

PLANNING PERMISSION

Applicant:

Lagan Homes
c/o Agent

Agent:

Ms Alison Clack
Cerde Planning Limited
Vesey House
5-7 High Street
Sutton Coldfield
Birmingham
B72 1XH

Date of Application: 28 September 2017

Application No:
173522

Grid Ref:342542:236288

Proposed development:

SITE: Land South of the B4349 and West of the C1221, Kingstone, Herefordshire
HR2 9HP
DESCRIPTION: Proposed erection of 150 dwellings.

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 and the National Planning Policy Framework.

- 2 The development shall be carried out strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission. For the avoidance of doubt the approved drawings are as per the drawing issue list attached to this decision notice.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policies KTH1 and KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 3 The development hereby approved shall be carried out in accordance with phasing plan 17035-P07 unless otherwise agreed in writing by the Local Planning Authority. The approved phasing plan shall permit the three identified phases of development to proceed in numerical sequence or concurrently.

Reason: In order to ensure that the development is undertaken in conjunction with the requisite mitigation and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy.

- 4 Notwithstanding the approved plans and with the exception of any necessary ground work and development of plots 1-3 and 46-52 inclusive on Phase One, 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 phasing plan and in respect of the crossing of the B4349 shall be completed prior to the first occupation of any of the dwellings hereby approved:

1. A crossing of the B4349 for non-motorised users to the west of the site access onto this carriageway;
2. The introduction of a 30mph speed restriction on the B4349.

Reason: To ensure the sustainable transport links are appropriately designed in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policy KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 5 Notwithstanding the approved plans and with the exception of any necessary ground work and development of plots 1-3 and 46-52 inclusive on Phase One, 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 a timetable that shall agreed in writing by the local planning authority.

1. A pedestrian/cycle crossing of the C1221 with the associated infrastructure.

Reason: To ensure the sustainable transport links are appropriately designed in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policy KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 6 The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy 2011-2031.

- 7 No dwelling hereby approved in each phase shall be occupied until a landscape design for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed

- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs etc.)
- f) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.)

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and Policies KTH4, KTD1 and KTD2 of the Kingstone and Thruxton NDP 2016-2031.

- 8 The soft landscaping scheme(s) approved under condition 7 shall be carried out concurrently with each phase of the development hereby permitted and shall be completed no later than the first planting season following the completion of the relevant phase of development. 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 any of the dwellings within the phase to which it relates.

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and Policies KTH4, KTD1 and KTD2 of the Kingstone and Thruxton NDP 2016-2031.

- 9 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any phase of the development. The landscape management plan shall be carried out and maintained as approved.

Reason: In order to maintain the visual amenity of the area and to comply with Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policies KTH4, KTD1 and KTD2 of the Kingstone and Thruxton NDP 2016-2031.

- 10 Before any other works hereby approved are commenced, visibility splays 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 78 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 the Herefordshire Local Plan – Core Strategy 2011-2031.

- 11 Prior to the first occupation of the dwellings hereby approved the existing vehicular access onto the adjoining B4349 highway shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

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 the Herefordshire Local Plan – Core Strategy 2011-2031.

- 12 Prior to the first occupation of any dwelling to which this permission relates an area for car and cycle 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 and cycles.

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 the Herefordshire Local Plan – Core Strategy 2011-2031 and Policy KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 13 No development (other than that associated with necessary ground works and the superstructure of the dwelling-houses) shall begin within each phase until the engineering details and specification of the proposed roads and highway drains relevant to that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed to a minimum of wearing course within each phase prior to occupation of the last dwelling within that phase of the development hereby permitted.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Core Strategy – Local Plan 2011-2031.

- 14 Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO42363301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system unless otherwise agreed in writing by the local planning authority.

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 SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 2011-2031.

- 15 Prior to the commencement of development, other than any necessary ground work (excluding any road or sewer infrastructure), and construction of plots 1-3 and 46-52 inclusive within Phase 1 only, details of the proposed foul and surface water drainage arrangements to serve the development shall be submitted to and approved in writing

by the local planning authority. The approved scheme shall be implemented in accordance with the phasing plan and prior to first occupation of any of the dwellings hereby approved.

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 2011-2031.

- 16 Prior to the occupation of any dwelling within each phase hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 17 The recommendations set out in the ecologist's report from Countryside Consultants dated September 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape plan should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

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.

- 3 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.
- 4 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR26JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).
- Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate 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 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



KEVIN BISHOP
LEAD DEVELOPMENT MANAGER

Date: 28 June 2018

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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, 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.

DRAWING ISSUE SHEET

Client	LAGAN HOMES
Project	KINGSTONE, HEREFORD

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Distribution:

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