

PLANNING PERMISSION

Applicant:

Mr Ian Jenkins
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Lightfields
Kings Caple
Hereford
HR1 4UE

Agent:

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Imperial Chambers
Longsmith Street
Gloucester
GL1 2HT

Date of Application: 22 January 2015

Application No: 150187

Grid Ref: 360090:225475

Proposed development:

SITE:	Dayla Soft Drinks, Netherton Road, Overross Industrial Estate, Ross-on-Wye, Herefordshire, HR9 7QQ
DESCRIPTION:	Proposed erection of an extension to existing Dayla Soft Drinks facility

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 and the National Planning Policy Framework.

- 2 The development hereby approved shall be carried out strictly in accordance with the approved plans (Drawing No 5035/P/01, /101, /201 and /701 and Design and Access Statement, all received 20 January 2015) 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 DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 3 Prior to the development hereby permitted commencing a scheme shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall be designed to ensure that the rating level of the noise emitted from the site shall not exceed the background noise level measured as an LA90 by more than 5dB measured as a 5 minute LAeq. The background noise levels shall be determined at locations agreed in writing with the Local Planning Authority. The measurements and assessment shall be made according to BS4142:1990. The agreed scheme shall be implemented before the use of any the building hereby permitted commences and shall be retained for the duration of the use.

Reason: To protect the amenities of the occupiers of nearby properties and to ensure consistency over the site and to comply with Herefordshire Unitary Development Plan Policies DR1, DR2, DR13, E7 and E8 and the relevant aims and objectives of the National Planning Policy Framework.

- 4 Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To protect the character and appearance of the Wye Valley Area of Outstanding Natural Beauty, amenities of the occupiers of nearby properties and to ensure consistency over the site and to comply with Herefordshire Unitary Development Plan Policies DR1, DR2, DR14, E7 and E8 and the relevant aims and objectives of the National Planning Policy Framework.

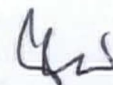
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, plant or machinery shall be erected, constructed or added to the building.

Reason: To maintain control over the visual appearance and use of the buildings to protect the character and appearance of the Wye Valley Area of Outstanding Natural Beauty and the amenities of adjoining land uses and to comply with Herefordshire Unitary Development Plan Policies DR1, DR2, DR3, E6, E7 and LA1 .

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Planning Services
PO Box 230
Hereford
HR1 2ZB



DEVELOPMENT MANAGER

Date: 4 March 2015

YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED

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, 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.