

DCNE2008/2955/F - PROPOSED SUBDIVISION OF DWELLING INTO TWO UNITS WITH TWO ADDITIONAL CAR PARKING SPACES. 2 STANLEY HILL COURT, STANLEY HILL, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1HE

For: Dr. G. & K. Swinburne per Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA

Date Received: 8th December 2008 Ward: Hope End Grid Ref: 67640, 43955

Expiry Date: 2nd February 2009

Local Member: Councillors R Mills and R V Stockton

1. Site Description and Proposal

- 1.1 The application seeks the subdivision of one of the 3 dwellings at Stanley Hill Court. It is proposed to sub divide the unit, that furthest from the road into a 2 bed and a 3 bed house. It previously had permission for a 5 bed house.
- 1.2 The 3-bed unit, known as Unit 2, would be accessed via an improved former agricultural access onto the B4214, which was formerly approved. Parking for the other unit, Unit 4, would be via the new access created off the C1.152, also formerly approved.
- 1.3 The proposed sub division requires no further external alterations than have already been approved.

2. Policies

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR3	-	Movement
H14	-	Re-using previously developed land and buildings
H17	-	Sub-division

3. Planning History

- 3.1 DCNE2007/3731/F – Conversion of former stables and storage building to form 2 holiday units. Approved January 2008;
- 3.2 DCNE2006/3998/F – Reconfiguration of existing dwelling into 3 units and associated works to include new vehicular access – Approved July 2007;
- 3.3 DCNE2005/1719/F – Conversion of existing house and buildings to form 6 units of accommodation – Refused July 2005.

4. Consultation Summary

Statutory Consultations

4.1 None Required

Internal Council Advice

4.2 Transportation Manager – no response at the time of writing report.

5. Representations

5.1 Bosbury P.C. - no observation at the time of writing report

5.2 Any representations received in response to statutory publicity procedure will be reported to committee at the meeting.

6. Officer's Appraisal

6.1 The proposal seeks to create a 2 and 3 bed dwelling from the previously approved 5 bed house. In terms of policy, suitable parking, access and amenity can be achieved. Further more no additional alterations are required to the appearance of the building.

6.2 In line with the SPD on Developer Contributions a Draft Heads of Terms has been agreed, as attached as an appendix to this report.

RECOMMENDATION

- 1) The Legal Practice Manager and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended in this report and any additional matters and terms as he considers appropriate.
- 2) Upon completion of aforementioned planning obligation that the officers names in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1 A01 (Time limits for commencement (full permission))

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

2 Non Standard (Non Standard Condition)

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 fences, gates, walls, garages, building, extension or dormer windows (other than those expressly authorised by this permission) shall be erected or constructed.

Reason: In order to define the terms of the permission and in the interests of visual and residential amenity.

3 H08 (Access Closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

4 H03 (Visibility Splays) – (C1152)

Reason: In the interests of highway safety.

5 H03 (Visibility Splays) – (B4214)

Reason: In the interests of highway safety.

6 H05 (Access Gates)

Reason: In the interests of highway safety.

7 H13 (Access, Turning Area and Parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

8 Non Standard (Non Standard Condition)

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

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

9 Non Standard (Non Standard Condition)

No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

Reason: In order to protect the visual amenities of the area.

10 Non Standard (Non Standard Condition)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: In order to protect the visual amenities of the area.

11 H09 (Driveway Gradient)

Reason: In the interests of highway safety.

Informatives

1. N15 – Reason(s) for the Grant of Planning Permission

2 N19 - Avoidance of doubt - Approved Plans

3 Non Standard

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

4 Non Standard

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Mrs R Rice, Area Manager (North), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-261776, for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

5 Non Standard

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mrs R Rice, Area Manager (North), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-261776, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

6 Non Standard

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

7 Non Standard

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Mrs R Rice, Area Manager (North), Tel: 01432-261776 Thorn Business Park, Rotherwas, Hereford, HR2 6JT

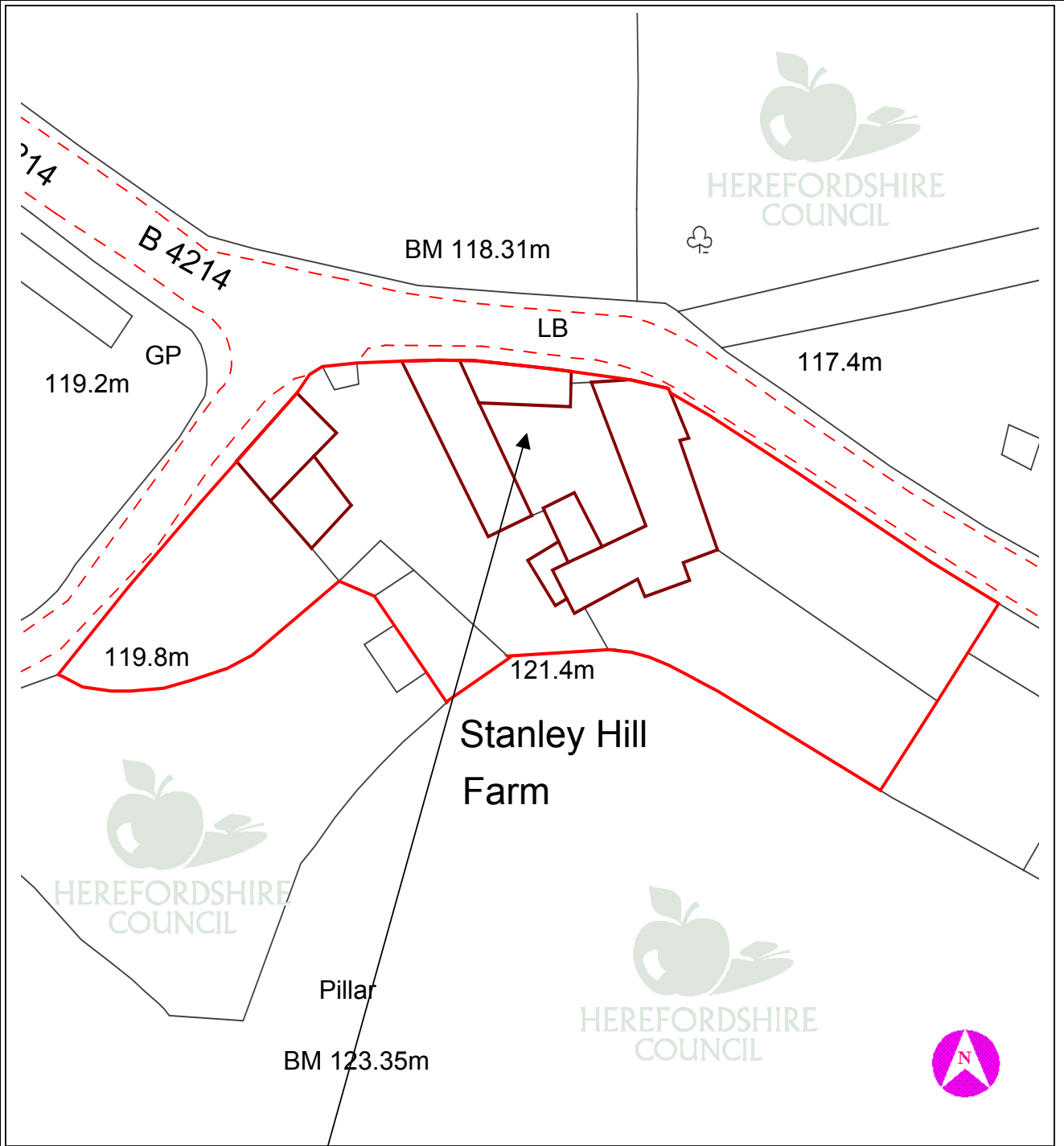
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2008/2955/F

SCALE : 1 : 699

SITE ADDRESS : 2 Stanley Hill Court, Stanley Hill, Bosbury, Ledbury, Herefordshire, HR8 1HE

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PLANNING COMMITTEE

Appendix 1

NE 08 / 2955 / F

**DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990
Planning Application – [application reference number]**

Subdivision of existing 5 bedroom dwelling into 2 units

Unit 2, Stanley Hill Court, Stanley Hill, Bosbury, HR8 1HE

1. The developer covenants with Herefordshire Council to pay £166 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities to be used in the Bosbury Parish or other location as may be agreed in writing with Herefordshire Council on first occupation of the new dwelling.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £949 to provide enhanced educational infrastructure within the Bosbury/Ledbury area on first occupation of the new dwelling.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £350 to provide/enhance sports facilities within the Bosbury/Ledbury area on first occupation of the new dwelling.
4. In the event that Herefordshire Council does not for any reason use the said Contributions in clauses 1, 2 & 3 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.
5. 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 the administration charge as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Drs. G & K Swinburne

