area is a designated flood plain. The water
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from Mr Graham's garden is channelled into a ditch approximately 3 feet deep between the end of the garden and the grassed amenity area. After heavy rain this fills to at least half the capacity and gradually soaks away. Where would this water now go?

- In the flood report relating to the previous application in 2006 no account seems to have been taken of the effect on houses lower down i.e. 1 and 2. The water flow from the field to the east which has two retaining ditches is very considerable. After heavy rain the road is flooded and twice man hole covers have been lifted away by the force of water. The gardens of numbers 1 and 2 have become much wetter following the construction of the garage by Mr Graham some two years ago due to obstruction of water flow.
 - The forward thinking of the met office is that we shall have heavier rain in this area.
 - There are clearly issues on the site with regard to the water table levels and water flows, as this is positioned as the bottom of a bank and has been subject to flooding for many years, with substantial amounts of water running down from the adjoining fields.
 - The Flood Risk Assessment is clearly a few years old and most certainly weather conditions have changed, the report seems to be in respect to a previous plan and not the current plans.
 - The Flood Risk Assessment only deals with the new properties and not the potential risks to other dwellings – what will be the impact upon my property?
 - The close and the garage have suffered recently from flooding.
 - Since the applicant built his garage my garden is wetter and plants no longer thrive. With larger proposed changes in the lay of the land I'm really concerned about the effect on my property which is the lowest in the close.
 - The difference heights between Greystone and the close create a natural drain currently and once field the water will need to run somewhere else from the fields etc.
 - The existing garage guttering has fallen and not been replaced due to poor design and fixing and the water from the roof is now being dumped on a small area of land which is affecting my garden and possibly boundary wall. It is this disregard for his neighbours and their property that troubles me with this new development.
 - The development of single dwelling within the Greystone boundary reflecting the principles of the 2003 application would be more acceptable to that currently proposed.
 - The Flood risk addendum makes no reference to potential effects of development on the existing settlement of Bishops Meadow, particularly neighbouring properties.
 - Contrary to the claim within the FR Addendum that both properties feature extensive grassed garden areas to the front and rear which will allow natural absorption, the gardens are very small and existing surface drainage would be significantly reduced if they were built.
 - The house would be built on an area of soft ground that currently serves to allow surface water drainage from the foot of the hill. The drainage function would be lost to the proposed development.
 - The Flood Risk Assessment submitted does not apply to the development but a previous application at Greystones, it does not address ground water, nor does it acknowledge the frequent flooding in the area that runs down
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Howden Bank and from the hillside adjacent to Bishops Meadow which collects in the access road and next to the petrol service station.

31. *Concerns regarding non-conformity with Planning Policy*

- The amended plans lead to the increase loss of the Greystone garden to the development. This accentuates the problems of the proposal in terms of PPS3 and the protection of Greenfield from new development.
- The increased use of residents cars for short journeys is unsustainable and not in accordance with PPS1 and policies GDP1, HO5 and TR3 of the Derwentside Local Plan.
- The proposal is not in accordance with PPS1, PPS3, PPS5, PPS9, RSS Polices 2, 7, 24, 29 and 33 and Derwentside Local Plan Policies GDP1, HO5, HO7, EN11, EN13, EN14, EN16, EN23, RE2, TR2 and TR3 and the Lanchester Village design Statement.

32. *Concerns regarding impact upon local wildlife*

- A general objective of the local plan is to conserve and enhance the open countryside, scenic landscapes, wildlife and the heritage of the District. The Landscaped area is full of wildflowers in the summer between the grass cutting times and these flowers attract many insects including butterflies and bees. Birds feed in and around this space and nest in the nearby hedges, shrubs and trees.
- The fields behind Bishops Meadow are part of the wildlife corridor and this is enhanced by the mature trees of Greystone and the landscape planting and grassed open space. The features would be lost to smaller areas of landscaping associated with this development.
- There is the potential for this application to impact upon wildlife due to potential effects on biodiversity should the trees be adversely affected by changes to surface water or ground water drainage. The bat survey report submitted does not include the trees, only the stone outbuilding and is therefore considered inadequate.
- The landscaped area includes a large and mature elderberry bush, dense evergreen shrubs including laurel, trees of Silver Birch and Mountain Ash providing cover for birds and an open area to grass. The mown grassed area offers suitable habitat for wild flowers which provide important feeding and breeding habitats for a variety of birds and invertebrates and these habitats are not available on the adjacent pasture.

33. *Concerns regarding impact upon trees*

- Two Silver Birch and one Mountain Ash tree within the landscaped area would be lost to the proposed development and there would be no remaining area available in which to plant replacements. Trees within the Greystone garden, a Willow and Oak of high amenity value would be affected by the development contrary to the conclusions of the arboricultural survey as the report does not consider the effect of the development on land drainage and the level of ground water.

34. *Other Matters*

- The development would lead to a loss of view of the landscape and
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Conservation Area opposite.

- The proposed development will also adversely impact upon the value of our property due to the loss of the views.
 - We presume that the number of dwellings was previously limited with good reason.
 - Should this application be passed I am concerned about the project management of this development and it meeting whatever guidelines are restrictions that may be placed on it as past experience tells me with the last projects we can expect little or no consideration. Practical concerns over management of tree protection, the quality of the build and surveying, that shortcuts may be taken, that jobs may be left half done, that there will be major disruption during and immediately after construction.
 - If this is passed reassurance should be given as to measures that will be in place to control noise, controls over road cleaning, controls over working times, restrictions to car parking for construction traffic especially given parking issues at the estate (schoolchildren being picked up from here). Access still needs to be available to the fields from the close. Assurance should be given that the homes will be built to a high standard better than the applicant's previous developments and that the site will be monitored and checked.
 - The neighbouring fields are not a suitable alternative plot area due to irresponsible dog owners letting their dogs foul and some dogs being let off the lead may pose a threat.
 - Development of a single dwelling broadly along the lines of the approved application 1/2003/0418 within the existing curtilage together with the installation of new rain water goods to the barn would significantly reduce the loss of drainage that would occur than if the two houses were built and would alleviate the current problems of ponding and holding of significant quantities of water in the vicinity of the barn following heavy rainfall.
 - The site has already been finished hence the adoption of the roadway which effectively drew a line under the development programme intended for Bishops Meadow.
 - The road leading east towards the field beyond purposefully highlights the landscaped area against the boundary for of Greystone, it is highly unlikely that it was ever intended for housing.
 - The difference in ground level of approximately 2m down to Greystone garden and the engineering challenges this presents in building sound foundations and providing adequate soakaway drainage on made ground should also be noted.
 - Lack of garden space will lead to young children and youngsters gathering elsewhere and lead to risks of personal safety, undesirable influence and antisocial behaviour elsewhere.
 - The applicant has no understanding about the use of the importance and use of this land as he cannot see it from his property.
 - If approved this would set a precedent for similar inappropriate development east of the site. This is particularly relevant as the 1997 development limit is due for review under the Local Development Framework for the County.
 - The incorrect certification has been submitted therefore the application and any subsequent permission may be void.
 - We assume the applicants will be required to produce an environmental impact assessment.
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- Queries whether planning legislation allows for a notice to be served on an owner after the statutory 21 day consultation period has expired.
- Queries why the application has not been declared invalid when two different certificates have been put forward.
- The application is incorrect in that it states the applicant owns all the land in question.
- There was a public inquiry into land at the rear of my property in the past and the outcome was that development should not be permitted on this land, we would suggest that the same arguments will still be relevant now.
- The development will offer no benefits for the Lanchester community, as it is unlikely to be 'affordable' housing.

35. Lanchester Parish Council have objected to the application on the following grounds:

- The current design of Bishops Meadow allow residents to utilise the grassed area as a recreation amenity and this should be retained for residents use – there has been representation from residents who value this area.
- In addition to the recreation aspect of the grassed area, Members consider that the barn gives character to this corner of the village and wish to see it preserved.
- There seems to be some confusion of the ownership of the land in front of the proposed dwellings which requires clarification.
- Members are concerned over the flood risk elements on this designated flood plain. The documentation refers to the proposed dwellings and does not address the possible consequences to other properties. Members are aware of existing problems of persistent flooding in this area of the Parish.
- There is limited parking which is considered inadequate for dwellings of this size.
- The proposed development is significantly high in density compared to other properties in Bishops Meadows and includes building forward of the current building line.
- Members would query legislation regarding the development of garden areas and question whether the proposed development conflicts with PPS3.
- Members express concerns over additional traffic on the complicated already busy access / egress onto the A691 which will only be compounded by this development.
- In addition members refer to the aboricultural report 2.5 which states three proposed dwellings and would request clarification on this issue.

36. The Lanchester Partnership objects on the grounds that :

- The proposed development would encroach beyond the development limit for Lanchester. The proposes site partly includes the site of Greystone which is within the development limit but the site also includes the site of the former scrapyard (Bishops Meadow) which is explicitly outside the development limit.
 - When the Bishops Meadow development was approved there was very substantial environmental gain for Lanchester in that the removal of the scrapyard mitigated the breach of the development limit. There is no such mitigation in this proposal.
 - Special justifications for housing in the open countryside have not been
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provided.

- The application is contrary to Policy HO7 which states that 'no new housing development in Lanchester will be approved outside the development limit'.

37. APPLICANTS STATEMENT:

The proposed dwellings sit within an existing Greenfield area, albeit one recently created post scrap yard/agricultural use. The verge section of the site is not currently used as recreational space and is effectively a vacant anomaly left by the development of the Bishops Meadow estate. This has so far not been developed due to the fact that acquisition of land that currently forms part of the neighbouring Greystone's garden area would be required. However, the current owners of Greystone have endeavoured to create this application and develop the remaining part of the Bishops Meadow site with two sympathetically designed family dwellings which will compliment the existing streetscape and effectively finish off the site.

Part of the proposed site will also include an area of existing garden space of the Greystone property. This section of garden is rarely used due to the topography of the land owing to its history of industrial/agricultural use and it is proposed that the boundary of the new properties will provide an increased level of usability and manageability to the garden of Greystone.

The existing infrastructure of the Bishops Meadow estate including provisions for access and services is very favourable to this proposal and will ensure the realisation of two high quality sustainable family homes within the village of Lanchester and within the existing built up area of the settlement.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [\(link to webpage\)](#). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

38. The main issues to consider for this application are whether this is an appropriate location for residential development in principle, whether the loss of the barn is acceptable, whether the development would be acceptable in terms of neighbouring amenity, whether the design is in keeping with the character of the area, whether there are satisfactory safeguards for trees, to prevent flooding and for protected species and lastly whether there would be appropriate parking and access.

The Principle of the development

39. In terms of the principle of the development the main policy considerations are National Planning Policy PPS1 and PPS3 and RSS Policies 2 and 29 which aim to direct new housing to Brownfield Sites. PPS1 is also of relevance as it seeks to ensure that new developments are in sustainable locations. Local Plan policies of relevance are policies HO5 and HO7 and The Lanchester Village Design Statement which restrict new housing developments to areas within the Lanchester settlement and Lanchester Development Limit and policy GDP1 which seeks to protect open land which is recognised for its amenity value or the contribution its character
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makes to an area.

40. This site consists of garden land and a landscaped area of the housing estate that has been completed since 2003 and therefore the entire site would be classed as greenfield land rather than a brownfield site. There is a general presumption against the development of such sites in terms of National Policy PPS1 and PPS3. Whilst the site is greenfield and partly outside the village development limit and is an area of open space it is considered that there is justification in this instance for the development of this site. National guidance within PPS3 does not state that the development of small Greenfield land is wholly unacceptable but establishes that previously developed land is the most sequentially preferable location for development. Similarly policies 4 and 24 of the RSS seek to promote a sequentially preferable approach to development and site selection and utilising previously developed land where possible is a priority.
 41. With regard to the reclassification of garden land from brownfield to Greenfield land the Government's Chief planning Officer advised that "these changes emphasise that it is for Local Planning Authorities and communities to make decisions that are best for them and decide for themselves the best locations and types of development in their areas". Officers consider that the changes to PPS3 and the definition of previously developed land in June 2010 were not introduced to completely prohibit the development of small parcels of Greenfield land within built up areas. The revised guidance gives Local Planning Authorities greater powers to refuse those applications for residential development on garden land which are considered detrimental to the area.
 42. The garden land in question is a large backland garden area and is not characteristic of the other properties in the area and not highly visible within the Conservation Area. It does not make a significant contribution to the character and appearance of the Conservation Area. Furthermore there is still an extant planning permission for the development of the garden for a single dwelling which could still be implemented. Bearing this in mind it is considered that the garden section of the site is suitable for development.
 43. In terms of the landscaped open space area of the estate, the majority of the site consists of a flat grassed area but there are also some immature trees on site and some shrubs within the western section of the landscaped area. Whilst such landscaping does enhance and soften the appearance of the estate the loss of this small area of landscaping would not be significantly harmful to the character of the estate given that it is not long established and given the estate setting within the valley floor with hillside pastureland clearly visible to the rear.
 44. The grassed land is not of a size particularly suitable for recreational amenity purposes and as it contains immature trees this further reduces its amenity potential. It is considered that there are larger and more suitable areas of designated recreational space within walking distance of the site and within the village of Lanchester. Furthermore there is not a shortage of other recreational areas in the village and surrounds for dog walking and other recreational pursuits. Comments from objectors in relation to this area being used to access the fields for dog walking are noted however given that fencing exists along the estate boundary preventing access and that there is no designated public right of way to this land across this site it is not considered that there is a right to use the land for such
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access.

45. PPS1 and RSS Policies 2, 7 and 24 promote sustainable development and advise that new development is close to infrastructure, services and facilities. This site is close to services and facilities within Lanchester and has good transport links to nearby Consett as well as Durham and Newcastle, it is therefore a sustainable site.
46. The eastern section of this site does fall outside of the development limit of Lanchester contrary to policy HO7 of the Derwentside District Local Plan; This development would therefore be a departure from policy. However looking at the site in the context of the housing estate it is evident that the building line of this development would not extend east beyond the building line of this established estate and is therefore not considered that this development would appear as separate from this estate or result in an encroachment into the countryside.
47. Therefore the proposed development is not considered to be a harmful encroachment beyond the development limit. Bearing the above in mind it is considered that the principle of development whilst not being in strict conformity with National and Local Plan Policy would be acceptable in principle.

Loss of barn building

48. With regard to the demolition of the barn building Derwentside Local Plan Policy EN14 and PPS5 only allow for the demolition of buildings in Conservation Areas where there would be no harm to the character of the Conservation Area and where replacement development would enhance the character and appearance of the Conservation Area. In accordance with PPS5 a statement of significance has been submitted with regard to the barn building which concludes that the barn building is of little architectural merit and has been substantially altered over time in order to be adapted for a domestic garage use. The Design and Conservation Officer concurs with this view and considers that the building demolition is acceptable. It is therefore considered that the demolition and redevelopment would be generally in conformity with PPS5 and Derwentside Local Plan Policy EN14. Furthermore Members should be aware that there is an extant permission for the site that involves the partial demolition of this barn building therefore it is considered that the loss of this barn building carries little weight as a reason to refuse this application.

Residential Amenity

49. PPS1 and Derwentside Local Plan Policy GDP1 seek to ensure that neighbouring and future amenity is protected when considering new development. The dwelling proposed on plot 1 is approximately 23m from the front of property no.6 Bishops Meadow and the dwelling on plot 2 is approximately 19m from 7 Bishops Meadow. There are no privacy distances for facing properties, however the general rule of thumb regards appropriate distances between back to back properties is that a distance of 21m is acceptable, therefore it is considered that these distances are acceptable given that that one would anticipate a lesser degree of privacy at the front of properties. It is therefore considered that the privacy, light and outlook of neighbouring properties 6 and 7 Bishops Meadow would not be significantly affected by this development.

Property 2 Bishops Meadow is adjacent to plot 1 and therefore an assessment has

50. been made of likely impacts in terms of privacy, light and outlook for that property. The property only contains a small gable end secondary window which would face plot 1 and which presently faces onto the barn building. Bearing this in mind it is not considered that there would be significant negative impacts in terms of the privacy, light and outlook for this room. The light and outlook from the front of the property would still be adequate despite the proposed new dwelling being located slightly forward of the building line of Number 2 Bishops Meadow as the new development would accord with the 45 degree rule in relation to the neighbouring front windows.
 51. In terms of the privacy, light and outlook for the occupiers of Greystone, the proposed dwelling of plot 1 at its closest point would be approximately 12m from the gable end of Greystone which does contain some small windows. Whilst a distance of 12.5m is usually required between the rear of a property and a gable it is noted that the majority of windows of Greystone would be 12.5m or more away from the rear of plot 1 and are not principal windows. Therefore neighbouring light, outlook and privacy within the dwelling would not be significantly compromised. The greatest impact to Greystone would be to the privacy enjoyed within their garden area and the loss of the garden land, however given the size of the garden there would still remain areas where privacy would be afforded and there would remain a significant amount of useable garden space for the property.
 52. Bearing the above in mind it is also considered that there would be acceptable amenity for future occupiers in terms of light, outlook and privacy. Another issue in terms of the future amenity of residents is the amount of amenity space available for future residents. Concerns in regard to the small size of the rear gardens to serve these large 5 bedroom houses were raised and the applicants have now submitted amended plans indicating 9m of garden land at the rear to serve the two proposed plots. It is recognised that this is still a quite small garden size in relation to the property and it is noted that three comparable properties on the estate (3, 6 and 7) have slightly larger gardens of 11m and 10m in depth, however it is considered that the garden size is acceptable given that those properties are of a slightly larger footprint than those being proposed.
 53. As there is an extant planning permission for development within the garden land of Greystone an assessment has been made as to whether that application could still be implemented if this proposal were to be permitted in case there would need to be an assessment of the impacts in terms of light, outlook and privacy, however it is considered that planning permission 1/2003/0418 would not be able to be implemented if this development was granted permission as that proposal required only the partial demolition of the garage and part of the proposed dwelling site is within the proposed building area of plots 1 and 2.
 54. Local residents are concerned about possible disruption during the demolition and construction stages. However it is considered that this can be adequately controlled by attaching conditions controlling the method of demolition and to restrict construction or building work and deliveries outside of the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.30 Saturdays with no working on Sundays or Bank Holidays as advised by the Council's Environmental Health Officer.
 55. It is therefore considered that this development has been developed with both existing neighbouring amenity and the amenity of the future residents in mind and therefore accords with PPS1 and Derwentside Local Plan Policy GDP1.
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Impacts upon the character of the area

56. Derwentside Local Plan Policy GDP1 and The Lanchester Village Design Statement seeks to ensure that development is in keeping with the character of the area in terms of the built character and the landscape this is particularly important given the location with the Lanchester Conservation Area.
57. This estate within Lanchester, is characterised by modern detached two storey stone dwellings with dormer windows and rooflights within the roof and other features such as offshots at the front and rear although reference is made to the location within the Conservation Area through the incorporation of traditional features and materials.
58. The applicants have attempted to retain the character by designing the proposed properties of a footprint, size, height and design and materials very similar to the other properties on the estate. It is agreed with the Conservation Officer that the proposed development would relate acceptably to the surrounding area and not adversely affect the character of the Conservation Area. In order to ensure the development blends in well with the existing estate it is considered appropriate that conditions should be attached to ensure samples of materials are to be agreed and that landscaping details are submitted.
59. In terms of layout there is a small degree of variance with the majority of properties being laid side by side on this estate rather than being staggered as proposed. However it is noted that there is a slight stagger between properties 1 and 2 Bishops Meadow and the line of the stagger follows the line of the existing roadway within the estate so it is not considered that the layout would appear out of keeping within the estate.
60. It is therefore considered that the proposed properties would be an acceptable addition to the Conservation Area and this streetscape in accordance with Derwentside Local Plan GDP1 and The Lanchester Village Design Statement.
61. The site as well as being within the Conservation Area is within an Area of High Landscape Value. Being sited at the bottom of this valley and behind and the side of existing built development the development site is not highly visible within the landscape setting and would not harm the visual character of the landscape.

Impact upon Trees

62. Derwentside Local Plan Policy EN11 seeks to ensure that when determining planning applications consideration is given to the effect of a proposed development on any existing trees either on the site or adjacent sites which do or would contribute significantly to landscape diversity, the setting of nearby existing and proposed buildings, wildlife habitats and visual amenity. In terms of mature trees, within the Greystone section of the site there is a Leylandi hedgerow and in close proximity are three other trees. The applicants have submitted an arboricultural survey of these trees to assess their value. The Leylandii hedge is considered of low quality and value to the landscape setting or diversity and therefore its loss is considered acceptable. A Willow tree has been identified as being in decline
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however it is advised to be retained for its wildlife value. An Oak tree has been identified to be of high visual amenity value and should be retained and protected. Lastly another Oak tree has been identified as in decline and it is advised that it be allowed to decline further to provide wildlife habitat, however, given its state the report advises that it may also be worth removing. A tree constraints plan has been drawn up for the proposal and confirms that the root protection areas of all three trees are outside of the proposed development area and therefore all these trees should remain unaffected by the proposed development. The findings of this report have been deemed acceptable by the County Landscape Officer therefore it is not considered that the proposal would have a detrimental impact upon important trees within this landscape. Whilst the comments from objectors in relation to the loss of trees in the landscaped area are noted these trees are not mature trees and have therefore not reached a stage where they could be considered to be of great visual or wildlife value.

Impact upon Ecology

63. In accordance with the Wildlife and Countryside Act 1981 impacts upon protected species must be taken into account by Local Planning Authorities in considering planning applications unless the decision could be found unlawful. This has been relayed into both National Policy (PPS9) and RSS Policy 33 and Derwentside Local Plan Policy GDP1.
 64. There is the potential for this application to impact upon wildlife as the proposal involves the demolition of the former barn building within this known area of ecological interest. A Wildlife Survey has been submitted with the application which suggests that there is no evidence that bats are using the building and that the building is unsuitable for maternity roosting purposes, however it did conclude that the wall could provide opportunities for hibernating bats and recommends that works to the building should be avoided during the bat hibernation period (November to March). A number of mitigation measures were also suggested to prevent disturbance to hibernating bats. It is agreed with the Ecology Officer and Natural England that it is appropriate to attach a condition to ensure that mitigation measures and the method statement are adhered to.
 65. Comments in relation to the possibility of flooding having an impact upon trees and a knock on impact therefore upon bats have been considered however this has not been raised as a concern by either the County Landscape Officer or the County Ecologist therefore this is not considered to be a significant concern.
 66. In terms of other wildlife in the area, as no trees of significant wildlife value have been identified as being effected by the development it is not considered that there would be a loss of important wildlife habitat. The comments of objectors in relation to the loss of wildflowers on the landscaped area which attracts bees and other insects are noted however these creatures are not protected and furthermore there are many other local grass verge areas which can provide such habitat.
 67. It is therefore considered that providing that mitigation methods and method statements of the bat survey are adhered to which can be subject to condition that the proposal would be in accordance with Planning Policy Statement 9, RSS Policy 33 and Derwentside Local Plan Policy GDP1.
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Sustainable Construction Issues

68. RSS Policies 38 and 39 seeks to ensure sustainable design and secure renewable energy. This application has not featured such detail however it is not considered appropriate to refuse this application on these grounds or attach a condition requiring such detail be incorporated given that this development is not a major development and given that is a regional policy rather than national or local policy requirement which should be afforded less weight.

Prevention of Flooding

69. PPS 25 requires proposals to take account of the avoidance of / reducing present and future flood risk including taking flood prevention opportunities. Derwentside Local Plan Policy GDP1 also aims to ensure that developments incorporate adequate provision for surface water drainage and incorporate measures to protect areas liable to flood from development. A small section of the western part of the site lies within flood zone 2 therefore this application was accompanied by a Flood Risk Assessment. The Flood Risk Assessment identified that part of the site lies within in 1:1000 year flood risk area but pointed out that the site level is some 1.0m above the 1:1000 year flood level. The Environment Agency originally objected to the development as the flood risk assessment was deemed unacceptable as it failed to consider flood emergency planning in the event that the access route is flooded and how to address the risk to the proposed development and adjacent existing property from surface water drainage. In response to this the applicants have submitted further information in relation to escape routes through the Greystone boundary and explained how the loss of permeable land from the new development would be offset. Drainage measures detailed include drainage direction to existing drains, permeable pavement materials for driveways and footpaths, rainwater harvesting systems and gravel strips with French drains below at the rear of the properties. The Environment Agency are now satisfied with the proposal subject to a condition being attached that the mitigation measures detailed within the Flood Risk Assessment are implemented. The comments of the Council's drainage engineer regarding the problem with positively draining the site are noted and bearing this in mind it is considered appropriate that a condition be attached to ensure that a surface water drainage scheme for the site be agreed which incorporates soakaways and positive drainage.
70. It is recognised that flooding is a significant concern of local residents, however as a Flood Risk Assessment has been submitted and the Environment Agency are satisfied with the findings and suggestions and as conditions can ensure a satisfactory surface water drainage scheme involving both soakaways and positive drainage it is not considered reasonable to refuse this application on this basis.

Contaminated Land Issues

71. Derwentside Local Plan Policy EN27 only allows for development on or adjacent to contaminated sites if the developer provides the results of an expert investigation and identifies a detailed programme of remedial works to resolve any known and potential problems. The applicants have submitted a desk study report of the site which concludes that the site may contain construction wastes and recommends
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that a further phase two intrusive investigation is carried out. Environmental Health have recommended that standard condition relating to the requirement for a desk top study, phase 2 report and validation report be attached to any approval. These further surveys and adherence any mitigation recommended can be made subject to condition. With such compliance it is considered that the proposal would accord with Derwentside Local Plan Policy EN27.

Highway Safety and Parking

72. Local Plan Policy TR2 requires development to incorporate adequate parking and a safe access. The proposed access for the dwellings would be taken from the Bishops Meadow estate road and junction onto the A691.
73. It is recognised that the existing estate access has shortcomings in terms of highways safety and has not been supported previously by the Council's Highways Officer. However given that this is an existing access it is agreed with the Highways Officer that it would be difficult to sustain a highways refusal based on the additional traffic movements arising from two dwellings alone.
74. The level of parking proposed is considered suitable to serve the five bed dwellings being proposed. Local residents comments in relation to the poor parking situation at present are noted however it is agreed with the Highways Officer that as the existing parking on the estate meets the existing parking guidelines that the Council would not in a strong position if it were to refuse the application on these grounds.
75. Problems in terms of the use of the estate as a drop off point and parking area for vehicles in connection with the school is a matter for the local school and your Officers understand that this issue is already being looked into by officials at the local school.

Bearing the above in mind it is therefore considered that the proposal is acceptable in terms of highway safety in accordance with Derwentside Local Plan Policy TR2.

Other Issues

76. In addition to the above issues objectors have raised a number of issues which have been considered. Objectors refer to the loss of view that would be caused by the development and impacts upon their property valuation. However these issues are not material planning considerations.

Objectors refer to the previous permission being limited to the seven dwellings however this was not a constraint put on the development in terms of planning and is simply the number of dwellings applied for.

With regards to project management issues, should permission be granted then the developer will need to comply with any conditions in relation to hours of working. The issue of the road cleaning can be controlled by both the Police Authority and the Council Highways Department.

Comments with regards to the need for an access to be available to the fields from the estate are noted, however as no formal access exists and this is not a public

right of way there is no requirement to provide such an access.

Comments in relation to adjacent fields not being suitable to play within due to dogs fouling and being let off the lead are noted however there are suitable recreational areas within Lanchester village for children to play.

Whilst it is noted that local residents would prefer the applicant to progress with the development that he already has permission for or something along similar line the fact there is an alternative to this development is not a material planning consideration and Members must only consider the acceptability of the development being applied for.

Objectors refer to the original development being deemed as finished as the road is adopted, however this does not restrict any further developments in the future. Whilst the area in question is landscaped as the objectors point out this does not mean that it has to remain so in perpetuity and that further development cannot be considered.

Objections in relation to engineering challenges to building sound foundations are noted however this is a matter that is best controlled by Building Regulations.

Comments in relation to the loss of the open space leading to anti-social behaviour elsewhere on the estate are not a material planning consideration but a community policing matter.

The objectors' comments about the applicant's lack of understanding about the land are not material planning considerations.

Whilst precedent is a concern of local residents particularly in relation to further development east of the site it is not considered that this development would set a harmful precedent given that this development site does not project further east of the Bishops Meadow building line and that the access track for this development would not be suitable to serve any further development other than what has currently been proposed.

Reference has been made to the need for an environmental impact assessment, however this application does not exceed the threshold criteria and is not within a particularly sensitive area detailed within the EIA regulations therefore an EIA would not be required to support the development.

Concerns over the validity of the application have been looked into and the applicant has now served the correct notice and certificate for the application and the Council are satisfied that planning procedures will allow a decision to be taken with regard to this application without requiring a further planning application to be made and further consultation to be undertaken.

Objectors have made references to local plan policies EN13 and EN16 however these policies were not saved and are therefore not relevant.

Reference is made by one of the objectors into the outcome of a Public Inquiry at the rear of their property, it is recognised that the area of land to the east of the site has been subject to applications that have been refused in the past however the site

under consideration is more closely associated with land that has been granted permission for development in more recent times.

Reference has been made to the development not being 'affordable' however as the development is less than fifteen homes there is no requirement for the development to incorporate an affordable element.

The objectors' comments that a Section 278 highways agreement has to be entered into is correct, however this is not an issue that would prevent the granting of planning permission but is something that has to be secured following the grant of a permission.

Whilst it is noted that the arboricultural report refers to three dwellings this is an error and the application plans clearly indicates that the proposal is for two dwellings.

CONCLUSION

77. In conclusion, despite being a greenfield site partly out of the development limit contrary to PPS3 and Derwentside Local Plan Policy HO7 it is considered on balance that this is an appropriate location for residential development given that it is an infill site in a sustainable location and that it would not result in the loss of valuable open space or a heritage asset. It is not considered that there would be detrimental impacts upon existing neighbouring amenity and it is considered that there would be good amenity for future residents. The layout, size, scale and design of the dwellings are considered acceptable and would be sympathetic to the other buildings in this streetscape and would not be harmful to the streetscape and the character of the area. The mitigation proposed would ensure that there are satisfactory safeguards in place for trees and for protected species. It is not considered necessary to insist on sustainable construction or renewable energy features in this instance. Any drainage and contamination issues can be suitably addressed through planning condition. The parking and access are acceptable in terms of highway safety. The proposal is therefore considered to be acceptable and in accordance with PPS1, PPS5, PPS9, PPG17, PPS23, PPS25 and RSS Policies 2,7,8,28,29,31,32 and 33 and Derwentside Local Plan Policies GDP1, HO5, EN6, EN11,EN14, EN23, EN27 and TR2 and The Lanchester Village Design Statement.

RECOMMENDATION

78. **That application 1/2011/0062 be APPROVED subject to the following conditions:**

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

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 unless otherwise agreed in writing with the Local

planning authority.

<i>Date received</i>	<i>Plan Reference Number</i>
4/04/2011	Flood Risk Site Plan
4/04/2011	Proposed Site Plan
21/02/2011	Location Plan
21/02/2011	Tree Constraints Plan
21/02/2011	Proposed House Type A
21/02/2011	Existing and proposed Sections

To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no enlargement, improvement or other alteration shall be allowed to the dwelling(s) hereby approved.

In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy GDP1 of the saved Derwentside Local Plan.

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 as 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. BS.3998-2010 unless otherwise agreed by written consent of the local planning authority.

In the interests of the visual amenity of the area and to comply with Policies GDP1, EN1 and EN11 of the saved Derwentside Local Plan.

5. All tree protection methods must comply with BS 5837 2005.

In the interests of the protection of trees in accordance with Derwentside Local Plan Policy EN11.

6. Within one month of the commencement of the development a scheme for the provision of surface water drainage works must be submitted to and approved in writing by the Local planning authority which shall include soakaways or a combination of soakaway and positive drainage. The drainage shall be completed in accordance with the details and timetable agreed.

To prevent flooding in accordance with PPS25 and Policy GDP1 of the saved Derwentside Local Plan.

7. Within one month of the commencement of the development a scheme for the provision of foul water drainage works must be submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance

with the details and timetable agreed.

To prevent pollution of the water environment in accordance with GDP1 of the saved Derwentside Local Plan.

8. Notwithstanding any details of materials submitted with the application within one month of the commencement of the development samples of the external 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.

In the interests of the appearance of the area and to comply with Policy GDP1 of the saved Derwentside Local Plan.

9. No development shall commence until a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local planning authority.

The landscape scheme shall include accurate plan based details of the following:

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

Details of planting procedures or specification.

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

In the interests of the character of the area in accordance with Derwentside Local Plan Policy GDP1.

10. No development shall take place unless in accordance with the mitigation detailed within the recommendations section of the 'bat risk assessment of Greystone, Crow Hall Farm, Lanchester ' by Dendra Consulting Ltd dated 22nd November 2010.

To conserve protected species and their habitat in accordance with PPS9, RSS Policy 33 and Derwentside Local Plan Policy GDP1.

11. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990 The results of the site investigation shall be submitted and approved in writing by the local planning authority. As a minimum requirement, the Desk Top Study should include the following information in relation to the study site;

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

A geo technical report with 'added information' will not be acceptable as a full-contaminated land risk assessment.

If the desk top study determines there is no historical land use which may cause contamination of the site, No further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority.

This report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation report shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

To protect human health and the environment by ensuring effective remediation in accordance with Policy EN27 of the saved Derwentside Local Plan.

12. Prior to the commencement of the development a method statement shall be submitted to the Local Planning Authority which outlines the following:

- Proposed hours of work
- Method of demolition
- Dust suppression in relation to neighboring properties from the demolition process
- The minimization of excessive noise levels
- Method of waste disposal, for demolition debris, including wood, masonry, aggregates etc

In the interest of residential amenity in accordance with Derwentside Local Plan

Policy GDP1.

13. There shall be no construction, demolition or other building work or deliveries outside of the hours 07.30 to 18.00 - Monday to Friday, 08.00 to 13.30 - Saturdays, and there shall be no building work or deliveries on Sundays or Bank Holidays.

In the interest of residential amenity in accordance with Derwentside Local Plan Policy GDP1.

That application 1/2011/0091 be APPROVED subject to the following conditions:

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

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 unless otherwise agreed in writing with the Local planning authority.

<i>Date received</i>	<i>Plan Reference Number</i>
4/04/2011	Proposed Site Plan
21/02/2011	Location Plan

To define the consent and ensure that a satisfactory form of development is obtained.

3. 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 as 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. BS.3998-2010 unless otherwise agreed by written consent of the local planning authority.

In the interests of the visual amenity of the area and to comply with Policies GDP1, EN1 and EN11 of the saved Derwentside Local Plan.

4. All tree protection methods must comply with BS 5837 2005.

In the interests of the protection of trees in accordance with Derwentside Local Plan Policy EN11.

5. Prior to the commencement of the development a method statement for the

demolition of the barn shall be submitted to the Local Planning Authority for approval and shall be adhered to thereafter.

In the interests of protecting any historical significance in accordance with PPS5.

6. Prior to the commencement of the development a method statement shall be submitted to the Local Planning Authority which outlines the following:

- Proposed hours of work
- Method of demolition
- Dust suppression in relation to neighboring properties from the demolition process
- The minimization of excessive noise levels
- Method of waste disposal, for demolition debris, including wood, masonry, aggregates etc

In the interest of residential amenity in accordance with Derwentside Local Plan Policy GDP1.

7. There shall be no construction, demolition or other building work or deliveries outside of the hours 07.30 to 18.00 - Monday to Friday, 08.00 to 13.30 - Saturdays, and there shall be no building work or deliveries on Sundays or Bank Holidays.

In the interest of residential amenity in accordance with Derwentside Local Plan Policy GDP1.

8. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990 The results of the site investigation shall be submitted and approved in writing by the local planning authority. As a minimum requirement, the Desk Top Study should include the following information in relation to the study site;

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

A geo technical report with 'added information' will not be acceptable as a full-contaminated land risk assessment.

If the desk top study determines there is no historical land use which may cause contamination of the site, No further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority.

This report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation report shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

To protect human health and the environment by ensuring effective remediation in accordance with Policy EN27 of the saved Derwentside Local Plan.

REASONS FOR THE RECOMMENDATION

79. For application 1/2011/0062:

1. The development was considered acceptable having regard to PPS1, PPS5, PPS9, PPG17, PPS23, PPS25 and RSS Policies 2,7,8,28,29,31,32 and 33 and Derwentside Local Plan Policies GDP1, HO5, EN6, EN11,EN14, EN23, EN27 and TR2 and The Lanchester Village Design Statement.

2. In particular the development was considered acceptable having regard to consideration of issues of principle, loss of open space and heritage asset, residential amenity, impact upon the character of the area, trees and protected species, sustainability, flooding, contamination and highways safety.

3. The stated grounds of objection concerning principle, loss of open space and heritage asset, residential amenity, impact upon the character of the area, trees and protected species, sustainability, flooding and highways safety were not considered sufficient to lead to reasons to refuse the application because on balance this is considered an appropriate sustainable site for residential development which is unlikely to lead to significant effects subject to appropriate controls.

For application 1/2011/0091:

1. The development was considered acceptable having regard to PPS5, RSS Policy 32 and Derwentside Local Plan Policies GDP1, EN14 and The Lanchester Village Design Statement.
2. In particular the development was considered acceptable having regard to the impact to the conservation area from the loss of the heritage asset.
3. The stated grounds of objection concerning loss of heritage asset were not considered sufficient to lead to reasons to refuse the application because the barn is not considered to be of significant historic value and as an extant permission exists for the partial demolition of the barn.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Flood Risk Assessment and Addendum
- Desk Study Report
- Bat Risk Assessment
- Design and Access Statement
- Arboricultural Survey
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Saved Derwentside Local Plan 1997
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS5, PPS9, PPS23, PPS25
- Responses from County Highways, The Environment Agency, Natural England Northumbrian Water, Design and Conservation Officer, Landscape Officer, Drainage Officer , Biodiversity Officer, Environmental Health Officer
- Public Consultation Responses

