

LISTED BUILDING CONSENT

Applicant:

Mr Edward Brechtmann
Border Oak Design and Construction Ltd
Kingsland Sawmills
Kingsland
Leominster
HR6 9SF

Date of Application: 9 November 2021

Application No: 214003

Grid Ref:342037:258796

Proposed development:

SITE: Staick House, Eardisland, Leominster, HR6 9BU

DESCRIPTION: Proposed removal of existing roof coverings, repair and re-roof.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Act that LISTED BUILDING CONSENT has been GRANTED for the execution of the works referred to above in accordance with the application and plans submitted to the authority subject to the following conditions:

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

Reason: Required to be imposed by Section 18 (1) of the Planning (Listed Building & Conservation Areas) Act 1990.

- 2 The development shall be carried out strictly in accordance with the approved plans (Plan D1914.1, D1914.2, D1914.3, D1914.4 and D1914.5, Roofing Method Statement and Heritage Statement received 27th October 2021), except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with policy LD4 of the Herefordshire Local Plan Core Strategy, policy E1 and E2 of the Eardisland Neighbourhood Development Plan and the principles set out at Chapter 16 of the National Planning Policy Framework.

- 3 The existing roof tiles shall be carefully stripped from the roof, inspected for defects and set aside for reuse as part of the works hereby approved. Where any shortfall exists and new tiles are required as part of the re-roofing, details and/or samples of the new tiles to be used shall be supplied to the LPA for written approval prior to installation.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with policy LD4 of the Herefordshire Local Plan Core Strategy, policy E1 and E2 of the Eardisland Neighbourhood Development Plan and the principles set out at Chapter 16 of the National Planning Policy Framework.

- 4 Following the removal of the existing roof, a method statement setting out the means of ventilating the roof space shall be supplied to and approved in writing by the LPA prior to rebuilding of the roof structure commencing. Any variation to this method statement shall be agreed in writing with the LPA prior to the works being undertaken.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with policy LD4 of the Herefordshire Local Plan Core Strategy, policy E1 and E2 of the Eardisland Neighbourhood Development Plan and the principles set out at Chapter 16 of the National Planning Policy Framework.

- 5 Unless otherwise agreed beforehand in writing by the local planning authority, the existing fabric of heritage value shall be recorded and restored in situ and only replaced if repair is evidently not possible. Any necessary removal, replacement, significant repair or dismantling of the timber frame or rebuilding of brickwork and masonry should be agreed in writing with the LPA prior to these works being undertaken.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with policy LD4 of the Herefordshire Local Plan Core Strategy, policy E1 and E2 of the Eardisland Neighbourhood Development Plan and the principles set out at Chapter 16 of the National Planning Policy Framework.

- 6 Details including a specification, scale drawings and dewpoint analysis of new sound and heat insulation is to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with policy LD4 of the Herefordshire Local Plan Core Strategy, policy E1 and E2 of the Eardisland Neighbourhood Development Plan and the principles set out at Chapter 16 of the National Planning Policy Framework.

- 7 The existing cast iron rainwater goods should be retained and repaired where viable. Where new or replacement rainwater goods are required, these should also be of cast iron and details of the sectional profile, fixings and colour scheme for all rainwater goods (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation on site.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with policy LD4 of the Herefordshire Local Plan Core Strategy, policy E1 and E2 of the Eardisland Neighbourhood Development Plan and the principles set out at Chapter 16 of the National Planning Policy Framework.

- 8 The scheme hereby approved shall be carried out in accordance with the ecological protection, mitigation, compensation and working methods scheme set out with the supplied Bat Survey Report by Betts Ecology (6953 / J001499) and as required by European Protected Species Licence 2021-55432-EPS-MIT. The biodiversity enhancement set out at Annex E3 and E4 shall be implemented in full and thereafter maintained unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

Informative:

- 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.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 4th March 2022

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

Please note: This consent refers only to that required under the Planning (Listed Buildings and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTES

Appeals to the Secretary of State

- If you are aggrieved by the decision of the local planning authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) 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.

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 Listed Building Consent or Conservation Area Consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.