

# APPROVAL OF RESERVED MATTERS

**Applicant:**

Mrs Zoe Aubrey  
Barratt David Wilson Homes  
Oak House  
Village Way  
Cardiff  
CF15 7NE

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Date of Application: 4 February 2021

Application No: 210374

Grid Ref:361319:223773

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**Proposed development:**

**SITE:** Land at Hildersley Farm, A40 Hildersley To Weston Under Penyard, Hildersley, Herefordshire, HR9 7NW

**DESCRIPTION:** Reserved matters approval for 210 residential units following outline approval 150930/O (Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works).

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the above Acts that APPROVAL has been GRANTED in respect of the details referred to above for the purpose of the conditions imposed on outline planning permission reference 150930 and subject to these further conditions:

1 The development shall be carried out strictly in accordance with the approved plans listed below:

- TP-00\_Overall Site Planning Layout\_A1\_H\_INF\_
- AF-01\_Affordable Homes Plan\_A3\_Rev H-\_INF\_
- TP-01\_Site Planning - Sheet 1 of 2\_A1\_H\_INF\_
- TP-02\_Site Planning - Sheet 2 of 2\_A1\_H\_INF\_
- AF-HT-01\_Affordable Units - House Type Planning Drawings\_A3\_-\_Rev A INF\_
- BIO-01\_Biodiversity Enhancements Plan\_A1\_A INF\_
- BSP-01\_Bicycle Storage Plan\_A3\_-\_INF\_Rev C
- EW-01\_External Works Layout - Sheet 1 of 2\_A1\_G\_INF\_
- EW-02\_External Works Layout - Sheet 2 of 2\_A1\_G\_INF\_
- ENCL-01\_Enclosure Details - Sheet 1 of 2\_A3\_-\_INF\_Rev A
- ENCL-02\_Enclosure Details - Sheet 2 of 2\_A3\_-\_INF\_Rev B
- HF-01\_House Finishes Layout\_A1\_-\_INF\_Rev C
- OM-HT-01\_Open Market - House Type Planning Drawings\_A3\_-\_INF\_Rev C

- SH-01\_Storey Height Plan\_A3\_-\_INF\_Rev C
- PSP-01\_Parking Strategy Plan\_A3\_-\_INF\_Rev B
- SS-01\_Street Scenes - Sheet 1 of 2\_A1\_-\_INF\_Rev D
- SS-02\_Street Scenes - Sheet 2 of 2\_A1\_-\_INF\_Rev D
- CA-01-Character Areas Plan A3-C-INF
- GAR-01\_Garage Planning Drawings\_A3\_A\_INF\_
- RSP-01\_Refuse Strategy Plan\_A3\_C\_INF\_
- EDP 5226\_d002 Rev I---Detailed Soft Landscape Plan
- Engineering Plan – Sheet 1 (Ref: 10284 - 100 – 01- P10)
- Engineering Plan – Sheet 2 (Ref: 10284 - 100 -02- P10)
- edp5226\_d001-F-Proposed Dormouse Mitigation Plan
- edp5226\_r003---Tech Note - Phase
- edp5226\_r002---Tech Note - Dormouse Surveys
- 10284-112-01-Vision Splay – P3
- 10284-112-01-Vision Splay – P3
- 10284-110-01-Fire Appliance Tracking – P4
- 10284-110-02-Fire Appliance Tracking – P4
- 10284-111-01-Refuse Vehicle Tracking – P4
- 10284-111-02-Refuse Vehicle Tracking – P4

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.

- 2 Prior to the commencement of development the existing woodland area marked as G1 (C) and the associated root protection area as detailed on drawing 9394-T-05AD shall be retained and tree protection installed to protect during the construction period until the following has been submitted to and approved in writing by the local planning authority:

- Arboricultural survey of the existing woodland in relation to the retention of trees along the central green corridor
- Tree protection plan for trees to be retained during construction
- Siting of pathway and construction method / specification (including arboricultural clerk of works)
- Updated soft / hard landscaping plan for the central green corridor detailing the trees to be retained and proposed planting

Works shall be carried out in accordance with the approved plan and ongoing management and maintained of the retained trees included in the management and maintenance plan required by condition 8.

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

3 Prior to the commencement of any above ground works, 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:

- Residential phase(s)
- Timing of delivery of on-site highway works (including but not limited to on site roads, footways, cycleway)
- Timing of delivery of public open space (site wide strategy) and how it relates to the phase
- Timing of delivery of off- site mitigation (woodland planting)

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, in which event construction shall be in accordance with the agreed alternative phasing plan.

Reason: To clarify the delivery of the proposed development (in relation to conditions) and ensure the acceptable phasing of the construction so to ensure provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, LB2, MT1 and the Ross on Wye Neighbourhood Development Plan

4 With the exception of any site clearance and groundwork, no further development shall take place until details or samples 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 and the National Planning Policy Framework.

5 With the exception of any site clearance and groundwork no further development shall commence until details of the play area has been submitted and approved in writing. These details should include:

- a) Play equipment,
- b) Surfacing,
- c) Landscaping,
- d) Means of enclosure,
- e) Street furniture

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings hereby approved and thereafter retained.

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

6 With the exception of any site clearance and groundwork no further development shall commence until detail the following details in respect of the Biodiversity Mitigation and Enhancement Area (as detailed on drawing number BIO – 01 Rev B) has been

submitted to and approved in writing by the Local Planning Authority.

- A detailed plan showing the planting specification
- Details of any proposed boundary treatments
- A timetable for the implementation of the planting
- A management and maintenance plan for the Biodiversity Mitigation and Enhancement Area.

Works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the proper mitigation of potential impacts on protected species; biodiversity assets and tree loss in order to ensure that diversity is conserved and enhanced in accordance with the Policy LD2, LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 7 Prior to the first occupation of any dwelling hereby permitted a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings where parking is 'in plot' hereby approved shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and prior to the first occupation of the dwelling to which it relates.

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 Before the development is first occupied a schedule of landscape management and maintenance for all areas other than residential curtilages of the proposed dwellings for a minimum period of 10 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.

- 9 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 of the Herefordshire Local Plan Core Strategy 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

- 10 Development, in relation to the provision of road, foot and cycleway and drainage infrastructure shall be delivered in accordance with details approved under agreement with the Local Highway Authority (S38).

If adoption is not progressed, then prior to the first occupation of the dwellings hereby approved, details of the future maintenance of all roads, foot and cycleways shall be submitted to and approved in writing by the local planning authority.

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 the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 At no time shall any external lighting (outside of the residential curtilage) be installed on the site without the written approval of a lighting scheme by the local planning authority. Any lighting provided shall be carried on in accordance with the approved details.

Reason: To ensure that all species and Dark Skies are protected 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 SS6, LD1, LD2 and LD3 and the Dark Skies initiative.

- 12 All hard and soft landscaping (planting, seeding or turf laying) in the approved landscaping scheme as shown on approved drawings as listed in condition 1 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling in each phase (as defined in condition 2) 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 10 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.

- 13 Prior to the first occupation of the dwelling to which it relates, the cycle parking provision, as detailed on drawing number BSP – 01 C shall be installed and made available for use.

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 SS7, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and National Planning Policy Framework.

- 14 The development hereby approved shall be carried out (at a minimum) in accordance with the details contained within the Energy and sustainability statement stated January 2021.

Reason: To ensure that adequate measures are provided to address the requirements of policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 15 Prior to the first occupation of the dwelling to which it relates the measures detailed in the Biodiversity enhancement plan BIO-01\_Biodiversity Enhancements Plan\_A1\_A INF\_ shall be installed / implemented.

Reason: In the interests of The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any demolition and/or groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy 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 On-site children's play provision: We would expect the play area provision to be of the value £149,000 in accordance with the SPD on Planning Obligations and the size of the development.

Planning Services  
PO Box 4,  
Hereford,  
HR4 0xh

Date: 30 March 2022



**KEVIN BISHOP**  
**LEAD 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.

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>

## 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.