

# PLANNING PERMISSION

**Applicant:**

Bell Homes  
Whimsey Industrial Estate  
Steam Mills Road  
Cinderford  
GL14 3JA

**Agent:**

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Whimsey Industrial Estate  
Steam Mills Road  
Cinderford  
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Date of Application: 19 September 2019

Application No: 193293

Grid Ref:353098:245316

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**Proposed development:**

**SITE:** Lane Orchard, Land to the south of Woodville Grove, Sutton St. Nicholas, Hereford, HR1 3DL

**DESCRIPTION:** Proposed erection of 24 no. dwellings, access (to the housing development and separate provision for DCWW maintenance of the adopted pumping station), drainage, landscaping and associated works. To include 8 no. Low Cost Market Houses.

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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 The development shall be carried out strictly in accordance with the following approved plans:

- Sutton St Nicholas Location Plan Rev A, Sutton\_Site\_Layout\_D (AMENDED Proposed Site Plan);
- R2245/3A (AMENDED Landscape Details);
- R2245/F (AMENDED Landscape Masterplan);
- House Type Floor Plans and Elevations – Bromwich-PIng-01;
- Jaywick-PIng-01;
- Breamore-PIng-01, Landwood-PIng-01;
- Landbridge-PIng-01;
- Thornwood-PIng-01;
- Huntington-PIng-01;
- Farnborough-PIng-01;
- Ampthill-PIng-01;
- Shirenewton-PIng-01;
- Bromyard-PIng-01;

- Bewdley-Plng-01;
- Bewd-Semi-Plng-01;
- Redbrook-Plng-01;
- Yate-Plng-01;
- Yate/Redford-Plng-01;
- Sutton Site Layout Street Elevations;
- WALL-DET-01 – Screen Wall Details;
- CYCLE SHED-WKG-01;
- Garage Sketches;
- Garage Plng-01; and
- Tree Impact Plan.

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, SUT16 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.

**Prior to works other than site clearance or commencement of development in respect of certain works**

- 3 Development shall not begin in relation to any of the specified highways works until details of the speed limit extension and the amendments required to deliver the pedestrian connectivity 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.

- 4 Prior to any works other than site clearance, the following details shall be submitted to and approved in writing by the local planning authority:
  - Clearer definition of kerbing and details of proposed site levels and contours to demonstrate appropriate management of overland flow;
  - Detailed drainage layout drawings for both the surface water and foul water drainage systems, and detailed drawings of proposed permeable paving, attenuation basin (including spillway) and connection to the watercourse;
  - Detailed drainage calculations of the 2 year, 30 year and 100 year events (with climate change);
  - A detailed drawing of exceedance flow routes demonstrating that runoff up to the 1 in 100 year +CC event can be managed within the site boundary.
  - Pumping design drawings and calculations to explain how residual risks of failure will be managed.

The development shall be implemented in accordance with the approved details.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 With the exception of site clearance and groundwork, no further development shall commence until a plan detailing the water attenuation scheme is submitted. The plan shall include a section, specification of slopes and include the location of existing trees.

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 and the National Planning Policy Framework

- 6 With the exception of site clearance and groundwork, no other works hereby approved shall be commenced until visibility splays, and any associated set back splays at 45 degree angles are 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 90 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 and the National Planning Policy Framework.

- 7 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

- 8 With the exception of site clearance and groundwork, no further development shall take place until details 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, Policy SUT16 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.

### **Prior to occupation**

- 9 Prior to the first occupation of any of the residential development hereby permitted 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: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (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).

- 10 Prior to occupation of any of the dwellings hereby approved 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 SUT15 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.

- 11 None of the dwellings approved by this permission shall be occupied prior to the 1st August 2023.

Reason: To ensure that the Luston integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Lugg / River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Lugg (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).

### **Compliance**

- 12 The boundary treatment hereby approved shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SUT16 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.

- 13 The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, SUT16 of the Sutton St Nicholas Neighbourhood Development Plan of the and the National Planning Policy Framework.

- 14 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 hours of 0700 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31 and Policy SUT16 of the Sutton St Nicholas Neighbourhood Development Plan.

- 15 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following drawing: Landscape Masterplan – R/2245/1F.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 All planting, seeding or turf laying in the approved landscaping scheme (Landscape Masterplan – R/2245/1F) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.  
Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy SUT16 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework

- 17 Prior to the first occupation of the development hereby permitted covered and secure cycle parking facilities shall be implemented in accordance with 'Cycle Shed Drawings (CYCLESLED-WKG-01)'. The cycle facilities as specified in the drawing shall be thereafter maintained.

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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy SUT16 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.

- 18 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

- 19 The plans for the provision for open space shall be set out in accordance with the standards adopted by the local planning authority and in accordance with Proposed Site Plan Drawing No. Sutton\_Site\_Layout prior to occupation of the dwellings hereby approved.

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 20 The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan (Bell Homes dated 6<sup>th</sup> July 2023) for the duration of the construction phase and until all work is complete and all equipment and spare materials have finally been removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006),

**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 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990 dated 7<sup>th</sup> August 2023
- 3 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

Planning Services  
PO Box 4  
Hereford  
HR4 0XH



**KELLY GIBBONS  
DEVELOPMENT MANAGER**

Date: 8<sup>th</sup> August 2023

**YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES**

**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, or 12 weeks if the scheme is for that of "household" development 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 re-determined 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.