

Planning (Listed Buildings and Conservation Areas) Act 1990

LISTED BUILDING CONSENT

Applicant:

Mr & Mrs P Nugent
Netherpaths
Colwall Green
Malvern
Herefordshire
WR13 6DX

Agent:

Mr S Rowe
Harcourt Design Associates Ltd
The Old Bell
Harcourt Road
Mathon
Herefordshire
WR13 5PG

Date of Application: 24 June 2011

Application No: DMN/111350/L

Grid Ref: 375182:240929

Proposed development:

SITE:

Netherpaths, Colwall Green, Malvern, Herefordshire, WR13 6DX

DESCRIPTION:

Renovation & use of part of property, incorporating a small area of an attached original store into the main residence, to provide for additional family accommodation & occasional holiday let use.

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 Buildings and Conservation Areas) Act 1990.

- 2 The works shall be carried out strictly in accordance with the approved plans drawing nos. HD488/01/sr/ surv & prop, except where otherwise stipulated by conditions attached to this consent.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3 Before work commences, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority beforehand and shall not thereafter be changed without further written approval.

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA3 of the Herefordshire Unitary Development Plan.

4. Notwithstanding the approved details included in the application, additional drawings and 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) New rooflights.

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 Policies HBA1 and HBA3 of the Herefordshire Unitary Development Plan.

5. The recommendations set out in the ecologist's report dated 4 October 2010 and the method statement dated 10 May 2011 should be followed in relation to the identified protected species bats, great crested newts etc, unless otherwise agreed in writing by the local planning authority. If the development works do not proceed according to the timescales outlined in the method statement, a revised method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

In addition, an appropriately qualified and experienced clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work).

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.

Informative:

1. The decision to grant Listed Building Consent 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

HBA1 - Alteration & Extensions to Listed Buildings

HBA3 - Change of Use of 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 visual appearance, character and fabric of the building were addressed.

This informative is only intended as a summary of the reasons for granting of Listed Building Consent. For further detail on the decision please see the application report by contacting Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford. HR1 2BB (tel: 01432 261563).

Planning Services
PO Box 230
Hereford
HR1 2ZB

KORVP

Date: 19 August 2011

TEAM LEADER

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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.

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.