

DELEGATED DECISION REPORT

APPLICATION NUMBER

203315

Cubberley House, Hom Green, Ross-On-Wye, HR9 7TE

CASE OFFICER: Ms Elsie Morgan
DATE OF SITE VISIT: 3/12/2020

Relevant Development Plan Policies:

Herefordshire Local Plan – Core Strategy Policies:

- SS1** Presumption in favour of sustainable development
- SS6** Environmental quality and local distinctiveness
- SD1** Sustainable design and energy efficiency
- LD1** Landscape and townscape

Walford Neighbourhood Development Plan (Pre-draft plan stage)

National Planning Policy Framework (NPPF)

- Chapter 2** Achieving sustainable development
- Chapter 12** Achieving well-designed places

Relevant Site History: None relevant

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X	X			
Ecologist	X		X		
Natural England	X		X		
PROW	X		X		
Site Notice	X	X			
Local Member	X		X		

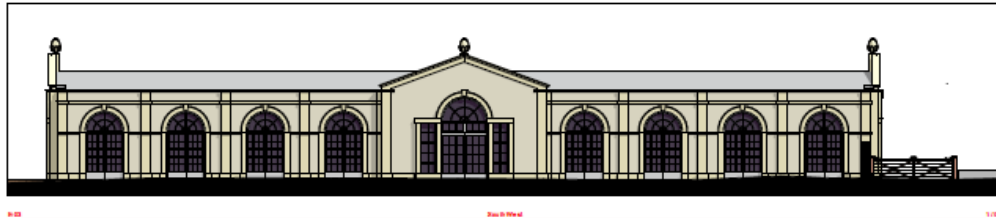
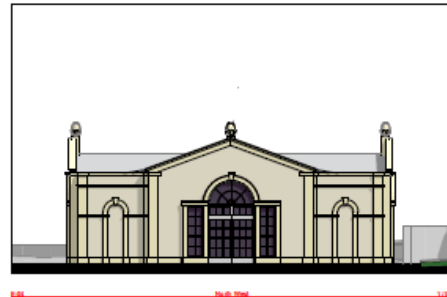
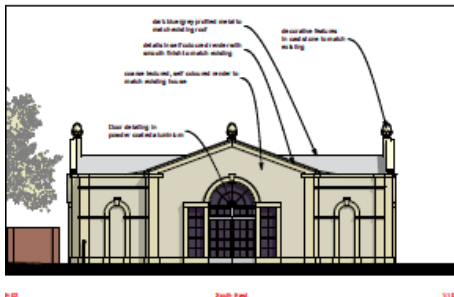
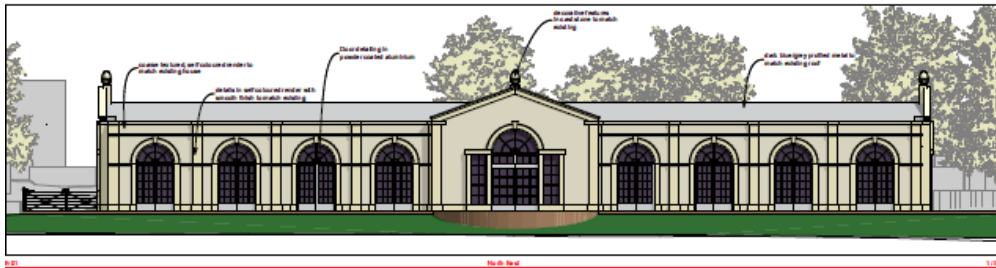
PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

Cubberley House is a large detached country house located on the outskirts of Ross-On-Wye. The dwelling sits in the centre of extensive domestic landscaped gardens

and adjacent parkland which awards an abundant level of privacy. To the northeast at around 450 meters is a storage facility at Lower Cleeve Farm which consists of large warehouses. 200 meters to the south lies an industrial farm with fields of poly tunnels and crops. 475 meters to the south east lies the site's main access on Archenfield Rd. In total the site contains around 37.9 hectares of land and is located in the Wye Valley AONB.

This application seeks permission for the construction of a detached garage proposed to sit north of the dwellinghouse which currently comprises two large timber garages.



Representations:

Parish Council – No response

Ecology – No objection with conditions

“The site is within the River Wye SAC catchment and approx. 300m from the River Wye SAC/SSSI itself. The site is also within 10km of the Wye Valley Woodlands SAC and effects on bat species associated with this SAC are a consideration. This proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate

assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

Sufficient and detailed information will be required to be submitted with any future outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations. Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to formally undertake a Screening Assessment for 'Likely Significant Effects' and then subsequently undertake a relevant Appropriate Assessment to determine and recommend relevant and appropriate Conditions to secure that the development(s) will have NO 'likely significant adverse effects' on the relevant SAC.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

Notes in respect of HRA:

- The additional information supplied by the applicant - Hook Mason email 12th February 2021 is noted and refers.
- The Surface Water and Foul Water Strategy ref L0313a by Hydrologic Services dated 20/08/2021 refers.
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- The proposal is for a new garage with additional WC facilities and a 'servery kitchen'.
- As stated in both sets of information detailed above there is no additional overnight accommodation, occupation or any additional or increased foul water flows being created by the proposed development which is solely for use by existing residents/occupiers of Cubberley House.
- All 'existing' foul water flows from the existing or proposed development will be managed through the existing septic tank system installed at this property.
- A required (enforced by other responsible competent authorities and outside of the local authority) by current water framework and septic tank regulations all outfall from the septic tank system must discharge to a soakaway drainage field on land under the applicant's ownership or legal control.
- This development is within the 'English' Lower Wye catchment of the Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
- Certainty of no additional foul water flows and management of foul water flows as stated by the applicant can be secured by condition on any planning consent granted.

As there is no additional occupation or increased use of site and no associated increases in any foul water flows through the garage and associated facilities proposed for approval through this application there are no increased nutrient pathways identified for the proposed development.

- The supplied report confirms that a suitable Sustainable Drainage System can be achieved to manage all additional surface water flows created by the proposed development.

The agreed surface water management system can be secured by a relevant condition on any planning permission granted.

The site is within 300m of the River Wye SAC and the effects of the development on species associated with the SAC must be fully considered through the HRA process. (and wider ecological interests outside of HRA consideration)

- The ecology report by Countryside Consultants Limited dated 30/09/2021 is noted and refers
- The report advises that there are local populations of bat species but no evidence of use by Horseshoe Bats (Wye Valley Woodlands SAC species).
- There was no evidence of sustained use of the site or surrounding habitats by any protected species associated with the River Wye SAC (eg Otters and Crayfish).
- The report provides detailed recommendations for ecological working methods, habitat-species mitigation measures, lighting restrictions-controls and biodiversity net gain enhancements.
- The detailed recommendations in the supplied ecology report can be secured for implementation by a condition on any planning permission granted.

With relevant mitigation and enhancement secured there are no identified effects on any protected species associated with River Wye or Wye Valley Woodlands SACs (or other wider ecological interests).

Other ecology comments:

Trees – The arboricultural impact assessment and method statement by Adrian Hope Tree Services ref 15910 dated 23rd June 2021 is noted and refers.

- Unless otherwise advised by the council's tree officer the supplied report appears relevant and appropriate.
- No significant trees are proposed for removal and appropriate replacement to offset the proposed tree loss is secured through the proposed mitigation and biodiversity net gain plan secured through the separate ecology report.
- No works are proposed within the RPA of any retained trees but the relevant working methods detailed in the supplied report to ensure no aspects of the construction process impact any tree RPA should be secured by a standard

condition relating to securing the implementation of the supplied arb report recommendations.”

National England - No objection to HRA

PROW – No objection

“The proposed replacement garage is some distance from public footpath WA1. No objection.”

Site Notice – No response

Local Member – Updated via email. Cllr is content for determination to be made under delegated authority.

Pre-application discussion: None

Constraints:

Contaminated Land
PROW adjacent
Flood Zone 2 and 3
Protected Species nearby
Surface Water
SSSI Impact Zone
NE Priority Habitat
AONB Wye Valley
Historic Park and Garden nearby

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). It is also noted that the site falls within the Walford Neighbourhood Area, where the Plan is at pre-drafting stage. At this time the policies in the NDP can be afforded very limited weight as set out in paragraph 48 of the National Planning Policy Framework 2019, 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. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

The proposal would not result in built development that would be of an unacceptable scale or constitute over development. The size of the garage is considered to be acceptable in terms of mass and height given the context of the site. The garage would measure 52.5 metres by 20.5 metres to replace the existing garages with a combined length of over 30 metres. In relation to the scale of the estate and the host dwelling, the garage would read as an outbuilding with a maximum height of 7 metres and a rectangular form. Given the topography of the site and orientation of the existing buildings, the proposal would not compete with the host dwelling appearing as an ancillary structure. Therefore, the proposal is considered to suitably conserve local character and the character of the host dwelling in line with policies SD1 and LD1 of the CS.

Whilst the extension would introduce a number of glazed openings, these are not positioned to front any neighbouring dwellings with open fields to the north, west and south of the site. Given the lack of neighbouring dwellings there are no concerns for overshadowing or overbearing. Furthermore, the proposed personal use of the garage would not demonstrably increase movement to and from the site with no concern for noise impacts. With regards to residential amenity, the proposal is considered to adhere to the requirements of SD1 of the CS.

The proposal has been designed in a manner that reflects the host dwelling, utilising similar materials to existing which would be seen to be suitable to ensure they harmonise with the dwelling and do not look distinctively out of character. In addition to this, the proposed garage is considered to be sympathetic to the appearance of the dwelling utilising Georgian design features with fenestration to reflect the residence whilst reducing the appearance of the building's massing. The garage is sited to replace existing garage outbuildings, as such the positioning is justified and would not look out of keeping. There would be minimal impact upon the landscape and the wider AONB given the context of the site. Therefore, the proposal is considered to be in adherence with policies SD1 and SS6 of the CS.

The site is within the River Wye SAC catchment and approx. 300m from the River Wye SAC/SSSI itself. The site is also within 10km of the Wye Valley Woodlands SAC and effects on bat species associated with this SAC are a consideration. Supporting documentation has been reviewed by the Council's Ecologist who raises no objection to the mitigation proposed and is secured by condition. Habitat Regulation Assessment has been completed and sent to Natural England who raise no objection.

In summary, the proposal has been designed to match the character of the host dwelling and preserves the character of the surrounding area. The visual impact, in relation to the topography and layout of the site, is limited due to both the scale and design. It is not considered that the proposal will have an undue impact upon the amenity of neighbouring residents with no concerns for overlooking or overshadowing, given the lack of neighbouring dwellings. Any other issues have been suitably covered, and it is therefore my recommendation to grant planning permission subject to the below conditions.

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

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. C01 Time limit for commencement
2. C07 Development in accordance with the approved plans and materials (7212-1, 7212-2, 7212-4, 7212-5)
3. C58 Domestic use only of garage
4. Unless otherwise approved in writing by the planning authority, no usage of the approved development except by residential occupants of Cubberley House shall occur to ensure no additional foul water flows are created; and all foul water shall discharge through connection to the existing residential Septic Tank private foul water treatment system that discharges to a soakaway drainage field on land under the applicants control.
Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.
5. Unless otherwise approved in writing by the planning authority, all surface water shall discharge through an onsite Sustainable Drainage Scheme located on land under the applicant's control.
Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.
6. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended and detailed in the ecology report by Ecological Consultants Limited dated 30/09/2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.
Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.
7. CKN

Informatives

1. IP1



Signed:

Dated: 18/2/22

TEAM LEADER'S COMMENTS:**DECISION:****PERMIT**☒**REFUSE**☐

Signed:

..... Dated: 21 February 2022