

13 DCNW2007/2110/F - PROPOSED RESIDENTIAL DEVELOPMENT AT ST. ANTHONY'S, YARPOLE, LEOMINSTER, HR6 0BA.**For: G. P. Thomas & Son Ltd, McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT.****Date Received: 2nd July, 2007****Ward:****Grid Ref:****Expiry Date: 27th August, 2007****Bircher****47046, 64921**

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site is located within the development limits of Yarpole, and the Conservation Area, on a plot of land measuring approximately 0.2 hectares. There is a bungalow towards the front of the site. Towards the rear of the site is an industrial type building of mainly asbestos construction. On the site's western boundary is a stream, alongside which are several tree species.
- 1.2 The site is surrounded on all sides by dwellings. The dwellings located to the north and west of the application site are grade II listed.
- 1.3 The current lawful use of the site is for employment/industrial use.
- 1.4 The proposal is for residential re-development for four detached two-storey dwellings. The dwelling on Plot 1 has floor space of approx 129 square metres. Plot 2 120.5 square metres and Plots 3 and 4 192.5 square metres (all measured externally). Plots 1 and 2 have attached garages and Plots 3 and 4 separate detached double garages.
- 1.5 The proposed external facing materials are 'Blockleys Heritage' brick under clay tiled roofs.
- 1.6 A separate application for Conservation Area Consent for demolition of the existing dwelling and industrial buildings on site was granted subject to conditions on 4th July 2007 (application ref NW07/1467/C). Condition no 2 attached to the approval notice states no demolition is to take place until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission granted for redevelopment of the site.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing
- 2.2 Herefordshire Unitary Development Plan

S1 – Sustainable Housing
S2 – Sustainable Development
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement

DR4 – Environment
DR10 – Contaminated Land
H4 – Main Villages: Settlement Boundaries
H14 – Re-using previously Developed Land and Buildings
H15 – Density
E5 – Safeguarding Employment Land and Buildings
LA2 – Landscape Character and Areas Least Resilient to Change
HBA4 – Setting of Listed Buildings
HBA6 – New Development within Conservation Areas

3. Planning History

- 3.1 NW07/1467/C - Demolition of existing bungalow and small industrial building - Approved 4th July 2007.
- 3.2 NW07/1316/F - Proposed residential development of 4 no dwellings - Withdrawn 11th June 2007.
- 3.3 N98/0818/N - Demolition of industrial building and erection of new dwelling house with separate double garage on land adjoining St Anthony - Refused 17th February 1999. Dismissed on appeal 3rd August 1999.
- 3.4 97/0561/N - Change of use from coal merchants yard to manufacture of extraction systems - Approved 11th September 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objections subject to inclusion of conditions relating to foul and surface water drainage.
- 4.2 Environment Agency raise no objections subject to inclusion of conditions relating to surface water drainage and finished floor levels to any approval notice subsequently issued.

Internal Council Advice

- 4.3 The Archaeology Manager raises no objections.
- 4.4 The Forward Planning Manager has no objections.
- 4.5 The Transportation Manager raises no objections.
- 4.6 The Conservation Manager raises no objections, but would like to see omission of the porch to unit 1.
- 4.7 The Landscape Manager raises no objections subject to inclusion of a condition relating to the protection of existing trees in site during construction works and also a condition in respect of additional tree planting on site.

5. Representations

5.1 Yarpole Parish Council: No response received at time of writing report.

5.2 Letters of comment/objections have been received from the following:-

- Dr Julian Stokes, Church House Farm, Yarpole
- Mr Roger King, Brick Cottage, Yarpole
- Mrs Carol Clare, Red Oak, Yarpole
- Mr & Mrs AF Mears, Stoneybrook, Yarpole
- Mrs PA Earle, Windrush, Bircher Road, Yarpole
- Mr R Ellway, Stone Cottage, Leys Lane, Bircher

Some of the above-mentioned have stated they do not object in principle to residential development on site. The main issues of concern relate to:-

- Impact on drainage from the site.
- Impact of additional traffic from the site.
- Loss of an employment site.
- Density of the proposed development.
- Impact of development on surrounding Conservation Area.
- Concerns about existing vegetation on site.
- No affordable housing on site.

5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues with this application are:

- Loss of an employment site
- Density of the proposed development
- Drainage
- Conservation Area and setting of Listed Buildings.

6.2 Loss of an employment site

The site is presently an employment site in planning class terms representing a 'brownfield site' within the development limits and Conservation Area of the Settlement.

6.3 Policy E5 – Safeguarding Employment Land and Buildings of the Herefordshire Unitary Development Plan (UDP), states that proposals which would result in the loss of existing employment land will be permitted if there would be substantial benefits to residential or other amenity in allowing alternative forms of development.

6.4 4 letters received from members of the public do not object in principle to residential development on site.

6.5 Policy H14: "Re-using previously developed land and buildings" encourages change of use of previously developed land for residential purposes as long as the proposal

respects the character and appearance of its location and protects existing and proposed residential amenity, and is consistent with other UDP policies.

- 6.6 Both the Conservation Manager and Landscape Manager raise no objections to the proposed development. The Conservation Manager comments that the proposal represents a general and significant improvement over the previous withdrawn application, and the proposal will be an improvement on the setting of the listed barn and mill compared with the existing industrial building on site.

- 6.7 An appeal against the Council's refusal for demolition of industrial building and erection of new dwelling house with separate double garage was dismissed on 3rd August 1999.

The appeal was considered against policies in the former Leominster District Local Plan now replaced by the Herefordshire Unitary Development Plan. The relevant policies emphasise the need to have regard to the surrounding area as summarised in paragraph 6.5 above.

- 6.8 By comparison with the existing industrial use of the site, residential development will be more compatible with the surrounding Conservation Area as well as improve the amenity of surrounding dwellings including those recently formed on the western boundary of the site where a listed barn has been converted to residential use (ref NW03/3254/L and NW03/3253/F). This barn was also formally in a use class B1 use. Consequently it is considered that the benefit of the residential redevelopment of the site outweighs the loss of the employment land (Policy E5).

6.9 Affordable Housing and Housing Density

Paragraph 5.5.12 in the Herefordshire Unitary Development Plan states that in rural areas the threshold for the requirement for affordable housing is set at 6 or more dwellings or site of more than 0.2 hectares. The site falls below both these thresholds. The density policy sets guidelines for sites of 1 hectare or more. As the site is 0.2 of an hectare those guidelines do not apply.

- 6.10 The site covers an area of approximately 0.2 hectares, however part of the western elevation of the site is considered unsuitable for development, due to its topography. Also on the opposite side of this boundary, are barns that have been converted to residential use, therefore retention of the vegetation on this section of the site as well as the introduction of additional planting, will help screen and integrate the proposed development into the surrounding area. Consequently the effective development area is less than 0.2 hectares.

- 6.11 The proposed layout is considered acceptable with regard to residential amenity and privacy for each dwelling and the nearby existing dwellings. The nearest point from the proposed dwellings to an existing dwelling is plot 2 which measures 12 metres. Appropriate conditions on boundary treatments will further assist to protect the amenities of nearby dwellings.

Drainage

- 6.12 The Environment Agency and Welsh Water have no objections to the proposed development subject to inclusion of conditions in respect of foul and surface water drainage.

Traffic

- 6.13 The Transportation Manager raises no objections to the proposed development. Given the current planning status of the site vehicle movements could well be higher than that for 4 dwellings.

Trees and Landscape

- 6.14 The Landscape Manager raises no objections. The applicants have submitted a detailed tree report which the Landscape Manager considers addresses the issues of the existing trees on the site while also making adequate provision for planting new trees of suitable species.
- 6.15 In conclusion the proposal accords with relevant UDP policies and is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 3 - Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 4 - No surface water shall be allowed to connect (either directly or indirectly), to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 5 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 6 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless**

otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 7 - No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.

c) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

d) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

e) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

f) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

g) the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To safeguard the amenity of the surrounding area.

- 8 - No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

Reason: In order to protect the visual amenity of the surrounding area.

- 9 – GO1 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 10 - If within a period of five years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies,

(or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

Reason: In order to protect the visual amenity of the surrounding area.

11- E16 (Removal of permitted development rights)

Reason: In order to preserve the setting of the surrounding Conservation Area and amenity of surrounding dwellings.

12 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

13 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

INFORMATIVES

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - N19 - Avoidance of doubt

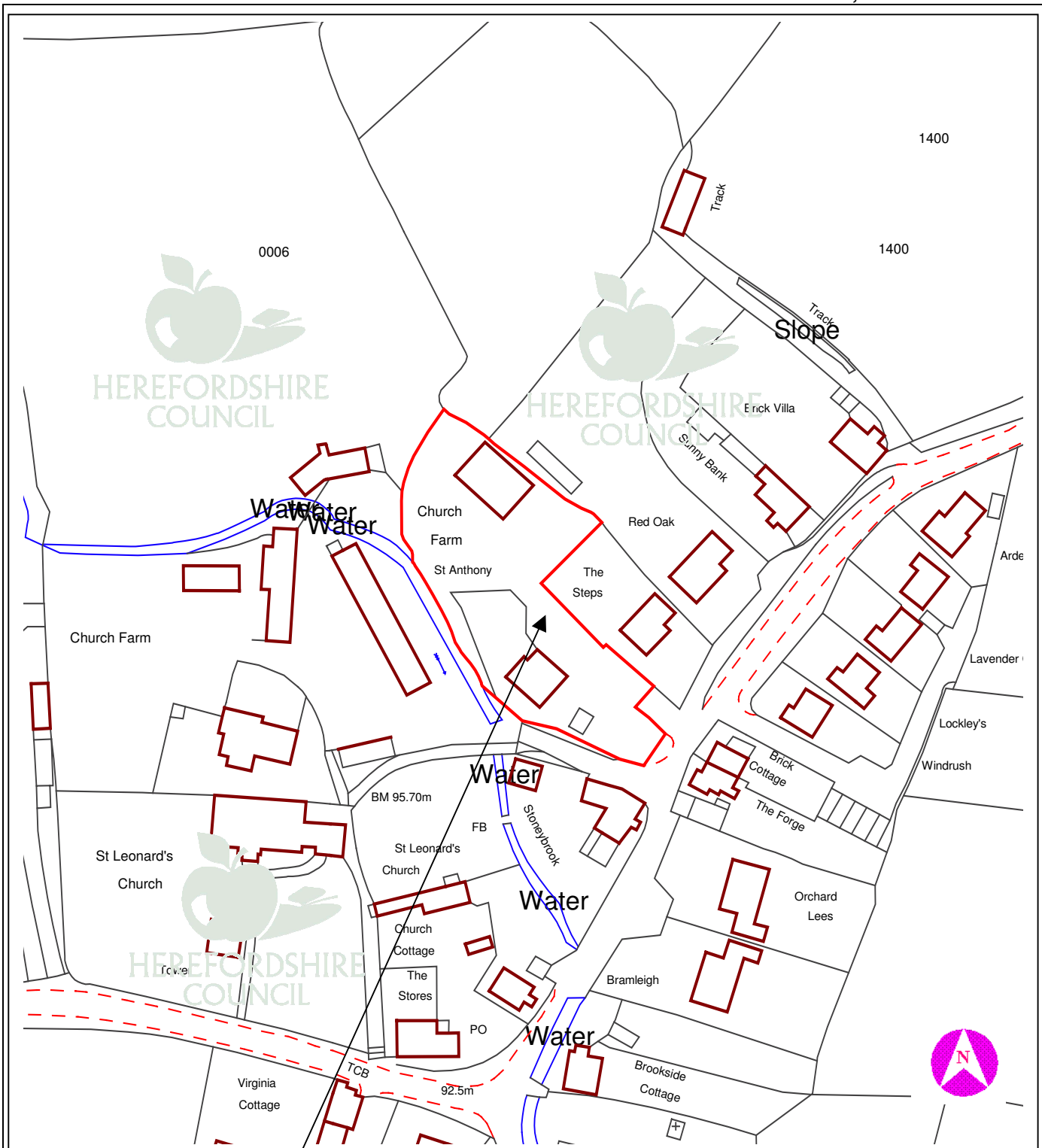
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2110/F

SCALE : 1 : 1250

SITE ADDRESS : St. Anthony's, Yarpole, Leominster, HR6 0BA

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