

APPROVAL OF RESERVED MATTERS

Applicant:

Mr Dan Armstrong
Edenstone Homes Ltd
Edenstone Homes
1st Floor Building 102
Wales One Business Park
Magor
NP26 3DG

Date of Application: 25 June 2021

Application No: 212528

Grid Ref:360980:225187

Proposed development:

SITE: Land east of A40, Ross on Wye, Herefordshire, HR9 6GX
DESCRIPTION: Variation of condition 1 of permission 194045 (Reserved matters following outline approval 140684/O. A re-plan of 56 dwellings) - direct plot substitution of 39 units matching bedroom mix of 2, 3 & 4 bed units to the approved.

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 (Insert outline Code No) and subject to these further conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the approved plans, supporting documents and details, titled and or numbered as follows –

Cover Letter dated 18 June 2021 from Dan Armstrong
Site Location Plan, 1625-4001 A
1625-4999 B Phase Plan
1625-4003 C Storey Heights Layout
1625-106 H Affordable Housing Layout
Acoustic Report Addendum by Clarke Saunders dated 24 May 2021

1708-001 Rev G, 1708-001-1 Rev F, 1708-001-2 Rev F, and 1708-001-3 Rev F
Engineering Layout
1625-4011 C Parking Arrangement Layout

1625-4000 C Planning Layout, SHEET 1, SHEET 2, and SHEET3
Landscape Masterplan 01L-10E-25-5-2

1625-4005 C Enclosures Layout
1625-4008 A - Street Scenes

Planting Detail 03D 25-5-21, 04C 25-5-21, 05C 25-5-21, 06E 25-5-21, 07G 25-5-21,
08C 25-5-21, 09D 25-5-21, and 10E 25-5-21

House type Elevation and Floor Plan drawings numbered 1625-151 C, 1625-151-1 B, 1625-152 C, 1625-153 C, 1625-154 C, 1625-154-1 B, 1625-155 C, 1625-161 C, 1625-4151-1 A, 1625-6151, 1625-6150, 1625-4160, 1625-6152, 1625-6153, 1625-6154, 1625-6155, 1625-6156, 1625-6157, 1625-6158, 1625-6159, 1625-6160, 1625-6161, 1625-6162, 1625-6163, 1625-6164, 1625-6165, 1625-6166, 1625-6167, 1625-6168, 1625-6169, 1625-6170, 1625-6171, 1625-6172, 1625-6173, 1625-6174, and 1625-6175

All received 25 June 2021.

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 Prior to the first occupation of the development hereby permitted specifications and details of the play area(s) including equipment schedule and a breakdown of costs for each element: LAP, LEAP, kick- about/MUGA, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be constructed in accordance with the approved details upon occupation of the 20th dwelling and thereafter retained.

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

- 3 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 2 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.

- 4 Prior to the occupation of each dwelling hereby permitted, the provision of covered and secure cycle parking facilities within the curtilage of each dwelling as shown on the approved plans listed under Condition 2 of this Decision Notice shall be made available for use. 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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details subject to Condition 7 of Outline Planning Permission 140684. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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 and to comply with Herefordshire Core Strategy policies SD3 and SD4.

- 6 Prior to the occupation of any dwelling hereby permitted refuge and recycling provision facilities details for each dwelling as shown on the approved plans listed under Condition 2 of this Decision Notice 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.

- 7 The soft landscaping scheme approved under condition 2 of this Decision Notice 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 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.

- 8 Details of foul water connection to the local mains sewer network shall be provided prior to the first occupation of the dwellings subject to this approval.

Reason: In order to ensure satisfactory arrangements, in the interests of public health and to comply with Herefordshire Core Strategy policies SD3 and SD4.

- 9 The Construction Management Plan should be amended to read as a Construction Environmental Management Plan so to include full details of how potential effects (eg spills, accidental discharge, ecological working methods) on local ecology and watercourses (River Wye Sac catchment) can be considered as fully mitigated. The CEMP shall be submitted to the Local Planning Authority for written approval prior to the commencement of any development hereby approved.

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan – Core Strategy.

- 10 The permission hereby granted is an amendment to Reserved Matters approval reference 194045 dated 6 March 2020 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.

Reason: For the avoidance of doubt and to comply with the requirements of Policy SD1 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, 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 Attention is drawn to the approved plans, details and conditions attached to Outline Planning Permission reference 140864 and subsequent details approved under Discharge of Condition application references 183074, 183075, 183096, 183168, 183913, and 184325 which run concurrently with the Reserved Matters hereby approved. The hereby approved Reserved Matters might result in previously approved details being superseded or becoming obsolete and require a further submission to discharge those conditions to realign with the Reserved Matters now approved.

Planning Services
PO Box 4
Hereford
HR4 0XH



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 1 September 2021

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.