

APPROVAL OF RESERVED MATTERS

Applicant:

Persimmon Homes East Wales
Persimmon House
Llantrisant Business Park
Llantrisant
Rhondda Cynon
CF72 8YP

Agent:

Mr Morgan Williams
Persimmon House
Llantrisant Business Park
Llantrisant
Rhondda Cynon Taff
CF72 8YP

Date of Application: 30 October 2019

Application No: 193754

Grid Ref:347091:258352

Proposed development:

SITE: Barons Cross Camp, Cholstrey Road, Leominster, Herefordshire,
DESCRIPTION: Application for Reserved Matters for the approval for the appearance, landscaping, layout and scale for 353 dwellinghouses and the details reserved by conditions 3 and 7 of Outline application 120887/O.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the above Acts that APPROVAL has been GRANTED in respect of the details referred to above for the purpose of the conditions imposed on outline planning permission reference 120887/O and subject to these further conditions:

1. The development shall be carried out strictly in accordance with the following approved plans and documents, except where otherwise stipulated by conditions attached to this permission:

General:

Site Location Plan	SL01 Rev A
Planning Layout	SP03_01 Rev 5
Material Strategy	MT03 Rev 2
Landscaping Sheet 1	TDA.2510.01 Rev K Sheet 1
Landscaping Sheet 2	TDA.2510.01 Rev K Sheet 2
Visibility Layout	10264 – 203 May 24

Engineering Pack:

Engineering Sheet 1	10264-100-01G
Engineering Sheet 2	10264-100-02F
Engineering Sheet 3	10264-100-03F
Engineering Sheet 4	10264-100-04F
Engineering Sheet 5	10264-100-05F

Housetype Pack:

Ashridge (Ad)	Ad_End_R25 – 401,
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Chiltern (Ct)	Ct_End_R25 – 401,
Alnmouth (Al) (0663)	Al_End_R25 – 401
Galloway (Ga) (0948)	Ga_End_R25 – 401
Sherwood (Sh) (1010)	Sh_Det_R25 – 401
Barnwood (Bw) (1041)	Bw_Det_R25 – 401
Braunton (Br) (1023)	Br_Det_R25 – 401
Saunton (Sa) (1033)	Sa_Det_R25 – 401
Ashdown (An) (1126)	AnC_End_R25 – 401
Galloway DT (GaDT) (1098)	Ga_DT_Det_R25 – 401
Burnham (Bu) (1115)	BU_Det_R25 – 401
Barnwood DT (BwDT) (1209)	Bw_DT_R25 – 401
Marston (Ma) (1230)	Ma_Det_R25 – 401
Brampton (Bt) (1261)	Bt_Det_R25 – 401
Greenwood (Gw) (1324)	Gw_Det_R25 – 401
Kielder (Ki) (1416)	Ki_Det_R25 – 401
Brightstone (Bs) (1787)	Bs_Det_R25 – 401
Carradale (CaD) (1342)	CsD_MA_DET_R52_410
Seacombe (SeA) (1670)	SeA_MA_DET_R25_410
Kingsand (KgS) (1788)	KgS_MA_DET_R25_410

Affordable Housing Units

Dallington 3B 5P (Dg) (1044)	Dg_End_R25 – 401
Rendlesham 3Bed House (Re) (0947)	Re_End_R25 – 401
Wareham 2Bed House (Wa) (0884)	Wa_End_R25–903, Wa_End_R25 – 901
2.1.1 [1 Bedroom Flat] (0597)	211-WD21
2.1.2 [2 Bedroom Flat] (0689)	2.1.2_11
2.1.2 [M.4(3)] (0660)	2.1.2 M4.3

Enclosures and Garages Pack

Boundary Treatment	BT03 Rev 2
Brick Screen Wall	D01
Close Board Fence	D02
Close Board Gate	D07
Timber Knee Rail	D13
Dwarf Wall and Piers (Hit and Miss)	D31
Single Garage	
Double Garage	

POS Design

Dragon Plan LAP Design	Q-1625 Rev 1 Barons Cross LAP
Dragon Play LEAP Design	Q-1625 Rev 1 Barons Cross LEAP
Dragon Play Teen	Q-1625 Rev 1 Barons Cross Teen Provision

Supporting Documents

- Geo-Environmental Desk Study Site R1
- River Lugg HRA Phosphate Budget Calculator (353 Units)
- Bat Tree Survey Report October 2023 TerrAqua Ecological Services Ltd
- Reptile Survey Report May 2023 TerrAqua Ecological Services Ltd
- Reptile Mitigation Strategy October 2023 TerrAqua Ecological Services Ltd
- Preliminary Ecological Assessment Oct 2023 TerrAqua Ecological Services Ltd
- Badger Mitigation Strategy October 2023 TerrAqua Ecological Services Ltd
- Landscape Specification & Management Plan November 2020

Reason: To ensure compliance with the approved plans in the interests of securing an appropriate form of development which complies with policies LO1, SD1, LD1, MT1 and H3 of the Herefordshire Local Plan Core Strategy, policies LANP3, LANP13 and LANP15 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework

Pre-Commencement Conditions

2. Prior to the commencement of the development, protection measures in accordance with BS5837:2012 standards shall be provided to all retained trees and hedgerows in accordance with the retention details shown on approved landscaping plans TDA.2510.01 Sheet 1 Rev K and TDA.2510.01 Sheet 2 Rev K. The protection measures shall thereafter be implemented in accordance with the approved details and the protection measures shall be maintained for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policy LANP13 and LANP15 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

Conditions to Discharge

3. Before any part of the development is first occupied, an implementation programme (including details for phasing of works, where appropriate) for the scheme of soft landscaping shown on approved plans DA.2510.01 Sheet 1 Rev K and TDA.2510.01 Sheet 2 Rev K shall be submitted to and approved in writing by the local planning authority. The works shall subsequently be carried out in accordance with the approved management and maintenance schedule.

Reason: To ensure the implementation of the soft landscaping scheme within appropriate timescales in order to comply with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies LANP13 and LANP15 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

4. Before any part of the development is first occupied, a scheme of landscape management and maintenance for all areas outside of residential curtilage shall be submitted to and approved in writing by the local planning authority. The scheme shall include a detailed site plan identifying the areas to which the scheme relates and shall cover management and maintenance arrangements (including watering schedules) for a minimum period of ten years from first occupation of the dwellings. The works shall subsequently be carried out in accordance with the approved management and maintenance schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies LANP13 and LANP15 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

5. 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), and hedgehog highways through all impermeable boundary features (except adjacent to main highways), 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

6. Development shall not begin in relation to the proposed pedestrian and cycle link between the site and Far Meadow Road until details of the highways works (including design and specification of the link and details of bollards to prevent use by vehicles) have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

Compliance and Monitoring Conditions

7. No dwelling approved under this permission shall be occupied until after the 1st April 2025.

Reason: It is necessary to restrict the first occupation of any dwelling in order to prevent associated domestic foul water loads being communicated to the mains sewer network before planned upgrade works to the receiving Leominster Waste Water Treatment Works have been completed (by 1st April 2025). This is to ensure that the improved phosphate permit level for the receiving WWTW can be relied upon when calculating the level of mitigation required under the Council's Phosphate Credit scheme in order to ensure that the development would not have any adverse impact upon the integrity of the River Lugg / River Wye SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006)

8. All garages and accesses thereto shall be maintained in accordance with the approved plans and remain available for the parking of private motor vehicles and / or storage of bicycles. The garages shall at no time be converted to habitable accommodation

Reason: To ensure that adequate off street parking arrangements and secure cycle storage facilities remain available at all times in order to secure compliance with policy MT1 of the Herefordshire Local Plan Core Strategy, policies LANP3 and LANP15 of the Leominster Neighbourhood 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 This Reserved Matters approval is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



Date: 10th June 2024

KELLY GIBBONS
DEVELOPMENT MANAGEMENT SERVICE MANAGER

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.

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>

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.