

PLANNING PERMISSION

Applicant:

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Date of Application: 20 December 2016 Application No: 164024

Grid Ref:
351479:239865

Proposed development:

SITE: Former Council Offices, 39 Bath Street, Hereford HR1 2HQ
DESCRIPTION: Re-development of former council offices at Bath Street, Hereford including change of use from B1 - Business to C3 – dwelling-houses to provide a total of 75 no. 1 & 2 bed apartments. Re-development includes partial demolition of existing buildings (as indicated on submitted drawings), conversion of remaining elements, extensions to existing and also new build to provide residential accommodation and associated landscaping, drainage, parking and ancillary buildings.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts and Regulation that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application, 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 hereby approved shall be carried out strictly in accordance with the amended plans. For the avoidance of doubt the approved plans are:-

8990 PL001	Location Plan	(A3 scale 1:1250)	Rev B	
8990 PL002	Existing Site Plan	(A3 scale 1:500)	Rev B	
8990 PL005	Demolitions Plan	(A3 scale 1:500)	Rev A	
8990 PL100	Proposed Plans - North Block	(A1 scale 1:100)	Rev	B
8990 PL101	Proposed Plans - Central Block	(A1 scale 1:100)	Rev	B
8990 PL102	Proposed Plans - East Block GF FF	(A1 scale 1:100)	Rev	C
8990 PL103	Proposed Plans - East Block Upper	(A1 scale 1:100)	Rev	C
8990 PL105	Proposed Site Plan	(A1 scale 1:200)	Rev C	
8990 PL106	Proposed Roof Plan	(A1 scale 1:200)	Rev D	

8990 PL107	Proposed Cross Section	(A1 scale 1:200)	Rev A
8990 PL610	Proposed Elevations 1	(A1 scale 1:100)	Rev C
8990 PL611	Proposed Elevations 2	(A1 scale 1:100)	Rev B
8990 PL612	Proposed Elevations 3	(A1 scale 1:100)	Rev B
8990 PL613	Proposed Elevations 4	(A1 scale 1:100)	Rev B
8990 PL614	Proposed Elevations East Block 1	(A1 scale 1:100)	Rev D
8990 PL615	Proposed Elevations East Block 2	(A1 scale 1:100)	Rev C
8990 PL615	Proposed Elevations East Block 3	(A1 scale 1:100)	Rev C
8990 PL617	Proposed Bin Store Drawings	A1 75	C
8990 PL618	Proposed Cycle Store Drawings	A1 75	/

Illman Young - Landscape

21619	01	Landscape Masterplan	(A1 scale 1:200)	Rev C
21619	02	Colour Plan	(A1 scale 1:200)	Rev C
21619	03	Suds Concept Plan	(A1 scale 1:200)	Rev B
21619	04	Planting Strategy	(A0 scale 1:200)	Rev C

Hydrock - M&E Engineers

C-04775-C	BSH-HYD-XX-ZZ-DR-E-2900	Bath Street External Lighting	A1 200
	P3		

Infrastructure Design Studio - Drainage Engineers

1342 C02	Site Scheme Drainage Layout	A1 250	B
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Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 No works for demolition shall begin until evidence has been submitted to and approved in writing by the Local Planning Authority that a binding contract for the full implementation of the comprehensive scheme of development hereby approved has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permission and consents.

Reason: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the Central Conservation Area in a manner contrary to Herefordshire Local Plan – Core Strategy Policy LD1.

- 4 No works of demolition approved by this permission shall commence until a Level 2 Survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the building has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development in accordance with Policy LD4 of the Herefordshire Local Plan – Core Strategy and NPPF.

- 5 Other than for demolition permitted pursuant to conditions 3 and 4 above, no work shall be carried out until details of the following construction materials have been submitted to and approved in writing by the Local Planning Authority:

- A sample of the type of roofing materials proposed
- Treatment of gables and cappings
- Treatment of verges, barge boards, parapets and so forth
- Flues, vents or other pipework piercing the roof.

The details shall be presented on drawings to a scale sufficient to enable proper consideration and the works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic character of the Central Conservation Area in accordance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 6 Other than for demolition permitted pursuant to conditions 3 and 4 above, no work shall be carried out until sample panels of all new facing brickwork have been provided on site showing the proposed:

- Brick types, sizes, colour, texture face-bond; brick bond and type;
- Pointing mortar mix, joint thickness and joint profile.

Confirmation of the material and methods shall be approved in writing by the Local Planning Authority prior to the commencement of any related work and the work shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic character of the Central Conservation Area in accordance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 7 Other than for demolition permitted pursuant to conditions 3 and 4 above, no work shall be carried out until details of the materials and form of the heads and sills of the new window and door openings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic character of the Central Conservation Area in accordance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 8 No joinery works shall commence until details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 details and sections and 1:20 elevations of each joinery item, including roof windows, which shall then be indexed on elevations on the approved drawings;
- Method and type of glazing;
- Colour scheme

The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic character of the Central Conservation Area in accordance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 9 Other than for demolition permitted pursuant to conditions 3 and 4, no work shall commence until details of the material, sectional profile, fixings and colour scheme for rainwater goods (gutters, downpipes, hopper-heads and soil pipes) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic character of the Central Conservation Area in accordance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 10 Prior to their first installation on site, details of the size, position, type and colour of exterior soil and vent pipes, waste pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the architectural and historic character of the Central Conservation Area in accordance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 11 Other than for demolition permitted pursuant to conditions 3 and 4 no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement in advance of such approval could result in irreparable harm to any identified heritage asset.

- 12 In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

No development, other than for demolition permitted pursuant to conditions 3 and 4 shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:

a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction. Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.

e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value

- 13 No works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of boundary treatment to be erected. This shall include the submission of appropriate cross-sectional drawings and associated planting schedule for the proposed boundary treatment on the site's common boundary with properties on Lloyd Street. The boundary treatment shall be completed before any of the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14 With the exception of any site clearance (including demolition permitted pursuant to conditions 3 and 4 above) and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 15 The soft landscaping scheme approved under condition 14 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes 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 maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 None of the apartments approved shall be occupied until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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 and the National Planning Policy Framework.

- 17 The cycle parking shall be carried out in accordance with the details shown on approved drawings 8990 PL618 'Proposed Cycle Store' and 8990 'PL105Proposed Site Plan'. The cycle parking shall be installed and made available for use within a time scale to be agreed with the local planning authority.

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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 18 Prior to first occupation of any of the apartments hereby approved are occupied, the vehicular access into the application site from Bath Street shall be so constructed that there is clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 2.4 metres from and parallel to the nearside edge of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow on the 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 and the National Planning Policy Framework.

- 19 Parking for site operatives and visitors shall be provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 20 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 9.00 am -1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 21 Prior to the first occupation of the development, the scheme for bin storage as per approved drawings 8990 PL617 'Proposed Bin Store Drawings' and 8990 'PL105 Proposed Site Plan' shall be completed and thereafter be retained for the purpose of refuse storage.

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

- 22 No development shall commence on site until a habitat enhancement scheme based on the recommendations of the ecologist's report, which contains proposals to enhance the habitat on site for wildlife and biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any demolition and/or groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 23 The development hereby approved shall not be occupied until a drainage system is installed in compliance with the approved planning submission document 'Flood Risk Assessment & Drainage Strategy - Revision B 13 December 2016'.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 24 Prior to the first occupation of any of the residential development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

- 25 Prior to the commencement of the development hereby approved the following matters shall be submitted to the Local Planning Authority for its written approval.

- A Construction and Environmental Management Plan (CEMP)

The CEMP will include methodologies for the minimisation and mitigation during the construction process of noise, vibration, air quality (including dust suppression techniques), sustainable waste management, traffic and accident management. The CEMP should identify the appointed site manager who will oversee implementation and briefing of all contractors, monitor and record all aspects of the CEMP, take all relevant actions and liaison with third parties as may be needed.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved detail and thereafter maintained as such.

Reason: To safeguard the local environment from disturbance, disruption or accidental pollution during the construction phase, to safeguard existing habitats and protected species and to safeguard the wider environment in accordance with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. GUIDANCE: There is a statutory requirement to notify demolition proposals to Historic England as set out in 'Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015'.

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



Date: 7 February 2018

**KEVIN BISHOP
LEAD DEVELOPMENT MANAGER**

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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, 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.