

PLANNING PERMISSION

Applicant:

Mr & Mrs S and R Foster
Rock Cottage
Fownhope
Hereford
HR1 4QA

Date of Application: 12 January 2022

Application No: 214617

Grid Ref:359626:234542

Proposed development:

SITE: Land at Glen Ridge, Common Hill, Fownhope, HR1 4PZ

DESCRIPTION: Proposed demolition of two storey house and outbuildings and construction of replacement single storey dwelling with detached garage/store/workshop

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 hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 01173_001; 01173_003; 01173_005 (A); 01173_006; 01173_007; 01173_008; 01173_009; 01173_010; 01173_013; A1/001; A1/002; Climate Change Measures compliance checklist and supporting Randall Architectural notes) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be submitted to the local planning authority for its written approval. The CEMP shall include an assessment of any lighting associated with the temporary construction facilities, alongside an associated scheme of risk avoidance measures. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure all habitats and species are protected having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3.

- 4 Remediation and validation documentation shall be submitted to and agreed in writing by the local planning authority in accordance with the details described in the Geo-Environmental Assessment report prepared by Utility Environmental (ref. UN.111.20) before the development is first occupied. The validation report shall be prepared by a competent person as described in the National Planning Policy Framework. Any variation to the scheme, including the validation reporting, shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: The remediation of any potential contamination is a necessary requirement of the works hereby approved to ensure soil contamination is satisfactorily dealt with before the dwelling is occupied and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 Prior to the first use of the replacement dwelling hereby approved, the existing dwellinghouse known as ‘Glen Ridge’ shall be demolished and the arisings removed from site, except where materials may be re- used or recycled on site.

Reason: To ensure compliance with the exception for replacement dwellings in the open countryside pursuant to Policy RA3 of the Herefordshire Local Plan – Core Strategy.

- 6 No development above slab level shall take place until details or samples of materials to be used externally on walls and roofs, including those relating to doors, windows and eaves and verge treatments, have been submitted to and approved in writing by the local planning authority. The submitted details shall encompass colours and finishes. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 All planting, seeding or turf laying in the approved landscaping scheme, as set out on drawing no. 01173_006 and specified under Section 5.4 (Arboriculture) of the Planning Statement, shall be carried out within 2 years of commencement of the development. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting shall be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscaping scheme approved by the local planning authority, in order to conform with Policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 8 As detailed in the submitted plans and reports, all foul water shall discharge to a new private foul water system (package treatment plant) discharging to a suitable soakaway drainage field on land under the applicant's ownership and all surface water shall be managed by appropriate sustainable drainage systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife & Countryside Act 1981 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS6, SD3, SD4 and LD2.

- 9 Prior to the first occupation of the 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. a maximum of 110 litres per person per day) for water consumption as a minimum have been installed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, those water conservation and efficiency measures shall be retained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

- 10 Prior to first occupation of the dwelling, written and illustrative details of the type/specification and location of a charging point to enable the charging of plug-in and other ultralow emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwelling, shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements of policies in relation to climate change, including SS7, MT1 and SD1 of the Herefordshire Local Plan - Core Strategy and to assist in redressing the Climate and Ecology Emergency declared by Herefordshire Council, as well as to accord with the provisions found under paragraphs 107 and 112 of the National Planning Policy Framework.

- 11 The ecological protection, mitigation, compensation and working methods scheme including any required European Protected Species Licence (bats), as recommended in the Preliminary Ecological Assessment report dated June 2021 and the ensuing Bat Survey report dated November 2021 (both prepared by Dave Smith BSc), shall be implemented and thereafter maintained in full as stated unless otherwise required by conditions attached to this permission or approved in writing by the local planning authority.

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 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policy LD2.

- 12 Notwithstanding the details approved within the ecological reports referenced under condition 11, a detailed timetable for completion of compensatory roosting features and the start of proposed works and demolition shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details to be submitted shall also include a revised position for the owl box, to avoid predation issues for the local bat population. The works shall be carried out in accordance with the approved timetable and details.

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 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policy LD2.

- 13 Prior to first use of the development hereby approved, a fully detailed location plan and specifications for the proposed biodiversity net gain enhancements, including provision for enhanced bat roosting, bird nesting, pollinating insect-invertebrate homes and habitats and provision for hedgehog populations, shall be submitted to and approved in writing by the local authority. The enhancement scheme shall be carried out in accordance with the approved details and maintained thereafter as such, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 14 Prior to first use of the development hereby approved, a detailed lighting plan shall be submitted to and approved in writing by the local planning authority for the proposed building complex and any access features. The plan will need to consider external lighting and radiated illumination from the use of the development; and demonstrate that there will be no net gain in any local illumination levels and no illumination of any adjacent boundary feature or ecological habitats. All lighting to be installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species available from the Institution of Lighting Professionals. The lighting plan shall be implemented as approved and thereafter maintained as such. No external lighting other than that approved shall be installed.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA).

- 15 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: In order to protect the character, natural beauty and visual amenity of the locality, with the site being located within the Wye Valley AONB, and to comply with Policies RA3 and SD1 of the Herefordshire Local Plan – Core Strategy.

- 16 Prior to the commencement of development, the measures contained within the tree protection plan forming part of the Arboricultural Impact Assessment dated December 2021 (2021/0297/AIA/01a) shall be implemented in accordance with the approved details and retained for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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



Date: 27th June 2022

KELLY GIBBONS
DEVELOPMENT MANAGER

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

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, or 12 weeks if the scheme is for that of "household" development 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.