

# Planning Statement

Application by: J P & D Mokler Properties  
Site Address: Land adjacent Church Terrace, Almeley,  
Herefordshire, HR3 6LB  
Proposal: Erection of 2 detached dwellings with garages



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**1. Introduction**

- 1.1. This planning statement is submitted in support of a full planning application for residential development on land to the west of Church Terrace, Almeley. The proposed development is for a high quality residential scheme comprising two 3 bedroom detached dwellings.
- 1.2. This application follows previous submissions LPA Ref: P140977/F, withdrawn on 19<sup>th</sup> November 2014 and LPA Ref: P143462/F, withdrawn on 19<sup>th</sup> February 2015.
- 1.3. The later application (P143462/F) was withdrawn following receipt of comments from the Council's Conservation Officer with respect to the design of the proposed dwellings and also, comments received from the Council's Ecologist requesting submission of further Ecological Survey reports.

**2. Almeley**

- 2.1. The village of Almeley is located approximately 15 miles north west of Hereford City and performs an important service centre role for its adjoining rural hinterland. The village is well served by public transport and contains a good range of services and facilities including a primary school, a public house, shop and village hall. A number of employment opportunities are provided in the village and surrounding settlements.

**3. Application Site**

- 3.1. This application relates to a 0.18 ha site located on the western fringe of the village. The site forms an infill plot lying between Stable Lodge and Almeley Manor to the west and semi-detached properties at Church Terrace to the east. The southern boundary of the site has an established hedgerow running along its length, running parallel with the adjacent public highway, providing direct access into the site. The northern boundary is defined by overgrown trees and bushes and adjoins farmland and the curtilage of The Old Vicarage.
- 3.2. The infill site is located on the western entrance into the village and lies within Almeley's Conservation Area close to Almeley Manor (Grade 2\* Listed), St Mary's Church (Grade 1 Listed) and the remains of the village's Motte and Bailey, a Schedule Ancient Monument.
- 3.3. This high profile location at the heart of the historic core of the village is not supported by the site's unkempt appearance. The site is occupied by overgrown scrub, brambles and trees with an old shed located in the south western corner which collectively creates an untidy and poor visual impression in what is otherwise a very attractive part of the village.

- 3.4. This application seeks to deliver a sensitive development comprising two well-designed residential dwellings built using high quality, locally distinctive materials which will ensure the two dwellings blend with the existing built form. This proposal will deliver an improvement to the overall appearance of the site and ensure that it contributes positively to the overall environment of this historic part of the village.

#### **4. Proposed Development**

- 4.1. As identified by the accompanying plans, two detached dwellings are proposed for this site. The proposed dwellings have been sensitively located to complement the linear form of development in this part of the village and have been set back off the highway to reflect the building line formed by adjacent properties at Church Terrace and Almeley Manor. The form and density of the proposal is entirely appropriate for the site in respect to its context and setting within the village and the detailed design of the dwellings has been the subject of discussion and negotiation following submission of the original and subsequent applications, with particular reference to the Conservation Officer's comments.
- 4.2. The materials proposed are of a high quality and reflect those used locally ensuring a development which will complement and blend with this historic part of the village whilst delivering a visually improved street scene. The two dwellings have been designed to complement each other and will have natural stone elevations, slate roofs and oak framed windows, doors and porch. Garages will be provided for each dwelling with vehicular access provided off the adjacent highway. The existing boundary fronting the roadside will be landscaped to complement the existing character and appearance of the site using native hedging.

#### **5. Planning History**

- 5.1. As stated in the introduction above, previous applications (LPA Ref: P140977/F & P143462/F), proposing the erection of two dwellings, were submitted in 2014. Although the principle of development on this land was not raised as an issue, the detailed design of the proposed dwellings has been the subject of further discussion and negotiation with the authority.
- 5.2. The site has not been submitted for consideration through the SHLAA process. The application site lies outside the defined settlement boundary identified within the former Unitary Development Plan (UDP). However, the inclusion of the land (within the settlement boundary) was a matter discussed during the UDP Inquiry and is the subject of a specific comment and recommendation in the UDP Inquiry Inspector's report.

- 5.3. The Inspector commented that, in his view, the natural built-up limits of Almeley extended beyond Church Terrace to include Stable Cottage and Almeley Manor as both properties indicate a continuation of development along the lane. Furthermore, the Inspector did not consider the mature hedge or the gap formed by the application site to be prominent features and consequently, was of the view that the settlement boundary in this location was “deserving of review”.
- 5.4. The Inspector did, however, take the view that modification of the settlement boundary (to include the application site) was not, at that time, in the public interest as it would result in a delay in the adoption of the UDP. He did, however, state that the settlement boundary should be reviewed at the earliest convenience and stated that his comments in this respect would be material considerations in the determination of any future planning application.

## 6. Planning Policy Considerations

### *Principal of Development*

- 6.1. S38 (6) of the Planning and Compulsory Purchase Act 2004 states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

- 6.2. In this instance, the Development Plan for the area is the Herefordshire Local Plan – Core Strategy (CS) alongside the emerging Almeley Neighbourhood Development Plan which (at the time of writing) had progressed to consultation stage.
- 6.3. A range of CS policies are relevant to the determination of the application. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the National Planning Policy Framework (NPPF). SS1 confirms that proposals which accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4. As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 ‘Delivering new homes’ confirms that in rural areas, new housing development will be acceptable *“where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”*

- 6.5. Policy RA2 (*Housing in settlements outside Hereford and the market towns*) identifies the rural settlements which are to be the main focus of proportionate housing growth and other settlements where proportionate housing growth is considered appropriate.
- 6.6. In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Policy RA2 goes on to set out the criteria by which to assess housing proposals as follows:
1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements ..... proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
  2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
  3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
  4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*
- 6.7. Despite the relatively recent adoption of the CS, it is clear that the Housing Land Supply deficit within Herefordshire persists with the most recent Five Year Housing Land Supply Position Statement (April 2016) confirming a supply of 4.49 years.
- 6.8. The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present application. However, as a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing must be considered to be 'out of date' by reason of paragraph 49 of the NPPF.
- 6.9. Although these policies are out of date, the weight they should receive in the consideration of planning applications is a matter of planning judgment for the decision-maker. In this instance, as the policies support growth in this location, significant weight can be attributed to policy RA2 of the Core Strategy.
- 6.10. Almeley is a settlement, identified in the Core Strategy, as one that will be the main focus of proportionate growth. This is further acknowledged in the emerging Neighbourhood Development Plan (NDP) which, within Section 3 of the consultation draft, identifies one of the

goals and objectives of the Plan being the provision of opportunities *'for housing for existing and future residents of the Parish, including affordable, private and self-build'* dwellings.

- 6.11. Further clarification of this goal/objective is contained within Section 10 (Housing Policies) of the Plan which, amongst other things, seeks to allow minor extensions of the existing village boundary (para 10.2), deliver 2 – 3 bedroom private detached houses (para 10.7) on individual plots (up to 3 – 5 dwellings) rather than larger scale developments (para 10.9).

*Conservation*

- 6.12. Policy SS6 (Environmental quality and local distinctiveness) requires development proposals to *'conserve those environmental assets that contribute towards the county's distinctiveness, in particular its settlement patter, landscape, biodiversity and heritage assets...'*

- 6.13. The policy states:

*'Development proposals should be shaped though an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:*

- *Landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;*
- *Biodiversity and geodiversity especially Special Areas of Conservation, and Sites of Special Scientific Interest;*
- *Historic environment and heritage assets, especially Scheduled Ancient Monuments and Listed Buildings;*
- *The network of green infrastructure;*
- *Local amenity, including light pollution, air quality and tranquillity;*
- *Agricultural and food productivity;*
- *Physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.*

- 6.14. Policy LD1 (*Landscape and Townscape*) states that development proposals should:

- *demonstrate that character of the landscape and townscape has positively influenced the design, scale , nature and site selection, protection and enhancement of the setting of settlements and designated areas;*

- *conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- *incorporate new landscape scheme and their management to ensure development integrates appropriately into its surroundings; and*
- *maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.*

6.15. Policy LD2 (Biodiversity and geodiversity) requires development proposals to conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

1. *Retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:*
  - a. *Development that is likely to harm sites and species of European Importance will not be permitted;*
  - b. *Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;*
  - c. *Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species;*
  - d. *Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.*
2. *Restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and*
3. *Creation of new biodiversity features and wildlife habitats.*

6.16. Policy LD3 (Green Infrastructure) requires development proposals to protect, manage and plan for the preservation of existing and new green infrastructure, and should achieve the following objectives:

1. *identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;*
  2. *provision of on-site green infrastructure; in particular proposals will be supported where this enhances the networks; and*
  3. *integration with, and connection to, the surrounding green infrastructure network.*
- 6.17. Policy LD4 (Historic environment and heritage assets) requires development proposals affecting heritage assets and the wider historic environment to:
1. *Protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;*
  2. *Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;*
  3. *Use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;*
  4. *Record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publically accessible; and*
  5. *Where appropriate, improve the understanding of and public access to the heritage asset.*

*The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the original form and function of any asset and, where appropriate, improve the understanding of and public access to them.*

## **7. Discussion**

- 7.1. Having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the National Planning Policy Framework, the principle of development is established as the authority can only demonstrate a 4.49 year supply of deliverable housing sites set against a statutory requirement to identify a 5 years supply/.
- 7.2. The settlement identified within the adopted Local Plan Core Strategy as a settlement where the main focus of proportionate (housing) growth and, reference to the Unitary Development Plan Inspectors comments, confirms that the site should be considered to be within the settlement boundary.

Conservation

- 7.3. During the consideration stage of the previously withdrawn application (LPA Ref: P143462/F), the Authority's Conservation Officer objected to the proposed development on the grounds that:
1. *the application site is outside the settlement boundary*
  2. *the proposed development (and alteration of the setting of the Grade I Listed Almeley Manor) would impact the setting of the Manor House by virtue of infilling the gap formed by the development site.*
  3. *No garages are proposed which would render most of the frontage as hard landscaping which is not characteristic of this part of the Conservation Area. The lack of garages would be likely result in subsequent owners requiring garages so the provision of garages should form part of the application proposal.*
  4. *The dwellings would be set back on the plot but not as far back as the adjacent Church Terrace. This would significantly impact the setting of the listed buildings, particularly in relation to Almeley Manor and its stables.*
  5. *The timber-framed gabled porch with herringbone brick infill is not characteristic of country cottages and should be re-thought. It was considered that the setting of Almeley Manor (which has such a porch detailing) would be impacted if such porches were allowed as part of the scheme.*
  6. *A 3D image analysis of the proposed dwellings, showing relative heights and scales of the buildings to either side of the site, including the Manor, would allow a more extensive assessment of the impact of the proposal on the street scene. Also, it was apparent that the sloping nature of the site had not been duly considered.*
  7. *It was considered that the character and appearance of the Conservation Area would be diluted and compromised by the addition of these dwellings to the street scene taking into account the particular features on this lane.*
- 7.4. The dwellings proposed within this revised application have been further reduced in size and stature and garages are now proposed as part of the scheme. Plot A features a double garage, of similar footprint to the existing building on-site whereas Plot B proposes a single garage set back to the natural building line.
- 7.5. The impact of the proposed dwelling on the street scene and the setting of the Manor has also been revisited and the scheme amended to set the proposed dwelling further back onto the site. It is considered that the reduction in size/scale/height of the proposed dwellings, and setting further back onto the site, addresses the Conservation Officers previous concerns so far as

possible having regard to the need to balance biodiversity interests – specifically, the provision of a ‘green buffer’ to the rear of the site.

- 7.6. The proposed porches have also been reconsidered and it is now proposed to provide a simple flat canopy porch detail to each dwelling.
- 7.7. The application documentation now provides a 3D image of the proposed dwellings to allow a more detailed analysis of their impact upon the street scene.
- 7.8. Overall, it is considered that the concerns previously raised by the Conservation Officer have been addressed insofar as they relate to design. However, the comments/opinions of the UDP Inspector must also be duly considered in respect to the ‘developability’ of this site.

#### *Biodiversity*

- 7.9. The Authority’s Ecologist, within his consultation response dated 8<sup>th</sup> January 2015, made the following comments:

*“I visited the site last year and I am of the opinion that it is of value to wildlife. Firstly the site is designated as a Traditional Orchard. The site was very overgrown and it was difficult to ascertain the status with regard to this but there was a large apple tree central to the plot.*

*I note also that one of the objectors has indicated they have great crested newt and slow-worm which they believe come from hibernation sites on this site. I am afraid I have to object as there is no ecological survey to ascertain the habitat status of the site and potential impacts on protected species. Without this I can give no balanced advice on the ecological issues for the site and its development.”*

- 7.10. As a result on these comments, an Extended Phase 1 Habitat and Species Assessment (Preliminary Ecological Assessment) was undertaken in February 2015. The Assessment confirms that there are 37 mostly common plant species on site. However, the site was considered to have high ecological value and recommended further survey effort to establish the presence of bats, reptiles, dormice and great crested newts.
- 7.11. The survey also concluded that hedgerows present on site were an important feature for wildlife and offered a good habitat for commuting and foraging.
- 7.12. Between June and August 2016 further ecological survey work was undertaken, primarily focusing on the existing stable building. No bats emerged from the structure and accordingly, the building is not considered to be a bat roost.
- 7.13. The report also confirms that breeding bird activity was not apparent in or around the building.

- 7.14. The ecological survey work undertaken therefore confirms the site to be of little ecological value but notwithstanding this, and having regard to the commentary made in the initial survey report, a 5 metre green buffer zone has been provided to the rear of the site. The proposed buffer zone has been provided with a view to safeguarding any pre-existing wildlife corridors but also to improve provision of such facility. It is therefore considered that the proposed biodiversity mitigation measures proposed as part of the scheme will result in, at the very least, equilibrium in biodiversity asset that the site offers if not an improvement overall.

## **8. Conclusions**

- 8.1. This detailed planning application is for two detached 3-bed dwellings on an infill plot located within the sustainable village of Almeley. The design and layout of the proposed dwellings takes into consideration the comments previously made by both the Council Conservation Officer and Ecologist.
- 8.2. The application proposal falls to be determined within the paragraph 49 of the National Planning Policy Framework as the housing delivery policies contained within adopted Core Strategy must be considered out of date due to the lack of a 5 year housing supply within the County.
- 8.3. This statement therefore demonstrates compliance with relevant policies contained within the adopted Core Strategy having regard to other material planning considerations.
- 8.4. The planning application is accompanied by a Design & Access Statement which emphasises the 'landscape and design-led' approach taken by the applicant to the site, reflective of the location of the site within the Conservation Area of Almeley.
- 8.5. The village of Almeley has consistently been viewed and regarded as a sustainable settlement given its services and facilities and its proximity to Kington and access into Hereford City.
- 8.6. The use of high quality design and sympathetic materials as presented by the application proposal would enhance the setting of the site within Almeley's Conservation Area. The application is therefore wholly compliant with paragraph 137 of the Framework which supports such proposals for development.
- 8.7. The proposal enables an effective and efficient use of underutilised land, within a settlement, which is well related to the built form and would provide much needed 3-bed housing accommodation in accordance with the findings of the Herefordshire Housing Market Assessment.

- 8.8. It is, therefore, respectfully recommended by the applicant that the national and local planning policy 'fit' of the proposed development allied to robust supporting technical reports provides Herefordshire Council with sound justification to approve this planning application.