

PLANNING PERMISSION

Applicant:

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DY9 9YE

Agent:

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Date of Application: 23 September 2019

Application No: 193325

Grid Ref:358606:264692

Proposed development:

SITE: Land at Cinders Farm, Cinder Lane, St Michaels, Tenbury Wells,
DESCRIPTION: Proposed conversion of traditional barns to 6 No. dwellings.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development shall be carried out strictly in accordance with the approved plans (Plans Amended Site Plan 4212BP-01-REV03 received 26th June 2020; amended access plan 4212LP-01 REV01 received May 2020; and plans 4212B-02, 4212D-01, 4212F-01, 4212H-01, 4212J-02, 4212BD-02, 4212DD-01, 4212FD-01, 212HD-01, 4212JD-02, 4212BW-01, 4212BW-01, 4212DW-01, 4212FW-01, 4212HW-01, 4212JW-02 Received 7th October 2019), except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA3, RA5, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, policies ML8 and ML11 of the Middleton on the Hill and Leysters Neighbourhood Development Plan and the National Planning Policy Framework.

- 3 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, policies ML8 and ML11 of the Middleton on the Hill and Leysters Neighbourhood Development Plan and the National Planning Policy Framework.

- 4 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 143m to the north and 71 metres to the south along the nearside edge of the adjoining carriageway (in accordance with approved plan (4212LP-01). Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy; policy ML14 of the Middleton on the Hill and Leysters Neighbourhood Development Plan and the National Planning Policy Framework.

- 5 Prior to the first occupation of any of the dwellings to which this permission relates, the internal access road, turning areas and car parking areas for each unit shall be laid out in accordance with the approved plans 4212BP-01-REV3 and shall be properly consolidated, surfaced and drained in accordance with the details set out on approved plan. Those areas shall remain in perpetuity and the car parking areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy policy ML14 of the Middleton on the Hill and Leysters Neighbourhood Development Plan and the National Planning Policy Framework.

- 6 Before the relevant work begins, details in respect of new external material finishes and rainwater goods shall be submitted to an approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the buildings in accordance with policies RA5, SD1 and LD4 of the Herefordshire Local Plan – Core Strategy; policy ML8 of the Middleton on the Hill and Leysters Neighbourhood Development Plan and the National Planning Policy Framework.

- 7 No development approved by this permission shall commence until a Level 2 Survey, as defined in Historic England's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the brick floor of unit 4 has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

Reason: This information is required before development commences to record the historic fabric of the building prior to development in accordance with policy LD4 and RA5 of the Herefordshire Local Plan - Core Strategy, policy ML8 of the Middleton on the Hill and Leysters Neighbourhood Development Plan; and the National Planning Policy Framework.

- 8 No development approved by this permission shall be occupied until a detailed scheme for the provision of surface water drainage works, in accordance with the strategy outlined in the Surface and Foul Water Drainage Strategy report by H+H Drainage dated 4th April 2020, has been submitted to and approved in writing by the local planning authority. The submission shall include a detailed drawing of the surface water management system to include levels of the inlet, outlet and overspill, as well as a CCTV survey to confirm the condition of the existing outlet pipe. The scheme shall be implemented as approved prior to the first occupation of the dwellings.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9 No development approved by this permission shall be occupied until a scheme for the provision of foul water management based upon the details provided in the Surface and Foul Water Drainage Strategy by H+H Drainage (dated 4th April 2020) has been submitted to and approved in writing by the local planning authority. The scheme shall include full technical plans of the foul water management arrangements which includes a long term Maintenance and Management Plan. The scheme shall be implemented as approved prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided which safeguard the environment and local amenity in accordance with policies SD4, LD2 and SD1 of the Herefordshire Local Plan Core Strategy; Conservation of Habitats and Species Regulations (2017) and the National Planning Policy Framework.

- 10 All foul water shall discharge through connection to new shared private foul water treatment system as detailed in the Surface and Foul Water Drainage Strategy by H+H Drainage (dated 4th April 2020) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4.

- 11 All surface water shall be managed through a Sustainable Drainage Scheme as detailed in the Surface and Foul Water Drainage Strategy by H+H Drainage (dated 4th April 2020) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4.

- 12 No site clearance, demolition or construction works associated with this development shall commence until following have been supplied to, and approved in writing by, the local planning authority;

- a detailed Ecological Working Method Statement including consideration and risk avoidance measures for Bats, Great Crested Newts, and Nesting Birds; and
- a detailed Biodiversity Net Gain Enhancement plan showing location and specification of all proposed features; and
- a detailed external lighting scheme demonstrating compliance with Dark Skies principles as identified in the latest available guidance published by the Institution of Lighting Professionals;

The approved schemes shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Conservation of Habitats and Species Regulations (2017), Wildlife and Countryside Act 1981 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

13 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan Core Strategy the National Planning Policy Framework

14 The Remediation Scheme, as approved pursuant to condition No. 13 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan Core Strategy the National Planning Policy Framework.

15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan Core Strategy the National Planning Policy Framework.

- 16 All planting, seeding or turf laying in the approved landscaping scheme shown on approved plan 4212BP-01 shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans. The hard landscaping shall be carried out concurrently with the development and completed prior to the first occupation of the dwellings.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policy ML11 of the Middleton on the Hill and Leysters Neighbourhood Development Plan and the National Planning Policy Framework

Informatives:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

- 3 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), 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, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 30 June 2020

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

The applicant is advised that additional Council Tax payments may be sought in the event that the Valuation Office, who routinely monitor decision notices, consider any part of the development hereby permitted to be self-contained. This assessment is particularly likely to be the case in respect of flats, basement conversions, granny annexes, studio rooms and log cabins and/or where the additional accommodation contains its own kitchen, bathroom and bedroom. Further information can be found on the Council's website at <https://www.herefordshire.gov.uk/search?q=annexes>

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, or 12 weeks if the scheme is for that of "household" development using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.