

OUTLINE PLANNING PERMISSION

Applicant:

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Kington
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Agent:

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Date of Application: 13 June 2022

Application No: 221922

Grid Ref:333857:255146

Proposed development:

SITE: Land Adjacent To Webbs Meadow, Lyonshall and The Holme, Lyonshall,
DESCRIPTION: Outline planning application for the erection of 4 dwelling houses with
garages and access off Webbs Meadow road, on land adjacent to Webbs
Meadow & the creation of a phosphate credit bank at The Holme, Lyonshall.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that OUTLINE 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:

Standard

- 1 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy, Policies LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 4 The development shall be carried out strictly in accordance with the approved plans (unnumbered site location plan, unnumbered site plan (Chapel Plock), unnumbered site plan (The Holme) – received 26 June 2023) except where otherwise stipulated by conditions attached to this permission.

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, the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 5 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the open market housing.

This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings; the overall mix being in general accord with the Council's latest Housing Market Area Needs Assessment (Kington Housing Market Area) (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy, Policies LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.

- 6 The reserved matters application, submitted pursuant to Condition 1 shall be accompanied by a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with.

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy LD2, SD3 and SD4 of the Herefordshire Local Plan, Policies LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-commencement

- 7 Prior to the commencement of development, a method statement for trees must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policies LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 8 Prior to the commencement of development, a detailed Construction Environmental Management Plan – including ecological working method statement based on the assessment and details of the person responsible for the implementation of the CEMP, shall be supplied to the LPA for written approval. The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core

Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 9 Prior to the commencement of development, a detailed plan methodology and outline management and maintenance schedule to demonstrate that a minimum 5m wide ecological buffer from the nearest edge of the Curl Brook to any development is secured, protected and 'managed for nature' for the lifetime of the development should be supplied to the planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained as approved.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

- 10 With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. 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 Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 11 Prior to any construction work above damp proof course, a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features and consideration for pollinating insects and invertebrates, must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.

The following conditions require details to be submitted / works to be completed prior to the first occupation of the dwelling(s) hereby permitted.

- 12 The soft landscaping scheme approved under Condition 3 shall be carried out concurrently with the development hereby permitted.

Soft landscaping within the curtilage of each dwelling shall be completed no later than the first planting season following the occupation of the dwelling.

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 within the curtilage of each dwelling shall be completed prior to the occupation of that dwelling.

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy, the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 13 No dwelling hereby permitted shall be occupied until the access, parking areas, driveway and vehicular turning areas serving the dwellings have been consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway.

Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning prior to commencement of any works in relation to the provision of the areas. These areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LH1 and LT1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 14 No dwelling hereby permitted shall be occupied until a scheme for the provision of covered and secure cycle parking within the curtilage of the dwelling has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use before first occupation of each dwelling hereby permitted.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 15 No dwelling hereby permitted shall be occupied until a scheme until written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval.

The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-

Compliance

- 16 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, Policy LH1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.

- 17 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety Of existing residents and ensure no pollution of or detriment to the environment and in accordance with the requirements of Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

- 18 No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council’s declared Climate Change and Ecological Emergency

- 19 The Development hereby approved shall include a total impermeable area not greater than 1000sqm. An “impermeable area” will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate. Any submission seeking approval of the reserved matter “layout”, as referred to in conditions 3 of this permission, shall comply herewith.

Reason: Having regard to the information submitted to support the application and ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site having regard to the requirements of policy LD2 of the Herefordshire Local Plan Core Strategy.

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, 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.

- 2 The applicant is reminded of the Section 106 agreement which controls the use of the site at The Holme for use as a private phosphate credit bank and not for the livestock production.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



KELLY GIBBONS
DEVELOPMENT MANAGER

Date: 3rd August 2023

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

Please note: 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.

NOTES

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.