

# **DELEGATED DECISION REPORT**

## **APPLICATION NUMBER**

### **220630**

**Land East of A40, Ross on Wye, Herefordshire, HR9 6GX**

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**CASE OFFICER: Ms Heather Carlisle**

#### **Hereford Core Strategy**

##### **Relevant Development Plan Policies:**

SS1 – Presumption in favour of sustainable development  
SS4 – Movement and transportation  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
RW1 – Development in Ross on Wye  
SC1 – Social and community Facilities  
MT1 – Traffic management, highway safety and promoting active travel  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD3 – Green infrastructure  
LD4 – Historic environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

#### **Ross Neighbourhood development Plan.**

Ross on Wye Neighbourhood Plan (NDP) is adopted/made on 7 June 2021. It now forms part of the Development Plan for Herefordshire.

Relevant to the application are considered to be:

- Policy EN1: Ross Design Policy
- Policy EN3: Settlement Boundary

#### **National Planning Policy Framework (2021)**

##### **Relevant Site History:**

**212925:** Application for approval of reserved matters following outline approval 194403 (Erection of up to 175 dwellings together with associated development (all matters reserved except access)) for 58 dwellings representing the first phase of the development (For DOC 4 see 220110).

**140684/O:** Outline application for the erection of 290 dwellings – Approved w/conditions

**180155:** Application for approval of reserved matters following outline approval P140684/O. For development of up to 290 dwellings, including affordable housing, public open space, access, landscaping, ground modelling and associated works

**180163:** Erection of a community building

**194045:** Reserved matters following outline approval

**212528:** 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

## CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Local Member	X	X			
Landscape officer	X		X		

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application site is part of a larger residential development of up to 465 dwellings approved and under construction across two planning permissions. The overall site area is part under construction and part occupied, located to the East of Ross on Wye and accessed off the A40 by dedicated roundabout junctions.

This application seeks a non-material amendment following the granting of Reserved Matters for a phase of 58 dwellings pursuant to Outline Planning Permission 194403 as shown annotated edged red (with red hatch area to be subject to a separate RM application) on the plan below. The outline planning permission referenced gave approval for the erection of up to 175 dwellings on the hatched area and wider land holding edged red, below:



The overall site, identified edged blue on the above plan consists of a large parcel of agricultural land (approximately 23 hectares), lying to the east of Ross on Wye, adjacent the A40, with the A449 to the north. It is bounded to the south by the Rudhall Brook with agricultural land further to the east. The Tanyard Lane residential development lies opposite on the western side of the A40. The site is approximately one kilometre to the east of Ross-on-Wye town centre and approximately 1.2 kilometres from the boundary of the River Wye Area of Outstanding Natural Beauty (AONB)



This proposed non-material amendment is seeking an amendment to planning permission 140684 (Development of up to 290 dwellings, including affordable housing, public open space, access, landscaping, ground modelling and associated works) - Revised landscaping plan & planting schedule.

The application is seeking to make amendments to the landscaping plan and planting schedule and these changes are due to a review of tree location and amendments are to reduce over shadowing and potential impact on the plot foundations due to the ground conditions and the tree species. Please see plan above.

**Consultees:** Landscape officer: no objection

**Representations:**

Local Member Cllr Bartrum consulted on application on the 28th February 2022.

**Constraints:**

AONB

**Appraisal:**

## Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Ross Neighbourhood Development Plan (RNDP). The National Planning Policy Framework 2021, which itself is a significant material consideration

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application

As a starting point it is noted that there is no fixed definition of what constitutes a non-material amendment. It will vary depending on the nature of the scheme involved, and the NPPG notes that what might be considered a non-material amendment in one instance may not be another.

As detailed above and on the proposed approved landscaping drawings:

- 2751\_East of A40\_L7\_D\_Landscape Proposals\_211019
- 2751\_East of A40\_4b\_Plant Schedule\_rev B\_211019

the application seeks to change tree types as detailed on approved drawings

- 2751\_East of A40\_4b\_Landscape Proposals\_L7\_rev F\_220124
- 2751\_East of A40\_4b\_Plant Schedule\_rev B\_211214

Officers have consulted with the landscape officer and they have confirmed acceptance of the changes. They have confirmed that

*‘The proposed change is to the specification of the two woodland blocks on the eastern boundary. The specification has been updated to ensure that large oak trees in block A are only planted close to the boundary hedgerow, furthest away from the houses, which is considered acceptable. In block B the large oak trees are removed altogether, which is a shame, however it is a much narrower area and there are other trees within the planting, together with the new native hedgerow, which will provide adequate biodiversity mix, contribution to landscape character and visual filtering of views towards the new housing’*

Officers are satisfied that the proposed change are therefore in accordance with Core Strategy policy LD1 and LD3 and considered to be in keeping and as such will not materially alter the nature of the scheme as approved.

In account of the forgone, the proposed amendments are considered to be non-material and therefore the application is recommended for approval.

**RECOMMENDATION:**      **PERMIT** ☒      **REFUSE** ☐

**CONDITION(S):**

**1. C06 dwgs:**

2751\_East of A40\_4b\_Landscape Proposals\_L7\_rev F\_220124

2751\_East of A40\_4b\_Plant Schedule\_rev B\_211214

**Informatives**

This approval is for a non-material amendment to the original planning permission and except where any conditions detailed on this notice it does not vary the original planning permission in any other way.

Signed: *Heather Corbett*      Dated: 8/3/2022.

**TEAM LEADER'S COMMENTS:**

**DECISION:**      **PERMIT** ☒      **REFUSE** ☐

Signed: *[Signature]* ..... Dated: 9<sup>th</sup> March 2022 .....

Is any redaction required before publication /No