

8 DCNW2009/0182/F - PROPOSED NEW COTTAGE AND DETACHED GARAGE ON LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.

For: Mr & Mrs S. Griffiths per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE.

**Date Received: 27 January 2009 Ward: Golden Cross Grid Ref: 45629, 57570
with Weobley**

Expiry Date: 24 March 2009

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 The application site forms part of the residential curtilage of a two storey detached dwelling of external brick construction under a slate roof.
- 1.2 Adjoining the western boundary of the application site is the domestic curtilage, of a two storey detached dwelling of brick and timber frame external construction.
- 1.3 To the rear of the application site is open farmland and adjoining the application site alongside the front southern, elevation is the unclassified public highway U93003 known as Old Road.
- 1.4 The application which is very similar to a previous application refused planning permission by Committee on 24 September 2008, (application ref: NW2008/1971/F), proposes construction of a three bedroom two storey detached dwelling of external brick construction, under a slate roof with a floor space of approx. 100 square metres. (Measured externally). Also proposed to the rear of the dwelling is a single storey bay garage of similar construction to the dwelling.
- 1.5 Included as part of the application is a Draft Heads of Terms indicating the applicants agreement towards payment under a S106 Agreement of financial contributions in line with the Council's Supplementary Planning Document on Planning Obligations.

2. Policies

S1	-	Sustainable development
S2	-	Planning requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements
LA2	-	Landscape character and areas least resilient to change

3. Planning History

- 3.1 NW2008/1971/F Proposed new cottage and detached garage on land adjacent to The Old Post Office, Old Road, Monkland refused planning permission on 24 September 2008 as it was considered that the proposal was incompatible with the character of the immediate location and as a consequence contrary to Policies H6 and DR1 of the Herefordshire Unitary Development Plan.
- 3.2 N98/0443/O - Outline application for detached two-storey dwelling on land adjacent to Old Post Office, Monkland - refused planning permission on 28 September 1998 - later dismissed on appeal, 28 April 1999, in consideration of the impact on the surrounding landscape and policy of the Leominster Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections subject to conditions attached to any approval notice subsequently issued.

5. Representations

- 5.1 Monkland and Stretford Parish Council recommends that the application be refused for the following reasons:

- Four previous applications concerning this plot have been refused. It is therefore difficult to see why plans for a house and a garage should be acceptable. There was some concern that there might be some negative reaction from those previous owners of this property who have in the past, had their planning applications refused.
- There was some concern that infill development could change the spacious character of this part of the village and might be detrimental to the value of neighbouring properties.
- In conclusion, the parish councilors believe that this development is not in keeping with the properties that surround it, as the plot is small in comparison to its neighbours and because of this it might have a negative effect on the character of this part of the village.

- 5.2 Six letters of objection have been received from the following:

- Dr D G Jeffery and Dr J M Barnes, Shop Cottage, Monkland
- Mrs M Parker, Hafod, Old Hafod Road, Monkland
- Mr R Bottom, 2, Shoredale Cottage, The Common, Monkland.
- Janet E Carr, Stonerake, Monkland
- Mrs Wendy Jancey, 3, Arrow Cottages, Monkland Common.
- Mrs Mary Wheeler, The Old Vicarage, Monkland

5.3 The reasons for objections from the above-mentioned can be summarised as follows:

- Previous application for development on site refused planning permission.
- Planning application for 2 dwellings on land on opposite side of the adjacent public highway - refused planning permission in September 2006 and later dismissed on appeal in February 2007.
- Proposed dwelling is very near to boundary hedge (western side) and also very close to dwelling known as Old Post Office.
- Plot is barely 9 metres wide
- No identified local need for such development
- Excessive infilling has already taken place on other parts of Old Road
- Western end of Old Road is the only part that retains its original character
- Impact of proposed development on adjacent public highway, and surrounding built environment character
- A BT telephone box that was adjacent to the site was removed at the applicants request to which Herefordshire Council and local residents of Monkland were trying to save.

5.4 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

The main issues with regards to this application are:

- Principle of the development
- Impact of the proposed development on the surrounding built environment's character
- Heads of Terms in accordance with Council's SPG

Principle of the development

Policy H6: Housing in smaller settlements, in the Herefordshire Unitary Development Plan, (HUDP), states in its criteria that a dwelling's size must be limited to a habitable living space of 90 square metres (3-bedroom house) or 100 square metres (4-bedroom house). The plot size limited to a maximum area of 350 square metres and the infill gap no more than 30 metres frontage.

Monkland is classed as a smaller settlement in accordance with Policy H6 criteria in the HUDP.

The site plan forming part of the application, indicates a site area of 350 square metres with a proposed dwelling of 100 square metres, (external), on a site with 27 metres road frontage from the property known as Shop Cottage on the western side of the application site to the property known The Old Post Office on the eastern side of the application site. Therefore, the application fulfils the requirements of Policy H6: Housing in smaller settlements in the Herefordshire Unitary Development Plan.

Impact of the proposed development on the surrounding built environment character

The application proposes a three-bedroom two-storey detached dwelling of external brick construction under a slate roof.

The design of the proposed development is considered acceptable in relationship to the surrounding built environment using external construction materials that are also considered acceptable in consideration of surrounding properties.

The proposed dwelling will be located 1.8 metres from the adjacent hedgerow boundary on the western side of the application site and 15 metres from the property known as Shop Cottage, situated alongside the western side of the application site, with one small window in the ground floor, on the western elevation, and also one on the first floor elevation, of the western side of the property, to serve the landing area.

The Inspector's decision to application ref: N98/0443/0 (dismissed on appeal) clearly states that any dwelling on site would not infringe on the privacy and amenity of Shop Cottage in consideration of the distance between the application site and the dwelling known as Shop Cottage and the boundary hedge between the two sites.

The Inspector dismissed the appeal for the site subject to the refusal for application ref: N98/0443/O, in consideration of the impact of development on site in relationship to the surrounding built environment, to which he considered development on site would represent a harmful effect on the character and appearance of this particular part of Monkland.

The above-mentioned appeal was considered against policy of Leominster District Local Plan subsequently replaced by the Herefordshire Unitary Development Plan (HUDP).

The Leominster District Local Plan did not consider Monkland a village for residential development. Monkland in consideration of the HUDP, Policy H6, a smaller settlement for infill development, as outlined in paragraphs 6.2 – 6.4 of this report.

Therefore, in consideration of the HUDP and the design of the proposed dwelling, this proposal is considered acceptable, in scale and character, in relationship to the surrounding built environment and if Members are mindful to approve the application, a condition can be attached to the approval notice with regards to the small windows on the western elevation of the property, stating that the are glazed in opaque glass and non-opening in perpetuity.

It is noted the Council's Transportation Manager raises no objections to the proposed development.

Heads of Terms in accordance with Council's SPG

- 6.14 The applicants have indicated a willingness to pay contributions in accordance with advice in the Council's SPG on Planning Obligations, in a Draft Heads of Terms accompanying the application. The contributions (in accordance with relevant internal Council advice) are towards open space provision in the surrounding locality of the proposed development; Weobley High School infrastructure, Library facilities within the surrounding locality and public highway improvements within the locality.
- 6.15 In consideration of the plot's size, roadside frontage distance and criteria of Policy H6 of the HUDP, affordable housing provision is not an issue in respect of this application.

The issue with regards removal of the BT payphone box is not a planning consideration.

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 B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3 F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

4 F16 (No new windows in specified elevation)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the west elevation of the property and the approved windows shall be glazed in opaque glass and be non-opening in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

6 H04 (Visibility over frontage)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

7 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9 H12 (Parking and turning - single house)

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

10 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 HN01 - Mud on highway**
- 4 HN04 - Private apparatus within highway**
- 5 HN05 - Works within the highway**
- 6 HN10 - No drainage to discharge to highway**
- 7 HN28 - Highways Design Guide and Specification**

Decision:

Notes:

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Background Papers

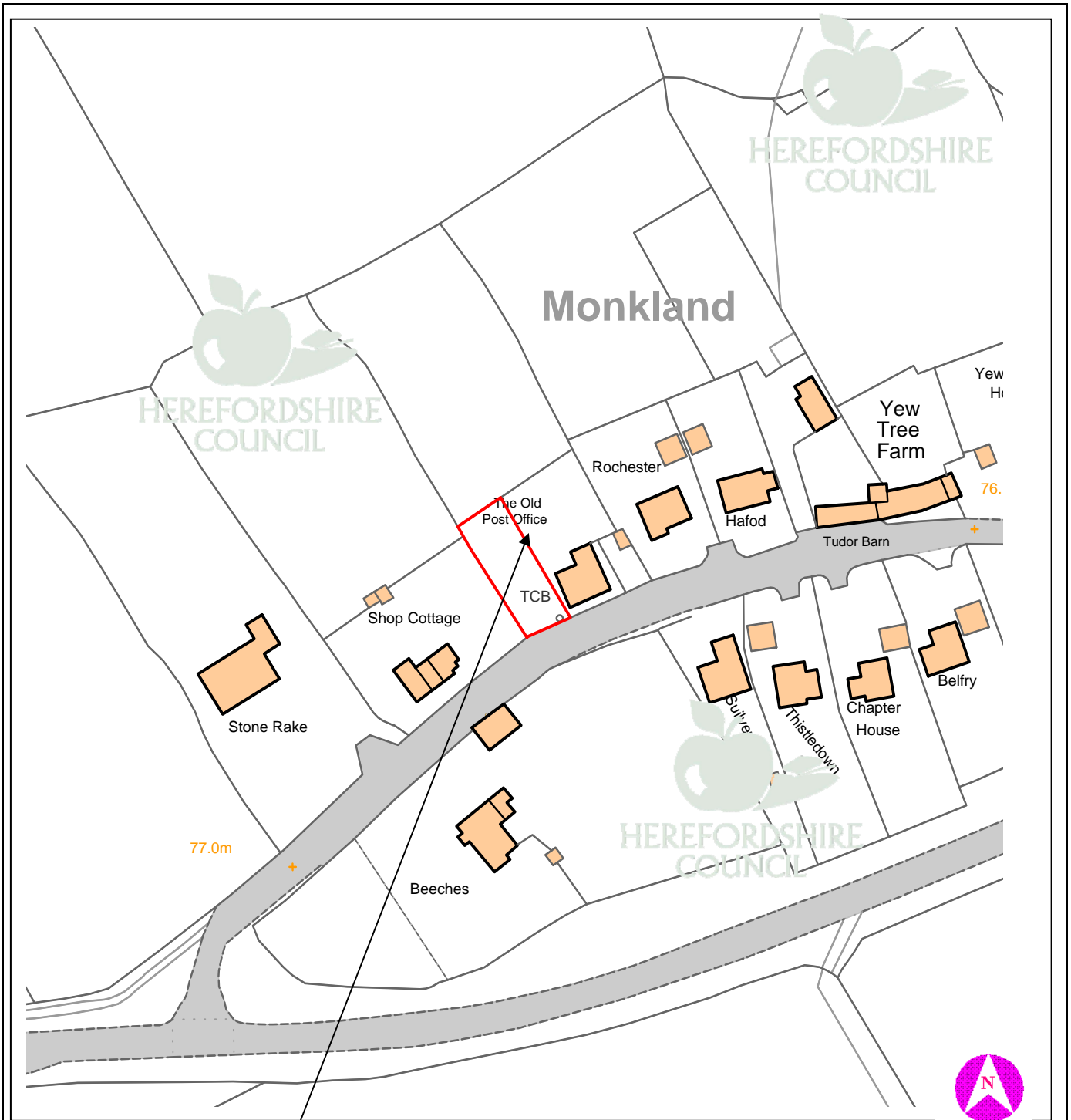
Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application –NW2009/0182/F

Proposed dwelling at The Old Post Office, Old Road, Monkland, Leominster, HR6 9DB.

1. The developer covenants with Herefordshire Council to pay £317 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3001.00 to provide enhanced educational infrastructure at Weobley High School and towards pre-school and youth services in the Weobley area.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £2,952.00 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Improved bus shelters/stops in the locality of the application site
 - b) Safe Routes for Schools
 - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - d) Improved pedestrian and cyclist crossing facilities
 - e) New On/Off road pedestrian/cycle links to the site
 - f) Traffic calming measures
4. The developer covenants with Herefordshire Council to pay Herefordshire Council £198.00 to provide towards Library facilities within the surrounding locality
5. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, & 4 above for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and an administration charge of 2% of the total contributions detailed in the Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 agreement, as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.



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APPLICATION NO: DCNW2009/0182/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to The Old Post Office, Monkland, Leominster, Herefordshire, HR6 9DB

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