

# PLANNING PERMISSION

**Applicant:**

Mr John Gibbon  
Hereford Crematorium  
Westfaling Street  
Hereford  
Herefordshire  
HR4 0JE

**Agent:**

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Date of Application: 10 February 2017

**Application No: 170233**

Grid Ref:  
349823:257670

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**Proposed development:**

**SITE:** Cemetery, Hereford Road, Leominster, Herefordshire, HR6 8JS  
**DESCRIPTION:** Change of use of land to provide 1209 burial spaces and ensure burial provision for the Leominster area for ninety years. Access roadways to the extension will be created from the existing cemetery.

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts and Regulation that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application, 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 approved plans PSD/H/17/02/100 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.

- 3 With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

- 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(at a scale of 1:200 or 1:500 showing the layout of proposed trees, hedge and shrub planting and grass areas..
- c) The position , design and materials of all site enclosures (e.g. fences, walls)
- d) Hard surfacing materials
- e) Minor structures (e.g. benches, lighting, signs, refuse areas 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 2015

- 4 The soft landscaping scheme approved under condition 3 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the 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 use/occupation] of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 5 No development approved by this permission shall be commenced until a scheme for a provision of a drainage strategy has been approved in writing by the Local Planning Authority. The strategy should demonstrate that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features. The strategy should also provide evidence that the applicant has sought and agreed permissions to discharge surface water runoff from the site with the relevant authorities; has sought and agreed allowable discharge rates for the disposal of surface water runoff from the site with the relevant authorities; and provide details of any proposed outfall structures. The approved scheme shall be implemented before the first use of the development hereby approved.

Reason: To prevent the increased risk of flooding and to comply with Policy SD3 and SD4 of the herefordshire Local Plan – Core Strategy 2015.

- 6 Burials shall not take place within a minimum distance of: 250 metres of any potable supply (including wells and boreholes); 30m from any surface watercourse, spring or pond; and 10m of any field drain. Burials shall take place within the unsaturated zone (between the land surface and the water table).

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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 Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers under the Environmental Permitting Regulations (EPR) 2010 to take action where groundwater pollution occurs, or is likely to occur. If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:
  - carrying out works, operations or investigations to prevent pollution of surface waters or groundwater; and
  - undertaking remedial action following a pollution of surface waters or groundwater.Should the Environment Agency be required to undertake such work they would be able to recover these from the company or person responsible.
- 3 Import of wastes on site: Should it be proposed to import waste material to the site for use in the construction of the development (e.g. for the construction of hard-standings, access tracks etc) an Environmental Permit (EP) or exemption from the need for an EP may be required. Please contact telephone 03708 506506 for further information with regard to the regulatory waste requirements.
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Planning Services  
PO Box 230  
Hereford  
HR1 2ZB



**KEVIN BISHOP**  
**LEAD DEVELOPMENT MANAGER**

Date: 5 April 2017

**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.