

PLANNING PERMISSION

Applicant:

Crest Nicholson Midlands
c/o Agent

Agent:

Mr Michael Burrow
Savills (UK) Limited
Savills
Innovation Court
121 Edmund Street, Birmingham
B3 2HJ

Date of Application: 8 January 2018

Application No: 180041

Grid Ref:356092:241115

Proposed development:

SITE: Land south of A438, Bartestree, Herefordshire

DESCRIPTION: Application for removal of condition 9 and variation of Condition 22 of planning permission P143720/O

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 Application for approval of any further reserved matters shall be made to the local planning authority before the expiration of three years from the date of the original permission P143720/O.

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 original permission (P143720/O), 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 The development hereby approved shall be carried out in accordance with the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") approved under application P174454/RM and subsequent discharge of conditions applications P174453/XA2 and P180717/XA2.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 4 The development shall be carried out in accordance with the materials details approved under application P174454/RM and discharge of conditions application P174453/XA2; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 5 The development shall include no more than 40 dwellings and no dwelling shall be more than two and a half storeys high.

Reason: To define the terms of the permission so as to comply with Policies LD1 and SD1 of the Herefordshire Local.

- 6 Before any other works hereby approved are commenced, the construction of the vehicular access as shown on the Bernard Eacock Ltd drawing 14 -055-04 (Proposed Site Layout) shall be carried out in accordance with the details approved under application P174454/RM and discharge of conditions application P174453/XA2; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to conform to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 7 Prior to the first occupation of the dwellings hereby approved the driveways and vehicular turning areas shall be 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 driveways, vehicular turning areas and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works and shall be constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to conform to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 8 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to conform to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 9 Notwithstanding the approved plans and with the exception of the formation of the vehicular access and any site clearance and ground works, no development shall commence until details of the following off-site works to be delivered by a Section 278 agreement have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved in accordance with the agreed details and installed prior to the first occupation of any of the dwellings hereby approved:

- A controlled crossing of the A438 carriageway for non-motorised users
- An extension to the bus stop waiting platform at the north-western corner of the site

Reason: In order to ensure that adequate provision is made for the safe crossing of the A438 such that sustainable short-distance walking and cycling trips are encouraged in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 10 The development shall be carried out in accordance with the approved engineering details and specification of proposed roads and highway drains approved under application P174454/RM and discharge of conditions application P/174453/XA2; unless otherwise agreed in writing by the Local Planning Authority. The approved works shall be completed prior to occupation of the development hereby permitted.

Reason: To ensure an adequate and acceptable means of access is available before the dwellings are occupied so as to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 11 None of the dwellings shall be occupied until the roadworks necessary to provide access to the nearest publicly maintained highway have been completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwellings are occupied so as to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 12 All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwellings are occupied so as to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 13 Development shall not begin until wheel cleaning apparatus has been provided in accordance with the details contained within version 6 of the Construction Environment Management Plan, submitted to the Local Planning Authority on 28th June 2018 and approved under discharge of conditions application P180717/XA2.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 14 With the exception of the formation of the vehicular access in accordance with condition 6 above, development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details contained within version 6 of the Construction Environment Management Plan, submitted to the Local Planning Authority on 28th June 2018 and approved under discharge of conditions application P180717/XA2. Such site operative parking provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking on adjoining highway land in the interests of highway safety so as to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 15 The cycle parking shall be installed and made available for use prior to first occupation of any of the dwellings hereby permitted, in accordance with details approved under application P174454/RM and discharge of conditions application P174453/XA2; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is adequate provision for secure cycle accommodation with the application site, encouraging alternative modes of transport in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 16 The Travel Plan shall be implemented, in accordance with the details approved under discharge of conditions application P180717/XA2; unless otherwise agreed in writing by the Local Planning Authority, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 17 Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

- 18 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To protect the integrity of the public sewerage system and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

- 19 No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved scheme.

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 SD3 of the Herefordshire Local Plan – Core Strategy.

- 20 The measures for the protection of trees and hedgerows to be retained on the site shall be implemented in accordance with the details approved under application P174454/RM and discharge of conditions application P174453/XA2 and shall be adhered to and maintained as such during the construction of the development; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees to be retained so as to comply with Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 21 With the exception of the tree planting along the A438 road frontage, the development shall otherwise be carried out in accordance with the soft landscaping and hard landscaping details approved under application P174454/RM and discharge of conditions application P174453/XA2; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides sufficient soft landscaping as per the approved drawings in the interests of visual amenity and bio-diversity enhancement so as to comply with Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 22 The soft landscaping scheme approved under condition 21 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 hereby permitted. 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: To ensure the approved scheme is implemented so as to comply with Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 23 The recommendations set out in Sections 8.3 to 8.8 of the Phase 1 ecologist's report from Phil Quinn dated May 2014 and Section 7 of the Great Crested Newt report from Phil Quinn dated May 2014 should be followed in relation to species mitigation and habitat enhancement. The development shall be carried out in accordance with the details approved under discharge of conditions application P174453/XA2; unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the reptile survey details approved under discharge of conditions application P174453/XA2; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

- 24 The development shall be carried out in accordance with the Construction Environmental Management Plan (version 6 received on 28th June 2018), approved under discharge of conditions application P180717/XA2; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the Bartestree with Lugwardine Group Neighbourhood Development Plan.

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 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 4 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 5 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
- 6 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



KEVIN BISHOP
LEAD DEVELOPMENT MANAGER

Date: 3 July 2018

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

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.