

APPROVAL OF RESERVED MATTERS

Applicant:

Engie Regeneration Ltd and Stonewater
Developments Ltd

C/O Agent

Agent:

Miss Kate Holden
Pegasus Group
First floor, South Wing, Equinox North
Great Park Road
Almondsbury
BS32 4QL

Date of Application: 7 November 2019

Application No: 193878

Grid Ref:344626:237646

Proposed development:

SITE: Land off, Kingstone Road, Clehonger, Herefordshire.

DESCRIPTION: Application for approval of reserved matters following outline approval P141964/O (Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping).

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 and documents:

Drawings:

A_100 Location Plan Revision PL02
A_102 Planning Layout Revision PL20
A_103 Materials Key Plan Revision PL13
A_104 Fences and Enclosures Key Plan Revision PL11
A_105 External Works Layout Revision PL12
A_105.3_Proposed_Street_Scene_1_2_&_3 Revision PL05
A_105.4_Proposed_Street_Scene_4_5_&_6 Revision PL05

A_116 Waste Collection Strategy Revision PL08
A_117 Public Open Space Plan Revision PL07
A_118 Adoption Plan Revision PL06
A_119 Parking Plan Revision PL02
A_250_Cycle Storage Details Revision PL01

SK_10 Materials and Details Palette Revision PL02
SK 200 Revision P6 – Proposed Levels – Sheet 1
SK 201 Revision P6 – Proposed Levels - Sheet 2
SK 202 Revision P6 – Proposed Levels - Sheet 3
SK200129 Revision P1 – Pumping Station Layout and Tracking

500 – Section 278 Highway Works Layout Revision P2
501 – Section 278 Levels and Setting Out
502- Section 278 Kerb Layout
503 – Section 278 combined Services Layout
504 – Section 278 Land Dedication Plan
505 - Section 278 Signing and Lining
510 – Section 278 Construction Details

P18-1455_02H Detailed POS Proposals (sheet 1 of 4)
P18-1455_03F Detailed POS Proposals (sheet 2 of 4)
P18-1455_04F Detailed POS Proposals (sheet 3 of 4)
P18-1455_05D Detailed LEAP Proposals (sheet 4 of 4)
P18-1455_06C Detailed Landscape Proposals (sheet 1 of 5)
P18-1455_07C Detailed Landscape Proposals (sheet 2 of 5)
P18-1455_08C Detailed Landscape Proposals (sheet 3 of 5)
P18-1455_09C Detailed Landscape Proposals (sheet 4 of 5)
P18-1455_10C Detailed Landscape Proposals (sheet 5 of 5)
P18-1455_11A Illustrative Landscape Sections)
P18-1455_13A Trees and Hedgerows Plan

House types:

A_121.1_House_Type_A_Plans Revision PL03
A_121.2_House_Type_A_Elevations_Render_V1 Revision PL02
A_121.3_House_Type_A_Elevations_Render_V2 Revision PL02
A_121.4_House_Type_A_Elevations_Brick Revision PL03
A_121.5_House_Type_A_Elevations_Brick Revision PL02

A_122.1_House_Type_H_Plans Revision PL02
A_122.2_House_Type_H_Elevations Revision PL02

A_123.1_House_Type_J_Plans Revision PL03
A_123.2_House_Type_J_Elevations_Brick Revision PL04
A_123.3_House_Type_J_Elevations_Render Revision PL04
A_123.4_House_Type_J_Elevations_Stone Revision PL03

A_124.1_House_Type_M_Plans Revision PL05
A_124.2_House_Type_M_Elevations Render Revision PL03

A_125.1_House_Type_P_Plans Revision PL05
A_125.2_House_Type_P_Elevations_Stone & Render Revision PL02
A_125.3_House_Type_P_Elevations_Brick Revision PL02

A_126.1_House_Type_S_Plans Revision PL02
A_126.2_House_Type_S_Elevations_Render Revision PL02
A_126.3_House_Type_S_Elevations_Render_V2 Revision PL02
A_126.4_House_Type_S_Elevations_Render_V3 Revision PL02
A_126.5_House_Type_S_Elevations_Brick Revision PL02
A_126.6_House_Type_S_Elevations_Brick_V2 Revision PL02

A_127.1_House_Type_R1_Plans Revision PL04
A_127.2_House_Type_R1_Elevations_Render_V1 Revision PL03
A_127.3_House_Type_R1_Elevations_Brick Revision PL02
A_127.4_House_Type_R1_Elevations_Render_V2 Revision PL03
A_127.5_House_Type_R1_Elevations_Stone and Brick Revision PL02

A_128.1_House_Type_R2_Plans Revision PL03
A_128.2_House_Type_R2_Elevations_Render_V1 Revision PL02
A_128.3_House_Type_R2_Elevations_Render_V2 Revision PL03
A_128.4_House_Type_R2_Elevations_Stone Revision PL02
A_128.5_House_Type_R2_Elevations_Stone Revision PL02
A_128.6_House_Type_R2_Elevations_Brick Revision PL02

Arboricultural Impact Assessment Plans (Treescene Arboricultural Consultants)
Tree Protection Plan (Treescene Arboricultural Consultants)
Tree Retention/Removal Plan
Diagram 1. No dig construction method

Documents:

Arboricultural Impact Assessment and Arboricultural Method Statement for Land off Madley Road, Clehonger Hereford (Treescene Arboricultural Consultants).

Ecological Management Plan (The Environmental Dimension Partnership Ltd – October 2020, reference edp5751_r002b)

A_310_PL01_Parking Schedule

unless amendments are first submitted to and approved in writing by the local planning authority.

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 Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Arboricultural Impact Assessment and Arboricultural Method Statement for Land off Madley Road, Clehonger Hereford (Treescene Arboricultural Consultants).

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 No development shall take place until a scheme of supervision by the appointed arboriculturalist for the works specified in the method statement approved under condition 2 has been submitted to and approved in writing by the local planning authority. The approved scheme shall be followed for the duration of the construction phase or in accordance with a timescale to be agreed with the local planning authority.

Reason: To ensure all retained trees are safeguarded during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 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 wall, roofs and all fenestration 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 Prior to their construction elevations of the approved boundary walls shall be 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 boundary treatments 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.

- 6 Prior to the first occupation of the dwelling to which it relates provision for the charging of plug in and other ultra-low emission vehicles (e.g. provision of electric sockets) to serve the occupants shall be installed and made ready for use in accordance with the approved External Works Layout plan (A_105 External works Layout revision PL12), or an alternative scheme that has first been submitted to and approved in writing by the local planning authority.

Reason: To address the requirements in relation to climate change as set out in policies SS7 and SD1 of the Herefordshire Local Plan - Core Strategy and the guidance contained within the National Planning Policy Framework.

- 7 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.

- 8 The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Ecological Management Plan (EDP Ltd, dated October 2020, reference edp5751_r002b) and approved, supporting plans for Public Open Space, Landscaping and Lighting Strategy, together with a plan (notwithstanding the details shown on the approved External Works Layout plan - A_105 External works Layout revision PL12), identifying the siting and total number of bird and bat boxes, hedgehog homes, pollinating insect hotels, hibernacula, refugia and all fencing to make provision for hedgehog dispersal and timescale for their provision on site, which shall have first been submitted to and approved in writing by the local planning authority, and shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

Reason: In order to comply Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4, the National Planning Policy Framework and with the Conservation of Habitats and Species Regulations (2017) as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Natural Environment and Rural Communities Act (2006).

- 9 With the exception of site clearance and groundworks no further development hereby approved shall commence until details of rainwater harvesting measures have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before the first occupation of the dwelling to which it relates.

Reason: To ensure compliance with Policies SD1, SD2 and SS7 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 The outline planning permission (reference 141964/O) to which this reserved matters approval relates is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990. Condition 7 of the outline planning permission will need to be discharged by way of a legal agreement.
- 3 The approval of these reserved matters does not approve the drainage conditions imposed on the outline planning permission. These conditions, along with any other outstanding conditions, need to be discharged in accordance with the timescales set out within each condition.
- 4 The applicant is strongly advised to engage with Welsh Water at the earliest opportunity in order to commission the reinforcement works at the receiving Waste Water Treatment Works.
- 5 In the event that the roads within this development do not become adopted by Herefordshire Council, the Council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely; and

The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for a 26 tonne RCV to travel over on a frequent basis; and

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

- 6 The applicant/developer is strongly advised to carefully consider making provision for a car club scheme, solar panels and hydrogen ready boilers within the development.

Planning Services
PO Box 4,
Hereford,
HR4 0XH

Date: 4 February 2021



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.