

OUTLINE PLANNING PERMISSION

Applicant:

Mr D Cleland
Glebe Farm
Dinedor
Hereford
HR2 6LQ

Agent:

Mr Mark Owen
Owen Hicks Architecture
Owen Hicks Architecture, Second Floor Offices
46 Bridge Street
Hereford
Herefordshire
HR4 9DG

Date of Application: 23 September 2019

Application No: 193328

Grid Ref:353647:236618

Proposed development:

SITE: Land adjacent Calgary, Dinedor, Herefordshire,
DESCRIPTION: Site for outline application with all matters reserved for a proposed residential development.

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.

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.

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development shall be carried out strictly in accordance with the approved plans; Drawing Titles and Numbers as follows:

- Proposed Access Arrangement' drawing, ref: 2410 - SK550 rev A
- As Existing Location Plan - E 001
- Application form as dated 18/09/2019

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 and the National Planning Policy Framework.

- 6 Proposals for the number, size and type of the open market dwellings shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to 'Layout'; this shall be up-to (but not in excess of) the quantum of dwellings identified in the application form. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings. With regard to the overall mix being in general accordance with the Council's Local Housing Market Assessment (or any successor document adopted by the LPA).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 7 The reserved matters submission submitted pursuant to Condition 3 shall be accompanied by a detailed scheme for the foul water drainage arrangements for all the dwellings with foul water discharge through a shared package treatment plant with final outfall to a shared soakaway drainage field on land under the applicant's control, this should be supported by percolation testing in appropriate locations according to BS6297 & BRE365, and; a detailed Sustainable Drainage Scheme, including all size calculations and including additional testing results, the scheme will clearly indicate and elements that are subject to shared ownership. The approved schemes shall be implemented before the first occupation of any of the dwellings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies SS6, LD2 and SD4.

- 8 Prior to first occupation of any property approved under this permission the legally binding details of how all the shared aspects of the foul drainage and surface water schemes will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan Core Strategy policies SS6, LD2 and SD4.

- 9 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating:
- a) a Construction Traffic Management Plan (CTMP),
 - b) Construction Phasing and Routeing Plans, including construction traffic arrival and departure times,
 - c) onsite construction working hours
 - d) a method for ensuring mud is not deposited onto the Public Highway
 - e) a scheme for the management of all waste material arising from the site (i.e. stockpiles, waste soils, materials movements etc)

shall submitted to and approved in writing by the Local Planning Authority. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, neighbouring amenity and to conform to the requirements of Policies MT1 and SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 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 as detailed on the 'Proposed Access Arrangement' drawing, ref: 2410 - SK550 rev A. 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 comply with Herefordshire Local Plan - Core Strategy polices SS4 and MT1.

- 11 Any new access gates shall be set back five metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13 Prior to the first occupation of the dwellings hereby approved the driveway and vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 12. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/turning area.

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.

- 14 Prior to the first occupation of the any of the dwellings hereby approved an area shall be laid out within the curtilage of each property for the parking and turning of at least 2 cars 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 that area 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 and the National Planning Policy Framework.

- 15 Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 17 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 Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 18 Prior to the commencement of any works on site a tree-hedgerow protection plan 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 full duration of the construction phase.

No trees over 75mm diameter shall be lopped, topped, pruned or removed without the prior written consent of the local planning authority.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2019).

- 19 The ecological protection, mitigation, compensation and working methods scheme as recommended in the ecology report by Clarke Webb Ecology dated May 2019 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any adjacent highway or public right of way, boundary feature or adjacent habitat.

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 Local Plan - Core Strategy, National Planning Policy Framework and NERC Act 2006.

- 20 Prior to starting construction of any buildings approved by this permission, a fully detailed and specified Biodiversity Net Gain Enhancement Plan with a relevant location plan - including as a minimum provision for enhanced bat roosting, bird nesting, pollinating insect 'hotels' and hedgehog homes & movement corridors and any hedgerow or tree planting - shall be provided to the planning authority for approval. The approved scheme shall be implemented in full, and hereafter maintained, unless otherwise agreed in writing by the planning authority. No external lighting should illuminate any biodiversity net gain enhancement feature.

Reason: To ensure Biodiversity Net Gain as well as species and habitat enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 21 Prior to the commencement of the development hereby approved a scheme for the protection of the retained trees and hedgerows, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- d) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- f) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with policy LD2 of the Herefordshire Local Plan – Core Strategy and pursuant to section 197 of the Town and Country Planning Act 1990

- 22 All planting, seeding or turf laying in the approved landscaping scheme (pursuant to condition three) 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 and the National Planning Policy Framework.

- 23 Before the development is first occupied, a schedule of landscape management and maintenance for a period of five years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 24 Prior to the first occupation of any dwelling of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To address the requirements policies in relation to climate change in accordance with Policy SS7 and SD1 of the Herefordshire Local Plan - Core Strategy and the guidance contained within 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 In relation to the layout details pursuant to condition three, the Local Planning Authority is of the view that development should address the public highway and not be of a suburban form forming pockets at tangents to the public highway or cul-de-sacs. Ensuring the layout of any development respects the prevailing character of the area will be a significant consideration for any reserved matters application.

- 3 In relation to condition six above, the Council's latest Local Housing Market Assessment is published on the Herefordshire Council website and maybe found via the following link:

<https://www.herefordshire.gov.uk/sitesearch?q=local+housing+market+assessment>

- 4 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.
- 5 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 HR2 6JT, (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.

- 6 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.

- 7 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.
- 8 It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
- 9 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'.

- 10 Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permit Regulations (England and Wales) 2010.
- 11 Use of waste on site will need suitable authorisation issued by the Environmental Agency in accordance with the Environmental Permit Regulations (England and Wales 2010).

Planning Services
PO Box 4
Hereford
HR4 0XH



SIMON WITHERS
DEVELOPMENT MANAGER

Date: 5 October 2020

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.