

APPROVAL OF RESERVED MATTERS

Applicant:

Hill
Brigadoon
Staunton on Wye
Herefordshire
HR4 7NF

Agent:

Date of application: 5th February 2007

Application code: **DCNC2007/0366/RM**

Grid ref: 65149,54659

Proposed development:

SITE: Plot adj to 56/58 Old Road Bromyard Herefordshire HR7 4BQ
DESCRIPTION: New 3 bedroom dwelling house.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the above Acts that APPROVAL has been GRANTED in respect of the details referred to above for the purpose of the conditions imposed on outline planning permission reference (Insert outline Code No) and subject to these further conditions:

1. No development shall take place until samples of the facing bricks to be used externally on the walls have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

2. All new stone walling shall be natural local stone to match that on the existing front boundary wall, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

3. Before any work commences on site full details of all new boundary fencing shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: In the interests of visual amenity.

1. Informatives:

The decision to grant approval of reserved matters has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

S2 - Development Requirements

DR1 - Design

H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas.

This informative is only intended as a summary of the reasons for approval of reserved matters. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

2. The applicant/developer must ensure that conditions 11 to 16 on the outline planning permission (ref no. DCNC2006/1537/O) relating to foul and surface water drainage are complied with.
3. The applicant should be aware that this approval does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicant is advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work. In particular, the applicant should ensure that the existing retaining wall on the neighbours boundary to the north east is not affected.
4. Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property

Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property

Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the ODPM publication The Party Wall Act 1996 - explanatory booklet. Copies are available from The Hereford Centre, Garrick House, Widemarsh Street, Hereford.

5. For the avoidance of any doubt the plans for the development hereby approved are as follows:-

Drawing Nos. 001,2,3,4,5,6,7 & 8.

Northern Planning Services
PO Box 230
Hereford
HR1 2ZB

Decision Date: 30th March 2007

Northern Southern Divisional Planning Officer

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

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.

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 the Council's decision. Both the date of the decision and the date of the application are clearly shown on the front of this notice. Forms are available from the Planning Inspectorate at Room 3/08B Kite Wing, 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.

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.