

**14 DCNC2008/1320/F - PROPOSED REMOVAL OF  
CONDITION 2 (ANCILLARY ACCOMMODATION) OF  
APPLICATION DCNC2007/0180/F FLAGGONERS  
GREEN HOUSE, PANNIERS LANE, FLAGGONERS  
GREEN, BROMYARD, HEREFORDSHIRE, HR7 4QR**

**For: Dr. A Blair per Mr M Kelly 24 Rumsam Gardens  
Barnstaple Devon EX32 9EY**

**Date Received: 13th May 2008      Ward: Bromyard      Grid Ref: 64509, 54271**

**Expiry Date: 8th July 2008**

Local Member: Councillors A Seldon and B Hunt

**1. Site Description and Proposal**

- 1.1 The application site lies just outside of the settlement boundary of Bromyard and occupies a large plot between two main roads (A44 and B4214).
- 1.2 The property is known as Flaggoner's Green House and is comprised of a four-bedroom house with an adjoining annexe, (formerly a veterinary practice) lying in large gardens and benefitting from a large driveway with two separate access points on to the B4214.
- 1.3 The application seeks planning permission for the removal of condition 2 of planning permission DCNC2007/0180/F. This condition states:

"The annexe as shown [.....] shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Flaggoner's Green House.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location."

- 1.4 With the removal of condition 2 of planning permission DCNC2007/0180/F, the annexe would become an independent dwelling, with no restrictions on occupancy or sale, as such the application is deemed to be effectively creating a new dwelling and would thereby fall within the remit of the SPD on Planning Obligations.
- 1.5 The plans submitted indicate that only internal alterations are required and would result in the creation of a three-bedroom dwelling with gardens and car parking.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007

H13 – Sustainable residential design  
H17 – Sub-division of existing housing  
DR3 - Movement

### 3. Planning History

- 3.1 DCNC2007/0180/F Change of use from veterinary surgery and residential to residential plus annexe - Approved.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None

#### Internal Council Advice

- 4.2 Highways: No objection, cycle parking needs to be provided and contributions of £2952 in respect of the SPD Planning Obligations are required.
- 4.3 The Children and Young People's Manager: Given the implications of the development and the educational needs of any additional children, contributions for this development are required and would be £5,902.
- 4.4 The Parks and Countryside & Leisure Development Manager: Contributions are required to improve the quality and accessibility of the formal green spaces in Bromyard and to improve community facilities, these would equate to a total of £989.

### 5. Representations

- 5.1 Town Council: No response.
- 5.2 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 considerations in respect of this application are:

- The principle of the development
- Design and access

#### Principle of Development

- 6.2 Under policy H17, the sub-division of existing residential buildings is permitted provided that the sub-division would result in a satisfactory standard of accommodation, adequate parking facilities and amenity space. The proposal must also demonstrate that there would be no adverse impact upon the character of the property or the locality or any adverse impact upon the residential amenity of any neighbouring property. (These matters will be considered below).

#### Design and Access

- 6.3 The annexe is approximately 190 square metres in size, spread over two floors and as such, would provide comfortable three-bedroom accommodation. Given that this part of the property was previously used as a veterinary practice, there is already a well-

defined separation between this and the family home. As such, only minor alterations are required in order to provide the necessary independence to both properties.

- 6.4 Outside, the property would benefit from private garden space and a separate access with hard tarmac driveway for parking of at least two vehicles. No other external alterations or additions are required.
- 6.5 Given the proximity of the property to Bromyard, the property appears to be in a sustainable location, offering its occupiers a genuine choice in transport options to access all the necessary facilities and services of Bromyard.
- 6.6 Overall, the proposal demonstrates a suitable scheme for conversion to a dwelling, offering a good standard of accommodation with adequate parking and amenity space. As such, the proposal accords with the relevant development plan policies, in particular policies DR1 and H17 of the Herefordshire Unitary Development Plan 2007.

#### Planning Obligations/ S106 Agreement

- 6.7 Internal Council advice regarding appropriate levels of contributions has been received and forms the basis of the draft Heads of Terms that can be found at the end of this report.
- 6.8 A letter has been received from the applicant to confirm acceptance of the contributions indicated in the form of a s106 agreement.

### **RECOMMENDATION**

**That the Legal Practice Manager be authorised to complete a planning obligation agreement under section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate.**

**Upon completion of the above-mentioned planning obligation agreement the officer named in the Scheme of Delegation be authorised to issue planning permission 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 - 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.**

**3 - 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.

**Informatives:**

**1 - N15 - Reason(s) for the Grant of Planning Permission**

**2 - N19 - Avoidance of doubt - Approved Plans**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies

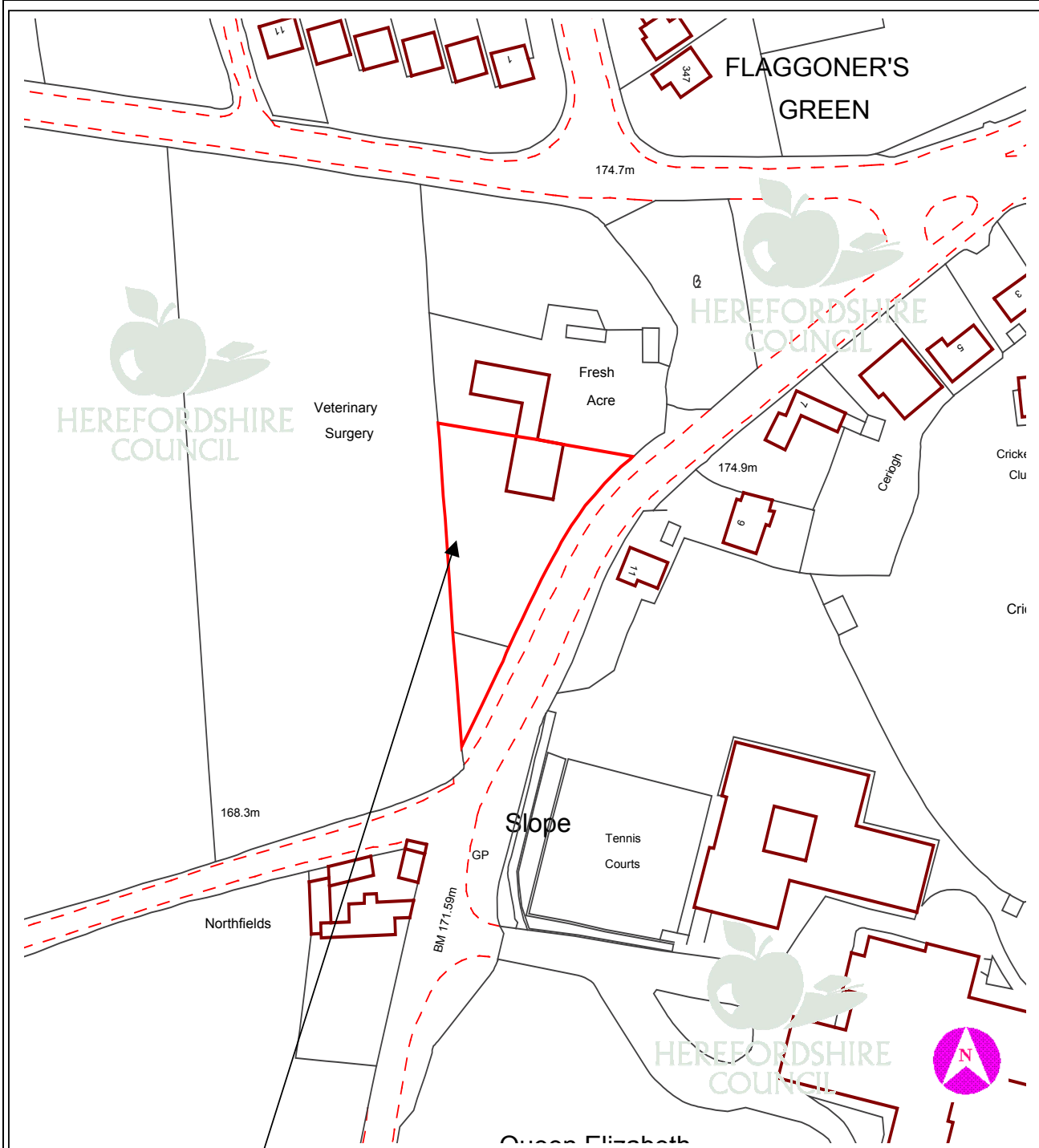
**HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**

Section 106 Town and Country Planning Act 1990

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,902.00 to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site, which sum shall be paid on or before the commencement of the development.
2. The developer covenants with Herefordshire Council, to pay a total contribution of £2,952.00 for improved transportation infrastructure in the locality of the application site and the promotion of sustainable means of transport which sum shall be paid on or before the commencement of development.
3. 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) Traffic calming and improved safety signing
  - b) Improved bus shelters/stops
  - c) Improve lighting to highway routes leading to the site
  - d) Improved pedestrian and cyclist connectivity with the site
  - e) Improved cycle parking facilities
  - f) Improved pedestrian crossing facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £672.00 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £317.00 for improvements to the quality and accessibility of the more formal green space in the locality of the application site, which sum shall be paid on or before the commencement of the development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 4 and 5 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by 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.
8. The developer shall complete the Agreement by 2<sup>nd</sup> October 2008 otherwise the application will be registered as deemed refused.

Julia Shields – Planning Officer

17<sup>th</sup> June 2008



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**APPLICATION NO:** DCNC2008/1320/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Flaggoners Green House, Panniers Lane, Flaggoners Green, Bromyard, Herefordshire, HR7 4QR

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