

PLANNING, DESIGN & ACCESS STATEMENT

**Demolition of Existing Dwelling and Outbuildings and
Erection of Replacement Dwelling and Associated Works
and Infrastructure**



At

**Keepers Cottage
Lowthorpe
Driffield
East Riding of Yorkshire
YO25 4AU**

On Behalf of Sir Charles T Legard and Christopher J C Legard

April 2021

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1.0 Introduction

1.1 Gallagher Planning is pleased to submit the planning application which this report accompanies. The application has been submitted on behalf of Sir Charles T Legard and Christopher J C Legard and seeks planning permission for the demolition of a dwelling and outbuildings and the erection of a replacement dwelling.

1.2 The site boundary is identified below in Image 1.



Image 1: Site Location Plan

1.3 The application is also accompanied by a full set of planning drawings prepared by Walker Graham Architects and a Preliminary Ecological Appraisal prepared by Curtis Ecology.

2.0 Description of Site and Proposed Development

- 2.1 The application site is situated towards the eastern end of Lowthorpe village. The site is approximately 0.3 ha area. The site is centred at the approximate National Grid Reference TA085 607.
- 2.2 The site is occupied by a dormer-style detached cottage, (see Image 2 below), a range of single-storey outbuildings, with amenity grassland and trees. The boundaries are defined by a mix of fencing types and a short length of hedgerow to the east.



Image 2: Existing Dwelling

- 2.3 The site is not located with a conservation area and the property is not listed. Image 3 below is an aerial photograph of the site and its immediate context.



Image 3: Aerial Photo (source: Google Earth 2021)

2.4 It is proposed to demolish the existing dwelling and outbuildings and erect a high quality replacement dwelling on the application site. The proposed replacement dwelling has been designed by the York architectural practice Walker Graham. It will be a traditionally designed but modern dwelling offering a very high level of amenity to future residents. The replacement dwelling will utilise a ground source heat pump system and will be constructed and insulated to modern standards. The proposed house takes many of its design influences from the area's vernacular and will, when constructed, be very much in keeping with the character of the area. The design of the house is discussed in greater detail later in this report.

3.0 Planning History

- 3.1 Based on information available on the East Riding of Yorkshire Council's website, there is no planning history on this site.

4.0 Planning Policy

Local Planning Policy

4.1 Applications are to be determined in accordance with the policies in the Development Plan. In this case, the Development Plan for the area comprises the East Riding Local Plan Strategy Document (ERLP) adopted in April 2016 and the Allocations Document that was adopted in July 2016.

4.2 The policies most relevant to this proposal are:

- Policy A3 – Driffield & Wolds Sub-Area - sets out how growth will be delivered in the sub-area.
- Policy S1 – Presumption in favour of Sustainable Development - reflects the requirements of the NPPF to take a positive approach to sustainable development.
- Policy S4 – Supporting Development in Villages and the Countryside – recognises the importance of a working, living and attractive countryside.
- Policy ENV1 – Integrating high-quality design – seeks to achieve high-quality design, safeguarding and reflecting the distinctiveness of the local area.
- Policy ENV2 – promoting a high-quality landscape - seeks to ensure that development proposals are sensitively integrated into the existing landscape setting.
- Policy ENV4 – Conserving and enhancing biodiversity and geodiversity – seeks to ensure that biodiversity and geodiversity are conserved and enhanced in the East Riding.
- Policy ENV6 – Managing environmental hazards – seeks to manage environmental hazards including flood risk and groundwater pollution to ensure that development does not result in unacceptable consequences to its users, the wider community, and the environment.

National Planning Policy

- 4.3 The National Planning Policy Framework (NPPF) is a material consideration and is the Government's overarching framework for planning policy. The NPPF identifies that applications should be considered in the context in favour of sustainable development (paragraph 10).
- 4.4 Proposals that accord with the development plan should be approved without delay and where it is silent or relevant policies are out of date, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate that development should be restricted (Paragraph 11).
- 4.5 Paragraph 38 of the NPPF states that: *'Local planning authorities should approach decisions on proposed developments in a positive and creative way. They should use the full range of planning tools available....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*
- 4.6 Paragraph 118 recognises that planning policies should give weight to several criteria including promoting the development of under-utilised land and buildings to help meet needs for housing where land supply is constrained, and available sites could be used more effectively.
- 4.7 Paragraph 122 states that decisions should also support proposals that consider a series of criteria including identified needs of housing types, local market conditions and well-designed attractive and healthy places.
- 4.8 The Government also seeks to secure high-quality design and a good standard of amenity for all existing and future occupants of buildings. Paragraph 124 places great importance on the design of the built environment, stating that good design is a key aspect of sustainable development.
- 4.9 Paragraph 155 recognises inappropriate development in flood risk areas should be avoided by directing development away from high-risk areas.

5.0 Planning Considerations

Principle of Development

- 5.1 The proposed development lies in Countryside as shown in the extract from the ERLP Policies Map (see below).

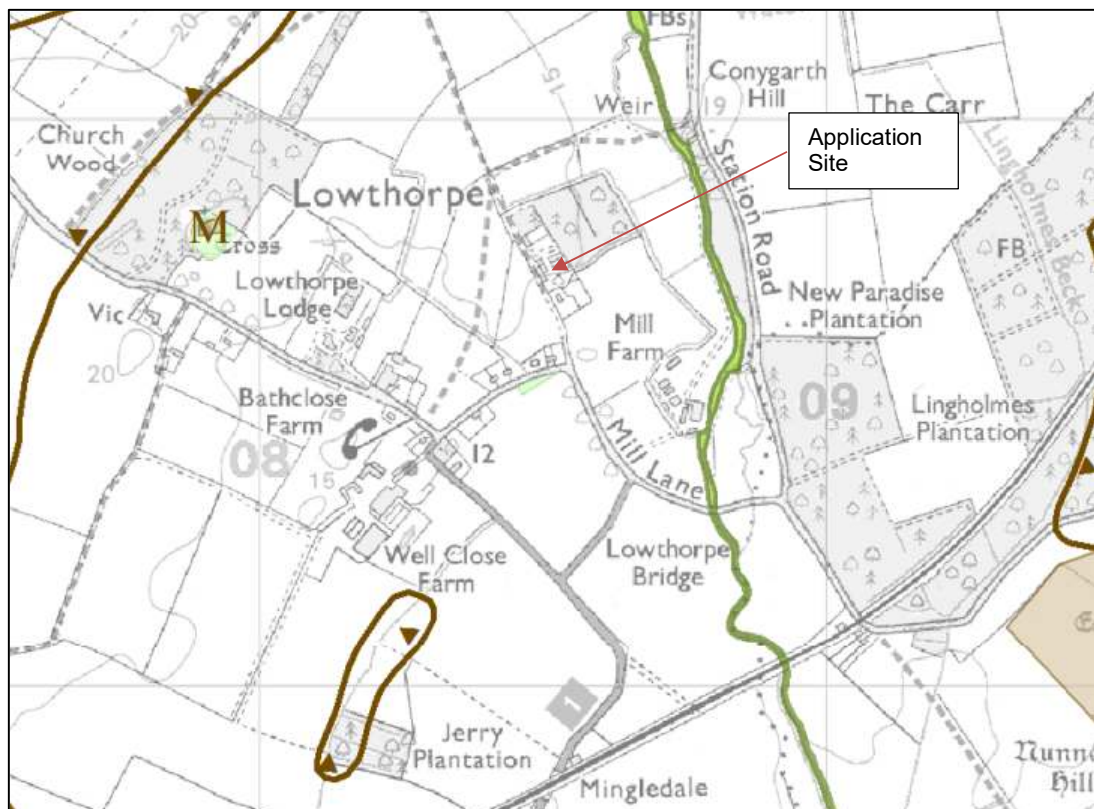


Image 4: Extract from Policies Map Grid 14 (Source: ERYC)

- 5.2 Lowthorpe is a hamlet and lies within Countryside as designated by policy S4 of the ERLP. As such, Part C of Policy S4 applies. Part C states:

“Outside of a development limit land will be regarded as the Countryside and the following forms of development supported, where proposals respect the intrinsic character of their surroundings:

1. Conversion of buildings for economic development (including work-live units), tourism or community uses. Conversions for new housing will be supported where the preservation of the building would enhance the immediate setting and where it:

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i. would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset; or

ii. would re-use a redundant or disused building without significant alteration or significant extension.

2. Replacement dwellings;

3. New dwellings of exceptional quality or of truly outstanding innovative design;

4. Affordable housing for local people;

5. Agricultural, forestry or other rural-based occupational dwellings subject to demonstrating

an essential need. Such dwellings will be subject to an agricultural occupancy condition;

6. Employment uses in accordance with Policy EC1;

7. Agricultural, horticultural and forestry uses;

8. New and enhanced infrastructure;

9. Energy development and associated infrastructure;

10. Development to support existing military defence operations; and

11. Sports, equine, recreation, community facilities and tourism development.”

5.3 As the proposal is a replacement dwelling, it complies with the above policy.

5.4 The existing property has no architectural merit and would require a substantial programme of repair and renovation to bring it to modern standards . A high-quality replacement dwelling would be more cost-efficient than a refurbishment of the existing dwelling and would allow more energy-efficient measures to be incorporated into the design.

5.5 Paragraph 4.41 of the supporting justification for Policy S4 states:

5.6 *“Replacement dwellings will be permitted in the Countryside where their design and character reflects the surrounding area and results in an increase of the usable floor area of the original building normally by no more than 50% (i.e. the original dwelling as-built or as at 1st July 1948, as defined in the General Permitted Development Order)”*

5.7 The calculation below shows that the proposed replacement dwelling is policy compliant:

- Existing Floor Area = 216.8 sq.m.
- Proposed New Floor Area = 246.7 sq.m (garage and car port is an additional 56.8 sq. m)
- 50% of Existing Area (216.8) = 108.4 sq m
- Allowable Floor Area = 216.8 + 108.4 = 325.2 sq m
- The new dwelling is 246.7 sq m. Together with garage and carport the new floorspace is 303.5 sq m and is therefore acceptable under the above policy.

5.8 The proposal would represent a sustainable form of development that is supported by the ERLP and NPPF. Therefore, the principle of development is considered acceptable.

Design and Impact on the Character of the Landscape

5.1 One of the core planning principles of the NPPF is that planning should seek to secure high-quality design and a good standard of amenity for existing and future occupants of land and buildings. National planning policy recognises the role that high-quality design plays in creating sustainable places. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. The NPPF advises that in the assessment of design, consideration where appropriate should be given to layout, form, scale, detailing and materials.

5.1 Paragraph 124 of the NPPF states that “*The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*”

5.1 Policy ENV1 requires all proposals to contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use and has regard to the specific characteristics of the site’s wider

context and the character of the surrounding area having an appropriate scale, density, massing, height and material.

5.2 Policy ENV2 states that development proposals should be sensitively integrated into the surrounding landscape and ensure that important hedgerows and trees are retained unless their removal can be justified in the wider public interest in which case replacements will usually be required.

5.3 The application site lies within the Yorkshire Wolds. This is an 'Important Landscape Area' as defined in the ERLP and Policy ENV2.

5.4 Part B of Policy ENV2 states that

"Proposals should protect and enhance existing landscape character as described in the East Riding Landscape Character Assessment, in particular, within the following Important Landscape Areas as shown on the Policies Map:

1. The Yorkshire Wolds, with special attention to ensuring developments are of an appropriately high quality and will not adversely affect the historic and special character, appearance or natural conservation value."

5.5 According to the East Riding Landscape Character Assessment¹ (ERLCA) (2018), the site lies within Landscape Character Type (LCT) 18 Low Lying Drained Farmland within the National Character Area of Holderness.

5.6 Within the LCT, the Landscape Character Area (LCA) is 18E: Kelk Beck Farmland.

5.7 This LCA encompasses the villages of Great Kelk, Lowthorpe and Harpham. It is relatively flat and low lying. Linear drainage systems feed into the meandering beck as it heads south to join the River Hull. There are several lakes and ponds in the area.

5.8 Villages are small and located on higher ground. Farmsteads are few and tend to be large. Vernacular building materials are red brick with pantile or slate roofs. Brick houses are sometimes painted.

¹ <https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/landscape-character-assessment/>



Image 5: Landscape Character

- 5.9 In terms of susceptibility to development, the LCAU states that there are a relatively small number of settlements in the area and other residential development is limited to scattered properties. There is a low density of development within this LCT and limited capacity for sensitive residential expansion may be accommodated.
- 5.10 As the proposal is a replacement dwelling, the principle of development on the plot has already been established. The scale of the proposed development is well related to the scale of the surrounding properties, in keeping with the site's surroundings and does not detract from the character of the area. The proposal is respectful of its agricultural surroundings and would protect the integrity of the landscape setting.
- 5.11 The design takes a traditional approach to the principal elevation taking precedent from the existing cottage and general character of historic Lowthorpe. This includes 1.5 storey cottages of linear plan form with eaves dormers, dual pitched roofs, gable parapets and casement windows (see sketch perspective below).

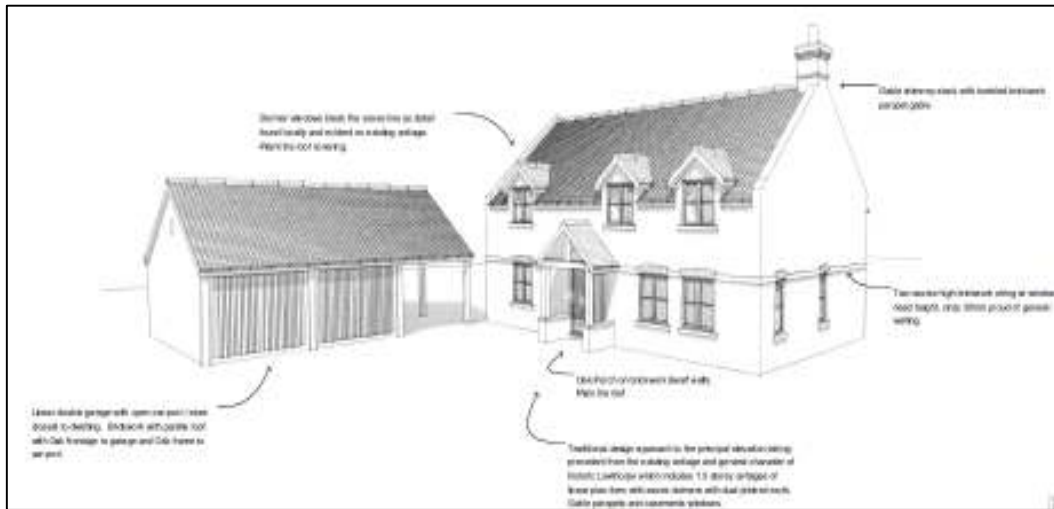


Image 6: Sketch Perspective

- 5.12 The material proposed for the roof is red clay pantiles to the principal roof planes with red clay plain tiles to the smaller roofs (such as dormers and porch). Angular stone ridge tiles are proposed with black plastic half round/round rainwater goods.
- 5.13 The walls will be built in an antique blend facing brickwork with segmental arch heads to openings and stone cills with brickwork eaves corbelling, tumbled brickwork gable parapets and string course. The porch and carport will be oak framed with vertical board-on-board timber cladding.
- 5.14 The dormer windows break the eaves line as found locally and are evident on the existing cottage. The windows will be upvc with double glazing and aluminium framed sliding door sets with double glazing to match windows.
- 5.15 A horizontal ground source heat pump installation is proposed in the garden area. A new post and rail fence is proposed to the boundaries with native species hedgerow planting.
- 5.16 The proposal represents a high-quality replacement dwelling which is more energy efficient. Due to its sensitive design, the proposal ensures that the character and appearance of the landscape are maintained.
- 5.17 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character or the appearance of the

area. The proposal accords with policies ENV1 and ENV2 of the ERLP and the advice contained within the NPPF which ensures a high quality of design.

Access

5.18 Policy EC4 of the ERLP relates to enhancing sustainable transport. The policy seeks to increase overall accessibility, minimise congestion and improve safety. New development will be supported where it can be made accessible by sustainable modes of transport and addresses its likely transport impact.

5.19 A new vehicular access will be constructed off the existing stoned over-run (see Image below). The existing vehicular access will be retained for use of the agricultural building.

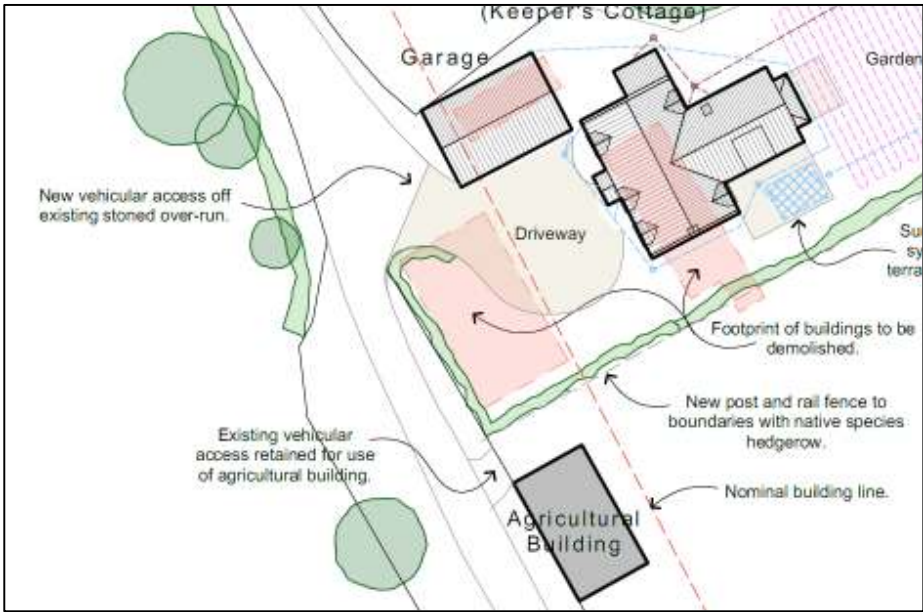


Image 7: Access to Proposed Replacement Dwelling

5.20 No increase in vehicle traffic is anticipated and there will not be any increase in demand for vehicle parking over and above existing.

5.21 It is considered that the proposals would be acceptable in terms of access, highway safety and have adequate parking and servicing provision. As such the proposal would accord with the provisions of policy EC4 and the NPPF.

Ecology

- 5.22 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure.
- 5.23 When determining planning applications, local planning authorities should apply the following principles *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on a site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.”*
- 5.24 Policy ENV4 of the Local Plan relates to conserving and enhancing biodiversity and geodiversity.
- 5.25 A Preliminary Ecological Appraisal (PEA) was undertaken on the 25th of February 2020. The following species were considered within the Preliminary Ecological Appraisal:
- Badgers
 - Bats
 - Great Crested Newts
 - Nesting birds
- 5.26 A part of the PEA, a Preliminary Roost Assessment was undertaken on all the buildings found within the application site shown below for illustrative purposes:

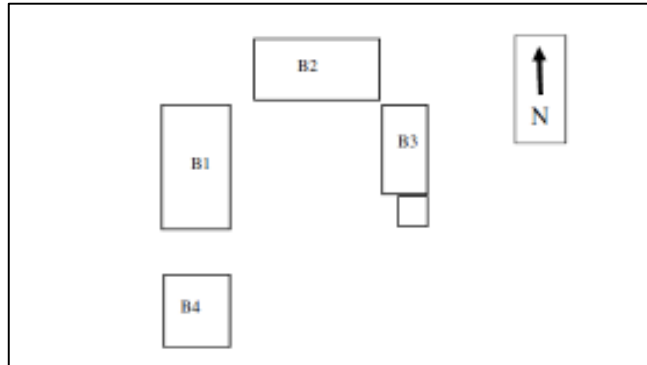


Image 8: Survey Buildings

- 5.27 Building 1 was assessed as having 'Moderate' potential for bat habitation due to lifted pantiles, lifted flashing around chimney stacks and gaps under the lead flashing on the dormer windows.
- 5.28 Building 2 was assessed as having 'Moderate' potential for bat habitation due to lifted/slipped pantiles, gaps surrounding timber framed doors and holes in wall on south elevation.
- 5.29 Building 3 was assessed as having 'Moderate' potential for bat habitation due to holes in wall on south gable, gaps surrounding timber framed doors and windows both internally and externally and lifted/slipped pantiles.
- 5.30 Building 4 was assessed as having 'Negligible' potential for bat habitation.

5.31 Recommendations in the report include:

- **Badgers** – no further survey work or mitigation required.
- **Bats** – Nocturnal surveys to be undertaken on Buildings 1, 2 and 3 between May and mid-September.
- **Great Crested Newts** – No further survey or mitigation work required.
- **Nesting birds** – No further survey work required. Mitigation and enhancement measures proposed.

5.32 The application site as a whole is considered to be of Low Ecological Value.

Impact on Residential Amenity

5.33 Policy ENV1 of the ERLP states that development proposals should have regard to the amenity of existing and future occupiers. The NPPF sets out that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

5.34 The site layout plan shows that the proposed replacement dwelling would not have any impact on neighbouring properties due to the separation distances and orientation of the buildings. The proposal would not raise any adverse effects of enclosure, loss of light or overshadowing due to the distances between the nearest neighbours. Image 9 below illustrates the proposed separation distances between the application site and neighbouring residences (the residential property to the north is in the ownership of the applicants).

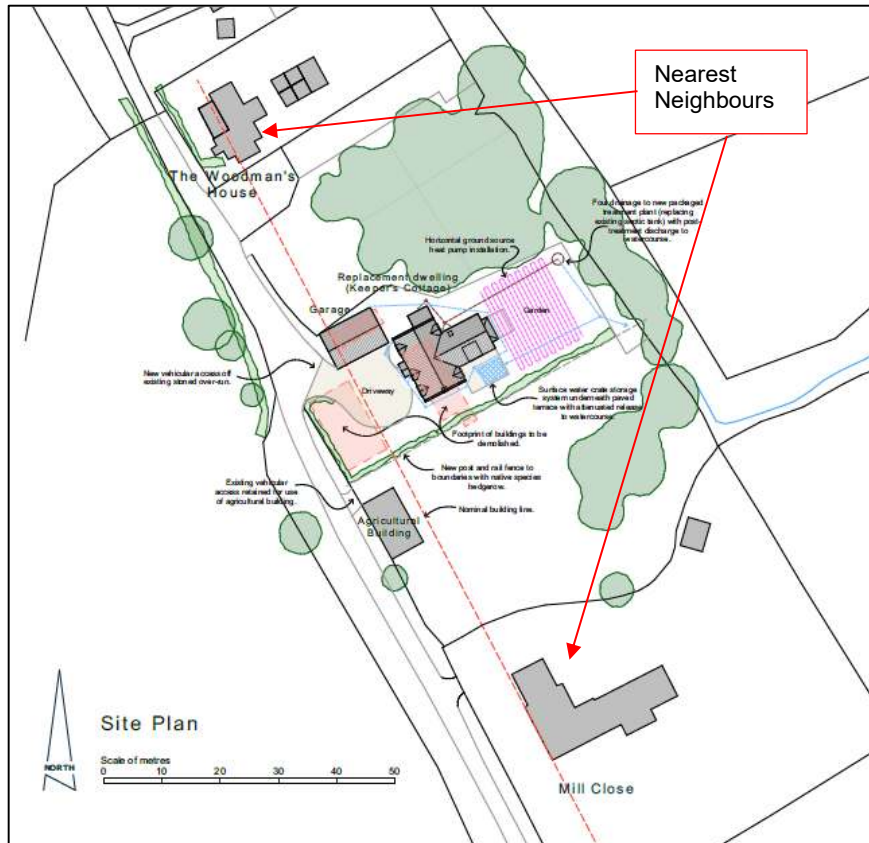


Image 9: Neighbouring Properties

- 5.35 It is considered that the sensitive design of the proposal has achieved an acceptable standard of amenity for the occupants of existing properties as well as the occupants of the proposed dwelling.
- 5.36 The proposed development would, therefore, comply with Policy ENV1 of the ERLP and guidance set out in the NPPF.

Flood Risk and Drainage

- 5.37 Policy ENV6 of the ERLP seeks to manage environmental hazards such as flood risk, coastal change, groundwater pollution and other forms of pollution to ensure that development does not result in unacceptable consequences to its users, the wider community and the environment.

5.38 The National Planning Policy Framework advises that development should be located in areas where there is the lowest probability of flooding. The site is situated in Flood Risk Zone 1 (see Image 10 below) where flooding from rivers and the sea is very unlikely. There is less than a 0.1% chance of flooding each year.

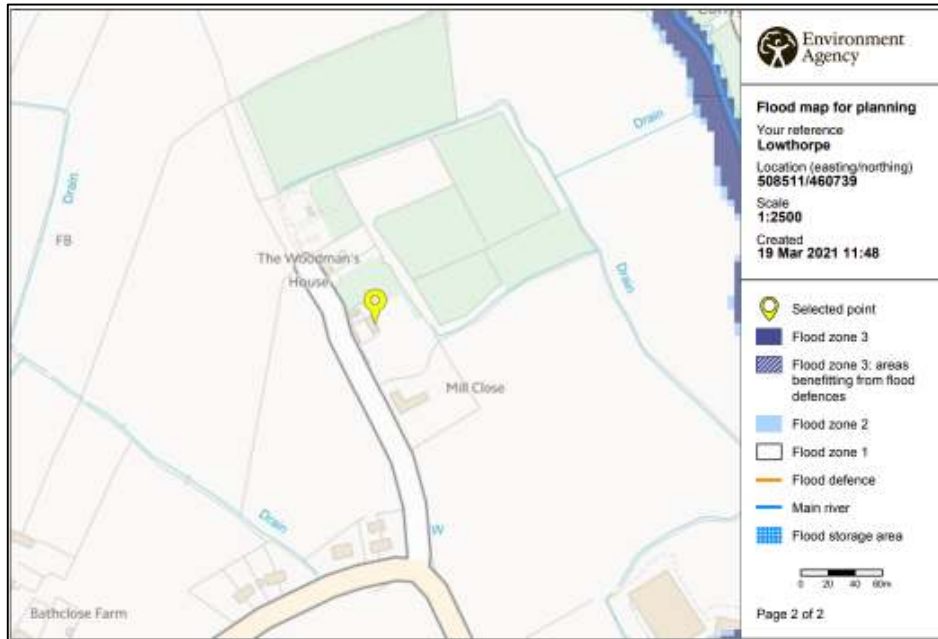


Image 10: Flood Risk Map (Source: Environment Agency)

5.39 It is proposed that foul water will be discharged to a new package treatment plant replacing the existing septic tank, with post-treatment discharge to watercourse.

5.40 A surface water crate storage system is proposed underneath the paved terrace with attenuated release to the watercourse.

6.0 Conclusion

- 6.1 The site lies within the village of Lowthorpe which is located in 'Countryside' as defined in the ERLP. Policy S4 allows for replacement dwellings in such locations where proposals respect the intrinsic character of their surroundings.
- 6.2 The size, siting and design of the proposed replacement dwelling is considered acceptable and would not detract from the visual amenity of the site or the surrounding area.
- 6.3 The proposed scheme will not pose a risk to highway safety and other matters of acknowledged importance, including residential amenity and flood risk.
- 6.4 The NPPF introduces a presumption in favour of sustainable development, and this is currently a key material consideration in planning decisions. There are no significant adverse planning impacts in this case that would outweigh the benefits of this proposal to justify the refusal of planning permission. The policies in the ERLP are consistent with the planning merits of this proposal.
- 6.5 In summary, it has been demonstrated that there are no policies or other material considerations which would suggest that planning permission should not be granted.
- 6.1 We confirm that we represent the applicants with respect to this planning application. We will be in touch with the appointed planning officer in the coming weeks to discuss the proposed development.