

PLANNING PERMISSION

Applicant:

Mr Richard Coleman
RJA & SL Coleman
Oldlands Farm
Fromes Hill
Ledbury
HR8 1HT

Agent:

Mr Ian Pick
Ian Pick Associates Ltd
Station Farm Offices
Wansford Road
Nafferton
Driffield
YO25 8NJ

Date of Application: 9 November 2017

Application No:
174199

Grid Ref:368616:246489

Proposed development:

SITE: Oldlands Farm, Fromes Hill, Ledbury, Herefordshire HR8 1HT
DESCRIPTION: Proposed erection of an agricultural building for free range egg production.

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 Except where otherwise stipulated by conditions attached to this permission the development shall be carried out strictly in accordance with the approved plans as follows:

- Location Plan Dwg No. IP/RC/01 dated Oct 17
- Site Layout Plan Dwg No. IP/RC/02 dated Oct 17
- Elevations & Plans Dwg No. IP/RC/03 dated July 17
- Sections A1 IP/RC/04 dated July 17
- Landscape Proposals IPA 21387-11 dated Aug 17),

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.

- 3 The external facing materials to the development hereby permitted shall match in colour, form and texture those of the existing poultry building approved via reference NE09/1924.

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 The recommendations set out in the ecologist's report from Craig Emms dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

- 5 Prior to the commencement of development a detailed surface water drainage strategy shall be submitted to the local planning authority for their written approval. The strategy should include supporting calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

The strategy should also include evidence that adequate provision is made for on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy, Policy BF10 of the Bishops Frome Neighbourhood Development Plan and the National Planning Policy Framework.

- 6 The building hereby permitted shall only be used as free range egg production unit and not for any other form of poultry related production (e.g. broilers or turkeys.)

Reason: The processes / activities associated with different forms of poultry related production give rise to materially different environmental impacts that would require further assessment.

- 7 The cumulative number of birds on site during any single cropping cycle shall be limited to a maximum of 32,000.

Reason: So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the policies SS6, SD1, SD3 and MT1 of the Core Herefordshire Local Plan – Core Strategy, Policy BF9 of the Bishops Frome Neighbourhood Development Plan and any other material planning considerations.

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy BF9 of the Bishops Frome Neighbourhood Development Plan and the National Planning Policy Framework.

- 9 With the exception of the delivery and collection of birds, the loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 Other than that shown on the plans hereby approved, no external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan- Core Strategy and the National Planning Policy Framework.

- 12 Prior to the development hereby approved being first brought into use the driveway shall be consolidated and surfaced at a gradient not steeper than 1 in 8 for a distance of at least 10 metres from its junction with the unclassified road U65635. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details shall be submitted to and approved in writing by the local planning authority prior to commencement of any works and they shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy BF9 of the Bishops Frome Neighbourhood Development Plan and the National Planning Policy Framework.

- 13 Prior to the development hereby approved being first brought into use the applicant shall submit a Traffic Management Plan for the written approval of the local planning authority. The plan shall, *inter alia*, provide details of arrangements to ensure that right turns onto the A4103 from the site are kept to a minimum.

Reason: In order to ensure that the free flow of traffic on the A4103 is ensured in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy BF9 of the Bishops Frome Neighbourhood Development Plan and the National Planning Policy Framework.

- 14 Landscaping shall be carried out in accordance with the approved landscaping scheme as shown on the Landscape Proposals Plan IPA 21387 -11 dated August 2017. All planting shall be carried out in accordance with those details and planted in the first planting season once the development hereby approved has been brought into use.

The approved landscaping scheme shall thereafter be maintained for a period of ten years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, Policy BF1 of the Bishops Frome Neighbourhood Development Plan and the National Planning Policy Framework.

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.
- 2 The applicant is advised to view the Environment Agency's guidance notes on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>
- 3 Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permitting Regulations (England and Wales) 2010. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.
- 4 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
- 5 The applicant is advised that in the interest of highway safety vehicles used for the movement of manure should be sheeted to prevent spillage of manure.

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



**EDWARD THOMAS
DEVELOPMENT MANAGER**

Date: 17 January 2018

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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.