

APPROVAL OF RESERVED MATTERS

Applicant:

Taylor Wimpey (South Wales) Ltd
C/o Turley

Agent:

Ms Rhianon Jones
Turley
18 Windsor Place
Cardiff
CF10 3BY

Date of Application: 14 October 2022

Application No: 223479

Grid Ref:361145:225028

Proposed development:

SITE: Land to the East of the A40 - St Mary's Garden Village - Phase 4A,
Ross on Wye, Herefordshire,
DESCRIPTION: Reserved Matters application pertaining to layout, scale, appearance
and landscaping for the construction of 94 dwellings pursuant to
Outline Planning Permission ref. 194403/O

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 (194403/O) and subject to these further conditions:

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

- Site Location Plan: Ross: 22-04-01 Rev D
- Proposed Planning Layout: 22-04-02 Rev G
- External Materials Layout: 22-04-03 Rev E
- Boundary Enclosures Plan: 22-04-04 Rev E
- Storey Heights Layout Plan: 22-04-05 Rev E
- Affordable Housing Layout: 22-04-06 Rev F
- Refuse Collection Layout: 22-04-07 Rev E
- Parking Cycle Storage and EV Layout: 22-04-08 Rev E
- Land Adoption Layout: 22-04-09 Rev E
- Proposed streetscenes 1 of 2: 22-04-10 Rev C
- Proposed streetscenes 2 of 2: 22-04-11 Rev
- Pedestrian vision splays plan: 210928-TWC-H-004 Rev C
- House Type Pack:
- Highway Longitudinal Sections: 210928-TWC-H-001 Rev D
- Swept Path Analysis – Refuse vehicle: 210928-TWC-H-002 Rev H
- Site Longitudinal Sections: 210928-TWC-H-003 Rev C
- General Arrangement: 210928-TWC-H-001 Rev G
- Strategic Landscape Plan: 2284601-SBC-00-XX-DR-L401 Rev PL11 • Shared drives – Swept Path Analysis 210928_TWC_H_005 Rev. B
- Tree pit Details: 2284601-SBC-00-XX-DR-L402 Rev PL01
- Ecological Enhancement Plan: E22110701-SBE-00-XX-DR

- Soft Landscape Specification and Aftercare: 284601-SBC-00-XX-RP-L-001 Rev PL01

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2 Before the development is first occupied a schedule of landscape management and maintenance for a period of 10 years.

This should include a plan showing areas to be maintained by a management company including trees that form part of the street scene and to be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.

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

- 3 Prior to the occupation of any dwelling hereby permitted refuge and recycling provision facilities details for each dwelling as shown on the approved plan of this Decision Notice (Dwg 22-04-07 Rev E) shall be made available for use. Thereafter these facilities shall be maintained.

Reason: To ensure suitable accessible provision of refuge and recycling facilities in the interests of environmental objectives, highway safety and amenity and to comply with Herefordshire Core Strategy policies SS1, MT1, RW1, LD1 and SD1 and the relevant aims and objectives of the National Planning Policy Framework

- 4 Prior to the first occupation of each dwelling hereby approved the driveway and/or vehicular turning area for that dwelling shall be consolidated, surfaced and completed available for use as shown on the approved plans listed under Condition 1 of this Decision Notice.

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.

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 Attention is drawn to the approved plans, details and conditions attached to Outline Planning Permission reference 194403 and subsequent details approved under Discharge of Condition applications references: 221436, 221437, 220787, 220111, 220042, 220025, 213469, 213452, 211801 which run concurrently with the Reserved Matters hereby approved

- 3 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.
- 4 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



Date: 12th May 2023

KELLY GIBBONS
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.