

PLANNING PERMISSION

Applicant:

Historic Chapels Trust
St George's German Lutheran Church
55 Alie Street
London
E1 8EB

Agent:

Mr John C Goom
108 High Street
Evesham
Worcestershire
WR11 4EJ

Date of Application: 15 September 2009 Application No: T0009/2265 DMCE/092197/F Grid Ref: 356850:240586

Proposed development:

SITE: **Longworth Chapel, Frome Court, Bartestree, Hereford, HR1 4DU**
DESCRIPTION: **Repairs and alterations to chapel.**

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, 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 Policy DR1 of Herefordshire Unitary Development Plan.

- 3 Notwithstanding the approved details included in the application, additional drawings or specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:

- (a) Stonework;
- (b) Mortar mix;
- (c) Rainwater goods;
- (d) Colour of bat box

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

- 4 The recommendations set out in the ecologist's report dated September 2009 should be followed in relation to the identified protected species, unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

Informatives:

- 1 All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

intentionally kill, injure or take any wild bird
intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being
intentionally take or destroy the egg of any wild bird
intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The application is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

- 2 The decision to grant planning permission 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:

S1 - Sustainable development
NC1 - Biodiversity and development
NC5 - European and nationally protected species
NC6 - Biodiversity Action Plan - Priority habitats and species
NC7 - Compensation for loss of biodiversity
HBA1 - Alteration and extensions to listed buildings

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of amenity and highway safety were addressed.

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

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

Drawing nos: 239a/D1, 239A/g1F, 239A/G2, 239A/S2a, 239A/S5, 239A/S6a and 239/P2 date stamped 15 September 2009

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



Date: **6 November 2009**

Team Leader Central

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.

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 at Tollgate House, Houlton Street, Bristol, BS2 9DJ.
- 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.