

MEETING:	PLANNING COMMITTEE
DATE:	17 SEPTEMBER 2014
TITLE OF REPORT:	<p>P141157/F - PROPOSED DEMOLITION OF AN EXISTING DWELLING AND ERECTION OF FIVE DETACHED DWELLINGS WITH NEW ACCESS, GARAGES AND PARKING AT LAND AT GREEN LANE COTTAGE, GREEN LANE, YARPOLE, LEOMINSTER, HR6 0BG</p> <p>For: Mr Thomas per Architectural Design Limited, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141157&search=141157

Date Received: 10 April 2014

Ward: Bircher

Grid Ref: 346663,264991

Expiry Date: 5 June 2014

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site covers an area of approx. 0.27 of an hectare, and is located within the settlement boundary for Yarpole and outside the Conservation Area.
- 1.2 Located in a primary residential area of the village, on part of the site is a detached timber framed dwelling under a slate roof which is presently unoccupied and rather dilapidated in appearance. The dwelling which appears to have been substantially altered since original construction, stands in a large overgrown plot.
- 1.3 To the rear of the site is farmland. The site on its northern side fronts the C1044 public highway. The surrounding area is one of residential development of mainly brick construction, of various scale and design. The dwelling located alongside the roadside frontage on the eastern boundary side is of timber frame construction. This dwelling is separated from the site by a recently planted native hedgerow and a public footpath.
- 1.4 The application proposes demolition of the existing dwelling and construction of five detached two-storey dwellings and garages. Three 3-bedroom dwellings will be sited alongside the road side frontage and two 4-bedroom dwellings to the rear of the site. An ecological survey, structural survey, and budget report were submitted in support of the application. Amended design and access statement, plans, heritage statement and 'street scene' of the proposed development were later submitted, in consideration of objections received. Also amended plans indicating a dwelling on plot one of timber frame construction, (rather than Plot 3 as originally proposed), information in support of the application indicates this is to reflect another timber framed dwelling located alongside the eastern boundary of the site. The dwelling proposed for plot 3 has been amended to a slightly smaller dwelling. (Plot adjacent to Honeysuckle Cottage).

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment.

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Environment
S10	-	Waste
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA8	-	Locally Important Buildings.
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
NC7	-	Compensation for Loss of Biodiversity
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements

2.3 Supplementary Planning Guidance

- Yarpole Parish Plan (Presently under consideration and therefore not material planning consideration to date)
- Planning Obligations

2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs

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MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD 3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.5 Neighbourhood Planning

Yarpole Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for the area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 P13331 - Demolition of existing dwelling and erection of 5 no. dwellings together with parking areas and garages. Withdrawn 15 January 2014.

3.2 P122497 - Demolition of existing detached house and erection of five, two storey detached houses, together with new vehicular access, private drive, parking areas and garages. Appeal against non-determination. Appeal dismissed 27 August 2013.

The main issues in relationship to the appeal were:

- The effect of the proposed development on the character and appearance of the area;
- Whether the proposed development adequately addressed the sustainability requirements of the development plan; and
- Whether adequate arrangements were made for the disposal of foul and surface water from the site.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water raises no objections, recommending conditions to be attached to any approval notice issued with regards to foul and surface water drainage from the site.

Internal Council Advice

4.2 The Public Rights of Way Manager raises no objections provided the public footpath which passes through part of the site (Plot 4), is diverted prior to any development on site. (The response states that an application to divert the public footpath reference number YP14 has been received).

4.3 The Transportation Manager raises no objections subject to a condition with regards to on site access, turning and parking being attached to any approval notice issued.

4.4 The Conservation Manager (Ecology) raises no objections subject to a condition with regards to following the recommendations as set out in the Ecology report submitted in support of the application being carried out is attached to any approval notice issued. Also recommends the attachment of informative notes with regards to protection of nesting birds and the provisions of the Wildlife and Countryside Act 1981.

4.5 The Conservation Manager (Historic Buildings) has responded to the amended plans received in support of the application stating:

'Since my comments of the 5 August further slight adjustments have been proposed to the locations of the house types and also to the ridgelines of the three plots fronting the country lane. No alterations have been made to the two plots at the rear of the site.

The return of the timber-framed house to plot 1 is likely to give the impression of the continuance of the village character and will embrace the two brick houses between the existing Honeysuckle Cottage and Plot 1. Its location should also provide an appropriate focal point to the T-junction of Croft Crescent opposite the site.

The changes to Plot 2 involve the reduction in span of the right hand side of the house and the resultant increase in the setback of this element. The outcome is a more clear-cut difference in the ridge heights of the two sections of the house which in turn helps to reduce the overall scale of the building.

The changes to Plot 3, next to Honeysuckle Cottage involve the reduction in width and length of the footprint and the alteration of the porch to a lean-to element rather than a gabled. In addition the windows have been amended to a narrow module. These changes have reduced the scale of the building slightly and the character has taken on a more cottage appearance.

When put together via the amended street scene the changes show an increased degree of individuality between the plots. The ridgelines are varied and the scale and detailing more appropriate to the village location. It also highlights that the ridge height of Plot 3 will be slightly higher than Honeysuckle Cottage, but not so much as to be out of scale with the small cottage.

Overall I consider that the several changes made to the original application have now resulted in a scheme that can be supported. The scheme is now considered to be an acceptable positive extension to the built fabric of this characterful village. It is still considered unfortunate that the original Green Lane Cottage became incapable of being restored and used, however by the time the scheme was submitted the condition had gone past redemption.

Conditions relating to external materials, external joinery, rainwater goods (to be cast metal not upvc to reflect the quality of the scheme) will be required on any permission.'

4.6 The Land Drainage Manager raises no objections recommending a condition with regards to surface water drainage systems is attached to any approval notice issued.

5. Representations

5.1 Yarpole Parish Council has responded to the application stating:

The Planning Committee of Yarpole Group Parish Council hosted a public meeting on Thursday 22nd May 2014 to hear local comment on this application, and this letter constitutes a summary of points made at that meeting and Parish Council decision on comment.

Thirty members of public attended the meeting, including members of Yarpole Parish Plan Built Environment Group, and all present were unanimously against this application. The

Parish Council will support the community by **strongly objecting** to this application. As we understand you are minded to approve the application we have made a request to Councillor Sebastian Bowen that he call this application before the Herefordshire Council Planning Committee.

1. Heritage:

Green Lane Cottage is listed on the Herefordshire Historic Env. Record as monument 52343. Loss of this property would constitute an erosion of the character of the village, contrary to the aims of the NPPF, which states that local planning authorities should take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”. P7 of the UDP sets out the intention “to conserve and enhance built environments so as to safeguard their distinctive local character and individual architectural and historic assets.” English Heritage has stated that Green Lane Cottage is a building of local interest as an example of the vernacular building tradition. It is also structured of Elm, and there are very few extant examples of this. A building of local interest must be considered a Heritage Asset, and in line with NPPF a heritage appraisal of the building must be carried out [NPPF para 128 “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting.”] The application DAS includes a brief excerpt from the English Heritage decision not to list the building, but this does not constitute a heritage appraisal.

The Appeal Decision of 27 August 2013 (Jennifer Tempest) states that “there is no doubt that Green Lane Cottage together with its neighbour Honeysuckle Cottage are distinctive buildings within this part of the village and make a significant and positive contribution to its character”. “Policy HBA8 of the UDP relates to locally important buildings of architectural or historic interest, stating that development which would adversely affect the appearance or setting of such building will not be permitted.” In para 17 the Inspector states that she feels “evidence regarding the loss of the cottage in context of policy HBA8 to be inconclusive.” He current DAS quotes from English Heritage’s report on listing the cottage, but this is not a heritage appraisal, which is required.

We understand all this to mean that a full heritage appraisal is required which should be weighed up against the structural condition of the cottage/cost comparisons. It could be that it is not possible to conserve the present building, but to date there is no fair and proper way of assessing this, without the heritage appraisal which The Planning Inspectorate requested in its report of 27 August 2013. **The Parish Council feel you should insist on a proper heritage appraisal to help assess whether or not the cottage can be reasonably demolished or conserved. We request, in line with The Planning Inspectorate decision, that this appraisal is carried out before you go any further.**

May I also draw your attention to a document which was published on 22 May, the day of our public meeting:

https://www.herefordshire.gov.uk/media/7848365/5_year_land_supply_documentmay2014.pdf
This is the 5 Year Housing Land Supply (2013-2018) Interim Position Statement. The first page of the document clarifies the case for presumption in favour of sustainable development:

“Paragraph 49 of the NPPF states “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Paragraph 14 of the NPPF states that there “is a presumption in favour of sustainable development and for decision taking this means... where

the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole... or specific policies in this Framework indicate development should be restricted.”

2.2 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. The footnote to paragraph 14 of the NPPF is helpful in identifying those areas that the NPPF has in mind where development should be restricted. By way of example it lists:

- sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest
- land designated as Local Green Space
- land designated as an Area of Outstanding Natural Beauty
- **land affected by designated heritage assets**
- land at risk of flooding

This parish has always recognised the need for development and supports development on this site, and we feel we are **following NPPF guidelines by rejecting this particular application because it does not represent sustainable development, as outlined on this position statement.**

2. Sustainability:

The Yarpole Group Parish Plan of 2014 very clearly states that the community need for housing to sustain growth is for low cost/start up homes (54% of respondents), sheltered housing (32% of respondents), and 2-3 bedroom properties (43% of respondents). When Andrew Ashcroft attended a meeting with the Parish Council concerning the site at Green Lane Cottage, he told us that in the absence of these stats being present on a Neighbourhood Plan, our next option was to step up and ensure Herefordshire Council were aware of our housing needs for the parish (given we are not identified in the Core Strategy 5 year Housing Land Supply). We do so here; we have no mechanism except this to let you know that this application does not address our needs. So here we do what Mr Ashcroft suggested, and we expect it to be noted. You also required the applicant to consult with us on our needs for this site, but while they did present us with their application, they did not facilitate any discussion or share of information, so we have not been able to influence this application at all. We assume you made this request of the applicant because you feel fulfilling our housing needs is important, so we are confused that you would support an application that does not give any thought to them. It is clear that this application fulfils the applicant's needs, but not ours, and would ask whether you are satisfied with that. We are very happy to support the applicant in building good buildings and making a profit, but we feel that this is being achieved at the expense of our community, and that this is **contrary to the intentions of yourself and of Mr Ashcroft in asking us to represent our needs and in asking the applicant to consult with us.**

3. Design:

In The Planning Inspectorate Appeal Decision of 27 August 2013 Ms Tempest states, para 8, “representations by local residents and the Parish Council raise matters some of which I consider are sufficiently significant to constitute the main issues in determination of the appeal. She goes on to state, para 13, that the new development should retain the character of the South side of Green Lane (following Honeysuckle Cottage and examples such as Philip's Acre), rather than the modern estate development on the north side. But the current application DAS ignores this completely, stating in 3.1 that they are basing their design with

reference to the modern bungalows on the north side of the road. She states, para 11, that the James Close development to the west is not relevant as a model as it is set back from the road and does not block views, but the current DAS also sites James Close as a model. I could go on; it seems that the current DAS responsibly references The Planning Inspectorate suggestions, but it does not at all, it glosses over and misrepresents the conclusions of the appeal decision. As an attendee at the public meeting on 22nd May pointed out, with respect to the claims of the current DAS, when you then look to their visuals to clarify, there are no location drawings at all, just elevations of the individual houses with no context, and one site plan that does not sit in context with the location. We are appalled that you would consider a development in a location that The Planning Inspectorate state is so significant to the area (para 10) without any proper and considered contextual illustrations. How can there be no location plan?

Policy S2 of the UDP requires that new development achieves a high standard of design and layout “which respects the townscape, landscape and historic character of the village.” (Planning Inspectorate report, para 14). The Inspector also quotes Policy DR1 (para 19) regarding reinforcement of “the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials” and goes on to state that the DAS does not address these in detail. The current DAS does go into further detail, but it is essentially the same scheme, without any reference to the character of the south side of the road that The Planning Inspectorate clearly states as a requirement. As another meeting attendee stated, village developments grow along the roadside, along footpaths, around farmyards. What does this proposed development grow around? It seems to grow around an invented hammer head turning area for cars, cutting through a hedge in the process. How is this respecting the townscape of this village and how does this reinforce the distinctive character and appearance of the village in the terms stated above in Policy DR1?

How does this new application scheme relate to vistas and views as required by criterion 3 of DR1? (para 20 of Planning Inspectorate report). In par 21 of the report the Inspector clearly states that “the cul de sac layout of the development and the turning head arrangement would not reflect the traditional character of the village.” How does this current application address this, it does not seem to at all, it is the same arrangement.

To sum up, This Parish Council feels that the current application, including DAS and plan and elevations drawings, do not go far enough in addressing the requirements as laid out by The Planning Inspectorate of 27 July 2013. We also feel that the requirements of the community, which Mr Ashcroft and Mr Mullineux specifically requested we bring forward, have not been considered. Finally, we feel it is imperative that there be a full heritage appraisal of the current cottage. On the basis of all this, the **Parish Council objects to this current application and asks that it be refused by Herefordshire Council.**

5.2 At the time of writing this report twenty seven letters of objection have been received from members of the public which includes reference to the Yarpole Built Environment Group.

Issues raised can be summarised as follows:

- Development does not reflect the historic core of the settlement.
- Scale and design is not in keeping with surrounding built character.
- The proposal is not reflective of local needs and does not provide for low cost affordable housing.
- Built form is not reflective of the character of the site and proposes removal of a dwelling that is of historic quality that should be retained.
- Development is urban in context.
- Drainage is a problem in Yarpole.
- Loss of hedgerow as a result of the development.
- Concerns as to whether the proposal represents a sustainable form of development.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- The issues as raised in the Inspector's appeal decision on a previous proposal for development on site have not been addressed in a satisfactory manner.

5.3 One letter of support has been received. The letter states that the proposed development seems to be in keeping or better than much of the existing development in Yarpole.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The key issues in respect of this application are:

- The principle of development
- Historic importance of the existing dwelling and its retention
- Scale and design of the proposed development
- Sustainability issues
- Drainage
- Loss of hedgerow
- Inspector's appeal decision in relationship to a previous application for development on site and conclusions drawn

The principle of development

6.2 The site is located within the recognised development limits for Yarpole in accordance with Policy H4 of the Herefordshire Unitary Development Plan. (UDP), on a site considered sustainable and therefore the principle of development on this site complies with the National Planning Policy Framework. (NPPF).

Historic importance of the existing dwelling and its retention

6.3 On site is a timber framed dwelling that is unoccupied and visually gives the impression of a requirement for extensive refurbishment.

6.4 Whilst this cottage is considered to be of local significance, English Heritage have assessed the cottage and determined that it does not meet the criteria for inclusion on the statutory list of buildings of special architectural or historic interest. English Heritage acknowledge that much of the original fabric of the cottage has been altered or replaced.

6.5 The applicant has submitted in support of the application a detailed budget and refurbishment assessment estimate of the financial costs to bring the dwelling up to an acceptable standard for occupation and the figures indicated are considered acceptable with consideration to the visual condition of the dwelling and requirements for improvements/refurbishment in order to make the dwelling suitable for modern day expectations.

6.6 A heritage statement also accompanies the application and its conclusions indicate:

'This Heritage Assessment, which is based upon a rapid appraisal of readily available sources of archaeological and historical information, together with a site visit, has reached the following conclusions regarding the intrinsic value of the built heritage asset at Green Lane Cottage Yarpole, Herefordshire.

The cottage is located on the NW outskirts of the village, outside the Conservation Area designated by Herefordshire Council, within an area where there has been fairly extensive modern housing development in the immediate vicinity of the site.

It has been recorded as a heritage asset on the Herefordshire Historic Environment Record; however, an application for it to be accorded Listed-Building status was rejected by English Heritage, who have described it as 'a building of local interest as an example of the local vernacular tradition'.

The existing building appears probably to date from no earlier than the 18th century, based on the use of timber-framing with brick infill. The cottage has undergone extensive modern alterations, which have significantly diminished the architectural character of the original building; the roof has been reconstructed, and the NW and SE gable ends and the lower part of the rear elevation have been extensively rebuilt in brick. A single-storey extension of late 20th century date has also been added to the rear of the cottage. An examination of the interior of the building established that few original internal features and fittings have survived.

The earliest map to show the cottage is an OS surveyor's drawing of 1815; the tithe map and OS 1st -and 2nd -edition maps show that little significant change had been made to the layout of the building during the 19th and early 20th century. Comparison of Ordnance Survey maps of the study area dated 1953 and 1975 show that the rear extension to the cottage had been added at some time between those dates and it appears likely that the significant rebuilding of the NW and SE gable ends and the rear elevation also took place during this period. As far as can be ascertained from the available documentary sources, the cottage was occupied by a mixture of local craftsmen and agricultural workers during the 19th and early 20th century; no significant regional or national historic associations have been identified.

*The intrinsic value of the building has been assessed as **Low**. It represents a typical example of a pre-19th century timber-framed artisan or labourer's cottage which has undergone a considerable degree of unsympathetic modern rebuilding which has significantly detracted from its original appearance and character'.*

Consultation of the Herefordshire Historic Environment Record identified only one other heritage asset within 100m radius of Green Lane Cottage, namely Upper House Farmhouse, a Grade II Listed Building of 17th -century date. Views from the house towards the site at Green Lane Cottage (and conversely from the cottage towards Upper House) are obscured by several modern properties, trees and tall hedges, consequently there is no potential anticipated for visual impact on the setting of this Listed Building.

*Proposals to demolish Green Lane would obviously result in the removal of this heritage asset, however, in view of its **Low** value as an undesignated asset of local importance heavily compromised by poor survival of the original fabric due to extensive modern rebuilding, the overall significance of impact may be regarded as **Slight**.*

- 6.7 With consideration to the information submitted in support of the application on the justification for demolition of the existing dwelling, consultee responses received and on site observations, it is considered that removal of this dwelling is acceptable and overall in accordance with supporting text in relationship to Policy HBA8: Locally important buildings in the UDP, paragraph 9.6.27 indicates that locally important buildings do not enjoy the full protection of statutory listing. The proposal is also considered to be in accordance with Section 12 in the NPPF on Conserving and enhancing the historic environment. As such it is also considered that the information received in order to justify demolition of the dwelling on site addresses the outstanding issues as raised in the Inspector's appeal decision notice dated 27 August 2013. It is also noted that the Conservation Manager (Historic Buildings) confirmed that the condition of Green Lane Cottage had gone past redemption.

Scale and design of the proposed development

- 6.8 The amended Design and Access Statement indicates that the form and scale of new buildings are particularly important in their integration into the existing village context. With this in mind, the current scheme has been scaled down and a more simple design proposed to allow for the development to sit more comfortably in its rural setting.
- 6.9 The application proposes five detached two storey dwellings, making use of the roof space for the first floor accommodation, and each dwelling is approx.7 metres high. The three dwellings proposed along the road frontage are three bedroomed dwellings. Two plots have dwellings with a total internal floor space of approx. 150 square metres per dwelling, (measured externally) and the dwelling located on Plot 3, (which is the dwelling nearest to the site of the existing on site), has internal floor space of approx.. 133 square metres. (Measured externally). The two dwellings located to the rear of the site are four bedroomed and have an internal floor space of approx.170 square metres per dwelling, (measured externally). The existing dwelling on site is approx. 5.5 metres high with internal floor space of approx. 93 square metres. As such on balance the development is considered to be reflective of the existing on site dwelling style; the eaves and ridge heights overall have been kept relatively low, making use of the attic space, in consideration of modern development and the surrounding built environment.
- 6.10 The site is not located within the Yarpole Conservation Area or adjacent to it and is not within the setting of any listed buildings. The immediate surrounding built environment is one of mixed scale and design, the Inspector's appeal decision in paragraph 13 refers to a difference in character between the two sides of the adjacent public highway in that on the opposite side of the highway to the appeal site is development of a modern era that is in contrast to the dwelling on site and the adjacent dwelling to the site known as 'Honeysuckle Cottage' which is separated from the site by a public footpath, alongside which the applicant has recently planted a native hedgerow.
- 6.11 With consideration to the surrounding build environment as a whole, the development is considered to be of a suitable design, representing development of a 'cottage character', (making use of the roof space), that is reflective of a rural setting, using mainly brick for the external construction, (the predominant construction material of the surrounding area), and a timber framed dwelling on plot 1, which the Conservation Manager has commented '*is likely to give the impression of the continuance of the village character and will embrace the two brick houses between the existing Honeysuckle Cottage and Plot 1. Its location should also provide an appropriate focal point to the T-junction of Croft Crescent opposite the site.*' In addition the amended layout plan indicates a strong emphasis on native species hedge planting that is reflective of a rural setting.
- 6.12 The development does show consideration to local distinctiveness, in that it has regard in scale and design to Honeysuckle Cottage. The previous development subject to the dismissed appeal was for a mix of external construction that appeared confusing and unclear in design with consideration to the local environment. The current proposal is for development using external materials that are compatible in appearance to the character of the area. Further still the site is separated from Honeysuckle Cottage by a public footpath and a recently planted native hedgerow will act as a screen. External materials will be controlled by the appropriate condition.
- 6.13 The site layout with the one central vehicular access onto the adjoining public highway, and the roadside built frontage is considered acceptable. Native hedgerow planting as proposed for boundary treatment is considered an important and positive proposal that will enhance the rural character of the site.

- 6.14 The proposal is considered to be acceptable in terms of the character of the area and of a scale and design to reflect its rural setting within the village of Yarpole. The proposal therefore is in accordance with relevant policies in the Herefordshire Unitary Development Plan and the National Planning Policy Framework, whilst also addressing concerns as set out in the Inspector's appeal decision.

Sustainability issues

- 6.15 The NPPF refers to three dimensions of sustainable development (economic, social and environmental) and confirms that in pursuit of sustainable development these dimensions are to be considered holistically. It is clear from appeal decisions that defining sustainable development goes beyond the former PPG13 test of locational sustainability and that consideration should be given to potential economic, social and environmental benefits arising from development. It is clear that NPPF paragraph 14 envisages a 'planning balance' with the presumption taking effect unless significant and demonstrable harm can be identified.
- 6.16 In terms of its location, the site is within the designated development boundary of a main village in accordance with Policy H4 of the UDP that is reasonably well served by community services expected in such a village, the site being well related to the current built form and proposes development that will integrate into the surrounding semi-rural environment, proposing dwellings of an appropriate overall scale and design with consideration to the surrounding built environment, with considerable consideration to environmental and energy saving building regulation issues, drainage and landscaping.
- 6.17 The Parish Council in their response to the application have referred on sustainability grounds, to public consultation concerns indicating that the applicant has not consulted with the Parish Council and local people with regards to suggestions for development on site. The applicants were advised to consult with local people on any application proposal in-line with advice as set out in the NPPF on public consultations, and it is understood that the applicant and his agent did attend a public meeting prior to submission of the application. The Parish Council's response has also made reference to the housing needs of the locality and the Parish Plan. The Parish Plan to date carries no weight and it is noted that the Parish Council's response on housing needs refers to a requirement for three bedroomed dwellings. Three of the five dwellings subject to this application are for three bedroomed dwellings.
- 6.18 On sustainability grounds the development is considered acceptable and in accordance with Policy S1: Sustainable development, and other relevant policies in the UDP and criteria of the NPPF on sustainable development.

Drainage

- 6.19 Concerns have been raised by members of the public about drainage issues. The development proposes mains connection for foul water into an existing sewer located on Green Lane, to which Welsh Water raises no objection subject to conditions attached to any approval notice issued with regards to foul and surface water discharges from the site. The site plan indicates rain water harvesting tanks for water collected on roof areas for re-use in the dwellings and sustainable drainage systems for the internal roadway and parking areas. This is considered acceptable and further enhances the sustainability credentials of the development.
- 6.20 The Land Drainage Manager raises no objections to the development indicating in their response to the application that the applicant can provide a drainage system that meets their requirements and recommends conditions with regards to surface water drainage systems to be attached to any approval notice issued.

- 6.21 On drainage issues the development is considered acceptable and in accordance with relevant policies in the UDP and NPPF, with appropriate drainage conditions attached to any approval notice issued as recommended. This was also the conclusion drawn by the Inspector as stated in the appeal decision dated August 27 2013 for the same amount of dwellings on site.

Loss of hedgerow

- 6.22 In order to facilitate the development, there will be loss of hedgerow alongside the site's boundary with the adjacent public highway. However the application proposes introduction of a replacement native hedgerow and internal native hedgerows and a native hedgerow has recently been planted alongside the eastern boundary of the site. Whilst loss of the hedgerow is regrettable, mitigation offered does compensate for loss of the existing hedgerow to which it is noted that the Conservation Manager, (Ecology), raises no objections. Whilst the replanted hedgerow will help towards local distinctiveness it is also considered that it will contribute towards improved highway safety alongside the stretch of highway adjoining the site.

Other matters

- 6.23 The Design and Access Statement submitted in support of the application indicates that in accordance with Policy DR5 of the UDP and the Council's adopted Supplementary Planning Document, (SPD) - Planning Obligations, the Council would ordinarily have expected the applicant to submit a draft Heads of Terms Agreement to identify financial contributions to be made through the completion of a S106 Agreement. However, following the Council's Cabinet resolution of 4 March 2009, the requirements of the SPD have been suspended for small scale developments of five dwellings or less, with the expressed intention of relieving the financial burden on such schemes, provided that the applicant is agreeable to the imposition of a condition requiring the implementation of the permission within one year. In this case the applicant has indicated a willingness to accept a one year permission in lieu of making a financial contribution. This is in accordance with the Council's current policy on the temporary suspension of the Planning Obligations document for development of five or less dwellings.
- 6.24 Concerns have been raised by the Parish Council and in letters of objections received that the development does not allow for any 'affordable housing' on site. As the application is for less than six dwellings, (five dwellings as proposed is considered acceptable with consideration to scale and layout and the surrounding built environment), there is no requirement for the provision of affordable housing in accordance with the Council's policy on affordable housing as contained in Policy H9: Affordable housing in the UDP.

Inspector's appeal decision in relationship to a previous application for development on site and conclusions drawn.

- 6.25 The Inspector's decision for a previous proposal for development on site, subsequently dismissed as indicated in the decision notice dated 27 August 2013, has generated much debate in relation to this application. Conclusions drawn by the Inspector as stated in the decision indicate that core principles of the NPPF seek to secure high quality design, taking account of the different roles and character of different areas and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area.
- 6.26 The development that was subsequently dismissed on appeal proposed a development of a mixture in scale and design using a multitude of different external construction materials that did not have a theme to either the more historic part of the village or the more recent development that is adjacent to the development site.

- 6.27 Demolition of the existing dwelling, whilst regrettable has been justified by its replacement and it is noted that the dwelling, whilst of local significance is not a listed building, or a structure worthy of listing, as indicated by English Heritage. Importantly the Conservation Manager raises no objections to its demolition.
- 6.28 The development proposes 5 dwellings which makes efficient use of land within the village built up area, to which it is considered each property will have sufficient amenity space. The dwellings are of a scale and design that are acceptable in appearance, using external construction materials that will complement and enhance the surrounding area and with conditions attached to any approval notice issued will further ensure a high quality build, which is a requirement of the NPPF.

Conclusions

- 6.29 Taking all the issues as discussed above, including comments as raised by the local Parish Council and members of the public, amended plans received in support of the application and consultee responses received, on balance the proposed development is considered acceptable, the applicant having taken into consideration issues as referred to in the Inspector's appeal decision. The application proposes a development that overall is considered appropriate for the site, with consideration to density, scale and design, the surrounding built environment, and landscape mitigation as indicated.
- 6.30 Having given full consideration to the proposal, the development is considered acceptable and in accordance with the UDP and the NPPF.

RECOMMENDATION

That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A01 Time limit for commencement (full permission) (12 months)**
- 2. B02 Development in accordance with approved plans and materials (site plan – amended drawing number 886/03, rev. B, Proposed house – plot 1, elevations and floor plan – amended drawing number 886/04, Rev A, Proposed house – plot 2, elevations and floor plan – amended drawing number 886/05 rev. A, Proposed house – plot 3, elevations and floor plan – amended drawing number 886/06, Rev B, Proposed house – plot 4, elevations and floor plan – drawing number 886/07, Proposed house – plot 5, elevations and floor plan – drawing number 886/08, Proposed garages – drawing number 886/09 and detail as set out in the application form dated stamped received by Herefordshire Council 10 April 2014)**
- 3. C01 Samples of external materials**
- 4. G11 Landscaping scheme - implementation (plan number 888/03)**
- 5. No timber panelled fences will be constructed on site and boundary hedges will be in accordance with the approved plan number 886/03 rev. B, and where no boundary hedge is indicated between the individual dwellings on site this will also be of hedge/plant boundary treatment with associated post and wire fence if considered necessary. If hedgerow protection during growth is required this will be of post and wire mesh construction.**

Reason: With consideration to the overall visual appearance of the site and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

6. **No development will commence on Plot number 4 until the public footpath order has been confirmed by the Council in writing.**

Reason: In order to ensure a public footpath remains available for use and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

7. **H13 Access, turning area and parking**

8. **The recommendations set out in Section E and Appendix 3a of the ecologist's report from Edward's Ecology dated June 2012 must be followed in relation to the identified protected species. Prior to commencement of the development, a species and habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7 NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

9. **L01 Foul/surface water drainage**

10. **L02 No surface water to connect to public system**

11. **L03 No drainage run-off to public system**

12. **Prior to any development on site details must be submitted to the Local Planning Authority and approved in writing with regards to a detailed surface water drainage design. This must include the following information, as a minimum:**

a. The results of infiltration testing undertaken in accordance with BRE 365 and data regarding groundwater levels.

b. A detailed drainage strategy designed in accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Herefordshire Unitary Development Plan.

c. Calculations and drawings that demonstrate that the development will manage surface water runoff from the proposed dwellings and access road up to and including the 1 in 100 year event (taking climate change effects into account) within the site boundary to ensure no increased flood risk to people and property elsewhere.

d. Demonstration that the Applicant has considered designing for larger events that overwhelm the surface water drainage system and/or occur as a result of blockage.

e. Calculations and details of any proposed infiltration features, including the access road and driveway construction should permeable paving be used.

Reason: To protect the proposed development and people and property elsewhere against increased flood risk associated with surface water runoff and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

13. **Detail will also be provided prior to any development on site to the Local Planning Authority and approved in writing regarding the proposed adoption and**

maintenance of the surface water drainage system, including all infiltration features and this will also include detail for the proposed access road.

Reason: To protect the proposed development and people and property elsewhere against increased flood risk associated with surface water runoff and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 14. Prior to development on site the applicant/developer must provide to the Local Planning Authority evidence which will be agreed in writing of adequate separation and/or treatment of polluted water to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas.**

Reason: To protect the quality of the natural environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 15. Before work commences, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority.**

Reason: In order to ensure that the development is of high quality construction and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and to comply with the National Planning Policy Framework

- 16. Before work commences, details of the guttering, down pipes and all associated fittings shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority.**

In order to ensure that the development is of high quality construction and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and to comply with the National Planning Policy Framework.

Informatives:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN04 Private apparatus within highway**
- 3. HN01 Mud on highway**
- 4. HN28 Highways Design Guide and Specification**
- 5. HN05 Works within the highway**

- 6. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 7. N11C General

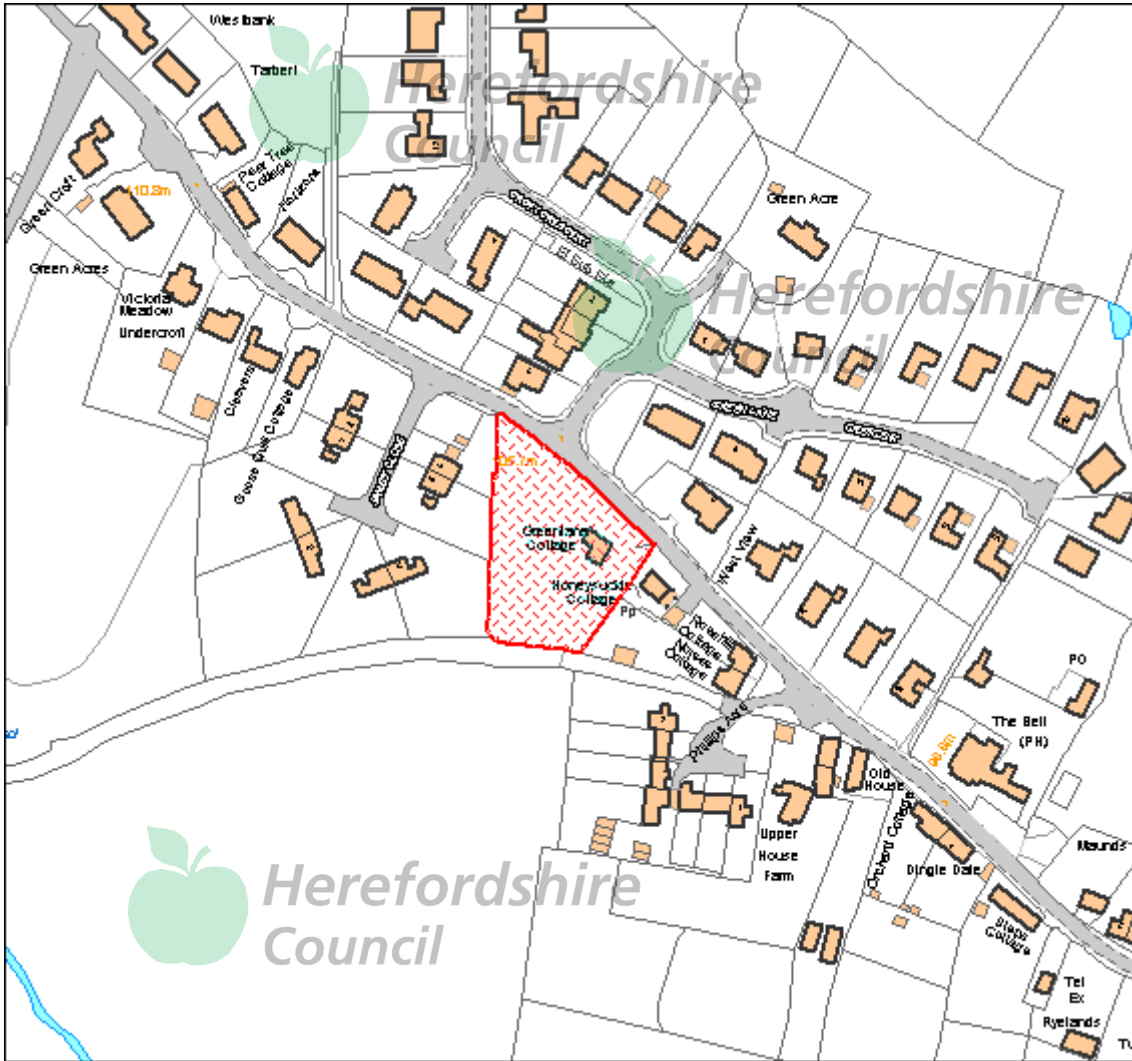
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141157/F

SITE ADDRESS : LAND AT GREEN LANE COTTAGE, GREEN LANE, YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BG

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