

OUTLINE PLANNING PERMISSION

Applicant:

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Agent:

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Date of Application: 24 June 2019

Application No: 191554

Proposed development:

SITE: Land at The Lakes, Swainshill, Hereford, HR4 7PU.
DESCRIPTION: Hybrid application: Outline approval for plots 1, 2, 3, 4, 5,6, 7, 8 and Design Barn on plot 9. Full approval for proposed road to the development and for plot 10.

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:

- 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, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

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 and the National Planning Policy Framework.

The details and drawings subject to which the planning permission is granted

- 4 The development shall be carried out strictly in accordance with the following approved plans, with the exception of the stated slab levels per plot (except plot 10), which shall form part of the reserved matters application) except where otherwise stipulated by conditions attached to this permission:

- Site Location and Site Plan: 19-015.CRU-03 Rev E
- Surface Water Drainage Strategy - Proposed Preliminary Layout: 4261-01 Rev D
- Access Proposals: 01 21347 Rev 04
- Vehicle Swept Paths Large Refuse Vehicle: 02 21347 Rev 04
- Plot 10 elevations: 19-015.CRU-14 Rev A & 19-015.CRU-15 Rev A Plot 10 floor plans: 19-015.CRU-16 Rev A & 19-015.CRU-17 Rev A Plot 10 roof plan: 19-015.CRU-18 Rev A
- Plot 10 garage elevations: 19-015.CRU-20 Rev A
- Plot 10 garage floor and roof plan: 19-015.CRU-21 Rev A

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.

Site wide pre-commencement conditions/to be submitted with the reserved matters conditions

- 5 No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the phasing for the development and shall identify the following:

- a) Residential sub phase(s) if any;
- b) Timing of delivery of on-site highway works (including but not limited to the new access, on site road, footways)
- c) Timing of delivery of the foul and surface water drainage arrangements including any associated off site works
- d) Timing of any decontamination work
- e) Timing of the soil gas protection scheme
- f) Timing of the decommissioning of the monitoring boreholes

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan is submitted to and agreed in writing by the Local Planning Authority.

The conditions details below shall relate to the phasing plan as agreed.

Reason: To clarify the delivery of the proposed development (in relation to conditions and Reserved Matters submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of drainage, contamination mitigation, soil gas protection and decommissioning of boreholes for the safety of future residents. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7 and MT1, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.

- 6 Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing to the local planning authority:

- a) timescale for the closure of the existing vehicular access (to vehicles, but not cyclists and pedestrians) (refer to condition 16 for detailed requirements)
- b) Surface finishes (during construction phase and timescale and details for completed finish)
- c) Drainage details (timescale and details for completed finish)
- d) Future maintenance arrangements

The development shall be carried out and thereafter maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before any dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 7 Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- a) A method for ensuring mud is not deposited onto the Public Highway
- b) Construction traffic access location
- c) Parking for site operatives
- d) Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

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

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9 The Remediation Scheme, as approved pursuant to condition no. 8 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10 Development shall not commence until full design details and a full written technical specification of the soil gas protection scheme has been submitted to and approved in writing by the local planning authority. This plan should include details of the means by which the gas protection measures will be independently validated together with a site specific validation plan for the implementation and validation of gas protection measures.

Upon completion of the agreed works, validation documentation shall be submitted to the local planning authority in accordance with the agreed details before the development is first occupied. The validation report must be produced by a suitably qualified person. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: To ensure the development is suitable for residential occupation in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 Prior to commencement, the monitoring boreholes within the development site shall be decommissioned and verified as such in accordance with Environment Agency guidance. The works shall be carried out by a suitably experienced and competent specialist with demonstrable experience in carrying out such works. (https://webarchive.nationalarchives.gov.uk/20140328154120/http://cdn.environment-agency.gov.uk/LIT_6478_8cbe6f.pdf)

Reason: To ensure the development is suitable for residential occupation in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 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 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 120 metres in each direction along 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, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 13 The reserved matters applications submitted pursuant to Condition 1 shall comprise an overall mix of the number of 2, 3 and 4 (+) bed dwellings either in accordance with the housing mix set out in in this outline permission (as per the Design Code and Plot Passports – number of bedrooms, not build area/footprint) or in accordance with a revised housing mix the details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application. The revised mix should be in general accord with the Council's Local Housing Market Assessment (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, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.

- 14 Prior to the commencement of the development a tree protection/retention plan and Arboricultural Impact Assessment in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details 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 SS2 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-occupancy or other stage conditions

- 15 With the exception of any site clearance a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of cabling and outside sockets) for a minimum of 10% of the parking spaces to serve visitors and staff of the commercial development hereby granted shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to the first use of the design barn for customers.

Reason: To address the requirements in relation to climate change as set out in policies SS7 and SD1 of the Herefordshire Local Plan - Core Strategy and the guidance contained within the National Planning Policy Framework.

- 16 The existing vehicular access onto the adjoining highway (A438) shall be permanently closed for vehicular access, with provision for cyclists and pedestrians to access only, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of partial closure, reinstatement of the area, landscaping and the timescale for this partial closure. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and also to ensure that the works reflect the rural context and setting of a non-designated heritage asset in accordance with policies SD1, LD1 and LD4 of Herefordshire Local Plan – Core Strategy, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 17 Prior to the first occupation of any dwelling and the design barn to which this permission relates an area for car parking shall be laid out within the curtilage of that property/building, in accordance with details to properly consolidate, surface and drain, which shall be submitted to and approved in writing by the local planning authority. 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 ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 18 Prior to the first occupation of the dwelling to which it relates a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of electric sockets) to serve the occupants shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to the first occupation of the dwelling to which it relates.

Reason: To address the requirements in relation to climate change as set out in policies SS7 and SD1 of the Herefordshire Local Plan - Core Strategy and the guidance contained within the National Planning Policy Framework.

- 19 Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.

- 20 Prior to the first occupation of the dwelling to which it relates/first use of the design barn evidence (such as photos/signed Ecological Clerk of Works completion statement) of the implementation of a scheme for biodiversity and habitat enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall have first been submitted to and approved in writing by the Local Planning Authority and the implementation shall be in strict accordance with the approved details. No external lighting should illuminate any habitat enhancement or plot boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Herefordshire Local Plan - Core Strategy policy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019

Site wide compliance conditions

- 21 All foul water created by any development approved on any part of this site shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway- infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS6, LD2 and SD3.

- 22 The Construction and Waste Management Plan prepared by Oakwrights shall be implemented in full and maintained in full as stated until all construction work has finished and all spare materials and equipment have been removed from the site; unless otherwise approved in writing by the local planning authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

- 23 The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Star Ecology dated December 2018 shall be in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation measures.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 24 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, so as to comply with Policies SD1 of the Herefordshire Local Plan – Core Strategy, policy SS3 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 25 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 26 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, D and E of Part 1 and of Schedule 2, shall be carried out.

Reason: In order to ensure appropriate gas protection measures are included, following consultation with the Council's Environmental Health Officer (contamination) to achieve acceptable living conditions and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Full/detailed application (Plot 10 and access) conditions

Pre-occupancy or other stage conditions

- 27 With the exception of any site clearance, groundwork and construction of the access, no further development shall take place until details or samples of materials to be used externally on walls and roofs of plot 10 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 SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 28 Prior to the first occupation of the dwelling on plot 10 details of the 1.8 metre acoustic fence to be sited between the curtilage and the A438 shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until both the approved fencing and double glazing and ventilation with a sound reduction of 27dB to the south and west façade have been provided. Thereafter these noise mitigation measures shall be retained and only replaced with new measures of at least the same sound reduction value.

Reason: To ensure that future occupiers have acceptable living conditions, in respect of road noise, so as to accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 29 With the exception of site clearance and groundworks, no further development shall commence on plot 10 until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details. This shall include tree planting in between the approved access road and the property known as Thruxton (within the land outlined in blue)
- d) All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policy SS2 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

- 30 Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved 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, Policy SS2 of the Stretton Sugwas 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 may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 3 Contamination condition:
The assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

- 4 Condition 20 - Biodiversity and Habitat Enhancement
The biodiversity and habitat enhancement scheme should include, as a minimum, the following, which should be suitably placed within the plot boundary:

Plots 1 to 4 and 10:

One bat roosting enhancement

Two bird nesting boxes

Provision of hedgehog access points through all solid boundary features

Plots 5 to 9:

One bat roosting enhancement

Two bird nesting boxes

A hedgehog home

Provision of hedgehog access points through all solid boundary features



Date: 30.3.2020

KELLY GIBBONS
DEVELOPMENT 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.

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.