

PLANNING PERMISSION

Applicant:

Hereford and Worcester Fire and Rescue
Service
C/o Agent

Agent:

Miss Janet Rowley
Lichfields
Lichfields, Cornerblock
2 Cornwall Street
Birmingham
B3 2DX

Date of Application: 2 July 2024

Application No: 241471

Grid Ref:350815:241384

Proposed development:

SITE: Unit 22, Mortimer Trading Centre, Mortimer Road, Hereford, Herefordshire, HR4 9SP
DESCRIPTION: Proposed temporary change of use from general industrial (Use Class B2) to a fire station (Sui Generis) with associated vehicular access, car parking, external alterations and other works.

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;

- Location Plan
- Proposed Site Plan (HFS BBA Z1 ZZ DR A 1006 P03)
- Ground Floor GA Plan (HFS BBA Z1 00 DR A 2101 P05)
- Proposed GA Elevations (HFS BBA Z1 ZZ DR A 3101 P03)
- Site Access Arrangements (08125-TR-A-0009)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-commencement

3 No development shall take place until the following have been submitted to and approved in writing by the local planning authority:

- a) A Preliminary Risk Assessment report, which must include:

Details of previous site uses and uses of adjacent sites.
Potential contaminants associated with those uses.
Possible sources, pathways, and receptors.
A conceptual model and a risk assessment following current best practices.

b) If the risk assessment from (a) confirms a possible significant pollutant linkage(s), a comprehensive site investigation must be undertaken to:

Fully characterize the nature, extent, and severity of contamination. Develop a conceptual model of all potential pollutant linkages. Assess the risk to identified receptors.

c) If the site investigation in (b) identifies unacceptable risks, a detailed remediation scheme must be submitted in writing, specifying:

Remedial works and measures necessary to avoid risks from contaminants or gases when the site is developed.

Provisions to address unforeseen contamination discovered during site works. Any additional contamination encountered must be fully assessed, and an updated remediation scheme must be submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Other stage / prior to first use

- 4 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 1.2 metres back from the nearside edge of the adjoining carriageway (as accepted in submitted technical note) (measured perpendicularly) for a distance of 28m to the East and 35m to the West to the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 Before any other works hereby approved are commenced, pedestrian visibility splays at the crossing of the Public right of Way should be provided at 2m x2m to allow safe pedestrian movements across the new access.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6 The Remediation Scheme, as approved in Condition (1) above, must be fully implemented before the development is first occupied. Upon completion of the remediation, the developer shall provide a validation report confirming that all works were completed according to the agreed details. This report must be submitted and

agreed in writing by the local planning authority before the development is first occupied. Any changes to the scheme, including the validation reporting, must be agreed in writing with the local planning authority before such works are undertaken.

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Post occupancy monitoring and management / Compliance Conditions

- 7 If, during development, contamination not previously identified is found, no further development (unless otherwise agreed in writing with the local planning authority) shall proceed until the developer has submitted an amended Method Statement detailing how this unexpected contamination will be managed. This amendment must be approved in writing by the local planning authority.

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8 The use of the land and buildings as a temporary fire station (sui generis) permitted by this planning permission shall be limited to a period of five (5) years from the date of this permission, after which the use shall cease, and the land and buildings shall be restored to their lawful Class B2 use within three (3) months, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is used for the approved purpose only for a limited period and to protect the character and amenity of the area, in accordance with Policies HD1, E2, SC1, SD1, and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Additional Information:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Herefordshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain

condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 **Development below the de minimis threshold, meaning development which:**
 - i) **does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and**
 - ii) **impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).**
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Informatives:

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



KELLY GIBBONS

Date: 16 October 2024

DEVELOPMENT MANAGEMENT SERVICE 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.