

02 AUG 2012

LISTED BUILDING CONSENT

Applicant:

Mr A Bradley
Lower Court
Putley
Ledbury
Herefordshire
HR8 2QP

Agent:

Mr C F Knock
Tinkers Grove Cottage
The Deer Park, Eastnor
Nr Ledbury, Herefordshire
HR8 1RQ



Date of Application: 22 March 2012

Application No: N120909/L

Grid Ref: 364570:237674

Proposed development:

SITE: Cider House, Lower Court, Putley, Nr Ledbury, Herefordshire HR8 2QP
DESCRIPTION: Conversion of Cider House into a separate residential dwelling

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 1311:1580:08B, 10A & 12D), 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 work and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3 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 hereby approved. The works to which they relate shall subsequently only be carried out in accordance with the approved details and completed prior to the first occupation of the development hereby permitted:

- (a) Details of which doors and windows are to be retained and full details of the renovation works of the doors and windows.
- (b) Full details of all replacement joinery.
- (c) Details of the glazing bars on all new doors and windows.
- (d) Details of all materials and finishes/colour on all new doors and windows.

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 and HBA3 of Herefordshire Unitary Development Plan.

- 4 All new rainwater goods shall be painted cast iron and all new flues must be externally painted a matt black.

Reason: To ensure that the work is carried out in accordance with details that are appropriate to safeguarding the special architectural and historic interest of this Grade II Listed Building and to comply with Policies HBA1 and HBA3 of the Herefordshire Unitary Development Plan.

- 5 No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

- 7 No development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) The position, design and materials of all site enclosure (e.g. fences, walls)
- b) Car parking layout and other vehicular and pedestrian areas
- c) Hard surfacing materials

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 8 The soft landscaping scheme approved under condition 7 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 9 The existing cider press, cider mill and crushing stone shall be retained as existing in perpetuity.

Reason: To ensure these integral and historically important features of the original cider building are fully retained and protected.

- 10 The windows at first floor level on the south elevation of the cider house building shall have obscure glazing and be fixed non-opening windows and shall remain as such in perpetuity.

Reason:- In order to protect the residential amenities of the occupants of adjacent dwellings and to comply with Policy H13 of the Herefordshire Unitary Development Plan.

- 11 The recommendations set out in the ecologists report dated February 2012 should be followed. Prior to commencement of the development/works a full working method statement and finalised mitigation strategy should be submitted to and be subject to the written approval of the local planning authority, and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected and having regard to nature conservation and biodiversity with respect to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the NERC Act 2006 and also Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Government advice contained within the National Planning Policy Framework (March 2012).

Reason for Approval:

- 1 The existing building is considered to be worthy and suitable for conversion and the proposed conversion scheme respects the character, appearance and fabric of this Grade II Listed building. The use of the building as a single dwelling is considered to be acceptable and the residential amenities of the occupants of the adjacent dwellings will not be adversely affected.

The proposed development/works are therefore considered to be acceptable and in accordance with planning policies and guidance, in particular Policies S2, DR1, HBA3 and HBA12 of the Herefordshire Unitary Development Plan and Government advice contained in the National Planning Policy Framework (March 2012).

Informatives:

- 1 With respect to condition 3(a) it is preferred that where possible existing windows and doors are retained and repaired and not replaced without justification.
- 2 With respect to condition 11 it is understood that there is sufficient space to accommodate a bat loft in the detached wooden/metal pole barn/garage if the long term future of the proposed bat loft cannot be secured in the original main dwelling.
- 3 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

- 4 This consent does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 5 The applicant should be aware that this Listed building consent does not over-ride any civil/legal rights, or legal covenants, enjoyed by adjacent property owners and that any development/works which physically affects or encroaches onto any adjoining property may affect these rights. As such the applicant is advised to contact owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
- 6 Welsh Water advises that as the applicant intends utilizing a septic tank facility then the applicant should contact the Environment agency who may have an input in the regulation of this method of drainage disposal. If circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred then the Welsh Water must be consulted.
- 7 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Blueschool House, Blueschool Street, Hereford HR1 2ZB (Tel: 01432 260470).

Planning Services
PO Box 230,
Hereford,
HR1 2ZB

KOBMP

Date: 27 July 2012

DEVELOPMENT MANAGER

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.

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.