

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 MAY 2018
TITLE OF REPORT:	173385 - PROPOSED RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF For: The Owner and/or Occupier per Mrs Claire Rawlings, 10 The Maltings, Dormington, Herefordshire HR1 4FA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173385&search=173385
Reason Application submitted to Committee - Redirection	

Date Received: 7 September 2017

Ward: Birch

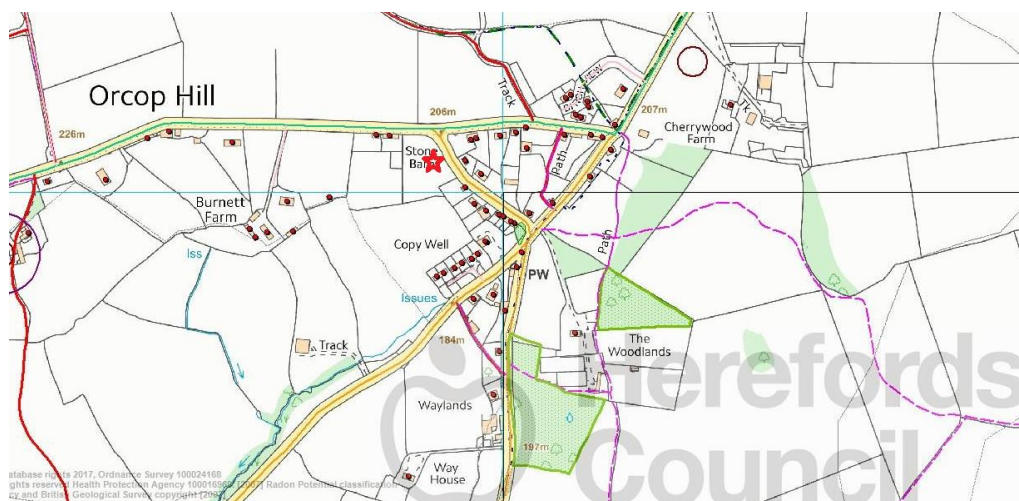
Grid Ref: 347901,228033

Expiry Date: 6 April 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The application site is located to the north west of the settlement of Orcop Hill in south Herefordshire. The site comprises an irregular shaped parcel of agricultural land that is 0.5 hectares in size. The site occupies a corner plot to the west of the junction between the C1235 and U71419 and is shown on the map beneath the red star. The residential properties of Holmlea and Stone Barn adjoin the site to the south and north, with agricultural land extending to the west. The site is currently laid to grass and has an established mature hedgerow on its eastern boundary.



- 1.2 Across the application site the land rises gently from south to north, however beyond the application site the land falls steeply in a south westerly direction. In the north western corner of the site the land level is 106.0 falling to 99.6 in the south easterly corner.
- 1.3 The landscape character of the site and its surrounding area is typical of the forest smallholdings and dwellings typology, with fields defined by mature hedgerows and containing occasional hedgerow trees. The site is quite open in nature and is widely visible within a local context. The site has historically been used for the grazing of sheep, with current access obtained from an entrance immediately to the east of Stone Barn directly from the C1235.
- 1.4 This application seeks planning permission for 3 dwellings and is submitted in full. The proposed 3 dwellings are to be accessed via a joint access from the U71419, just north of the property Holmlea. The new access is to have a width of 4.8m and provides a visibility of 36m to the north and 32m to the south. The 3 detached dwellings are sited in spacious curtilages and are at levels which respect the existing land levels. The land to the rear of the properties which is shaded green on the block plan below, is to be a planted orchard, managed and shared by the 3 properties. The area will also accommodate the surface water drainage strategy which will be discussed in detail further on in the report.



- 1.5 Plots 1 and 2 are 4 bedrooms with a floor area of 136.08m². They are 'L' shaped with a detached double garage. The properties front onto the highway and have a typical symmetrical cottage fenestration with central doorway and windows either side. The main body of the property is to be constructed with local rubble stone walling under a natural slate roof. The windows are proposed to be timber flush casement windows painted black with timber framed doors also painted black. The detached garages are to be timber feather edge weatherboarding under a slate roof to match the main dwelling. Plot 1 has a proposed finished floor level of 105.640m AOD whilst plot 2 has a finished floor area of 102.990m AOD.
- 1.6 Plot 3 which is positioned to the south of the site is a 3-bedroom dwelling and is rectangular in shape with a principal elevation fronting on the highway. It has been designed with a detached single garage off its south elevation which will accommodate an en-suite above within the eaves for the master bedroom on the first floor. The dwelling has a floor space of 121.33m². The proposed dwelling again has a typical cottage style fenestration, however, with dormers on the first floor. The proposed materials are the same as proposed for plots 1 and 2, with the attached garage clad in feather edge weather boarding. The finished floor level is 100.850m AOD.

- 1.7 During the course of the application the drainage strategy for both foul and surface water has been changed following further investigation carried out by the applicant's drainage consultants. The further investigations concluded that there was no scope for use of soakaway drainage (for surface water disposal) or drainage fields (for disposal of partially treated foul effluent discharged from package treatment works) as was originally proposed in the initial submission. The drainage strategy was therefore amended in line with Building Regulations Part H, with surface water being dealt with via a gravity fed pipework discharging via a proprietary flow control device located within the rear garden of each dwelling. The device will limit the discharge to an underground geocellular storage tank which will accommodate all flows arising from the 30 year return period storm event. The attenuated discharge from each dwelling will be disposed of to a shallow-sided grassy swale which runs the perimeter of the adjacent communal orchard area and discharge to the existing ditch to the south of the site. Within the swale a series of check weirs/dams will be provided across it to help slow the flow within the swale in accordance with best practice design guidance.
- 1.8 Foul drainage is now proposed to be discharged via a gravity fed pipework to a sealed cesspool tank for each dwelling. Each cesspool is located a minimum of 7 metres from the habitable parts of the dwellings and located so as to give access to the tankers when emptied. Each will be required to be emptied every 45 days by an authorised waste carrier and have been designed and sized in accordance with the requirements of Building Regulation Part H.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Strategy
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire's countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
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	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable communities
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment
Section 12	-	Conserving and enhancing the historic environment

2.3 Orcop Neighbourhood Area was designated on 18 July 2013 and a plan is in the process of being drafted. The NDP does not have any weight for the purpose of decision making on planning applications.

3. Planning History

On site

3.1 SH950741PO – Erection of 3 no dwellings, shop with residential accommodation over and highways improvements. Refused

The application was refused as it was not considered a natural extension to the settlement at the time and was a scale which was considered not to sustain the rural community. There was also considered to be inadequate facilities and the application had not demonstrate that there was appropriate and satisfactory arrangements for the disposal of sewage.

3.2 SH940595PO – Erection of 4 dwellings. Refused

The application was refused for similar reason as that of application SH950741PO which are described above.

Recent housing application southeast of application site

3.3 172940/RM - Application for approval of reserved matters following outline permission 161771 (Site for proposed replacement of a fire destroyed dwelling plus the erection of 2 dwellings (total 3 dwellings).

Application refused due to its cramped layout, scale and design being detrimental to the character and appearance of the area, as well being detrimental to the residential amenity of existing properties.

Application was dismissed on appeal (APP/W1850/W/17/3187314), with the Inspector agreeing with the Councils opinion that the scheme would be harmful to the character and appearance of the area.

4. Consultation Summary

Statutory Consultations

Welsh Water – No objection

4.1 As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Environment Agency – No specific comments provided

- 4.2 I refer to the proposed development on land at Newcastle Farm in Orcop. The Environment Agency were not initially consulted on the application and do not provide comment on proposals of this scale utilising a non-mains drainage option. I would refer you to our Foul Drainage Assessment Form and recommend you seek the comments of your Environmental Health and Building Control Colleagues.

The form makes references to a hierarchy of options, in the absence of a mains foul sewer connection. On matters relating to foul water infrastructure we have engaged on a strategic level which has, in part, influenced creation of Core Strategy Policy SD4 (Wastewater Treatment and river water quality).

I note that the applicant is now looking to utilise a Cess Pit as oppose to a treatment plant/soakaway option. As highlighted in the Building Regulations (Approved Documents H) a Cesspool is deemed the least sustainable option in the absence of a mains foul sewer connection but may be considered if there are no alternative solutions. This view is supported in your Core Strategy which states that *“the sensitivity of Herefordshire’s environment is such that the use of cesspools should be avoided, however if this is deemed to be the only option then a rigorous assessment of potential effects will be required”* (para 5.3.70).

However, as stated above, we would not comment on an application for three dwellings with a non-mains option. I would therefore recommend you seek the views of your Building Control Officer and consideration of the abovementioned Building Regulations Waste Document, with regards the suitability of the Cesspool.

- 4.3 **Natural England** – No objection (Comments received in response to amended drainage strategy on 17th March 2018)

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments. An appropriate surface water drainage system should be secured by condition or legal agreement. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Internal Council Consultations

4.4 Conservation Manager (Ecology) (November 2017)

Thank you for consulting me on this application. I have read the ecological report accompanying the application and agree with its findings and proposals for mitigation with enhancement. If this is to be given approval I suggest the following non-standard conditions should be added:

The recommendations for species' mitigation set out in Section 8 of the recommendations of the ecologist's report from Starr Ecology dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species including reasonable Avoidance Measures for great crested newts should be submitted in writing for approval to the local planning authority. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the

Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

The recommendations set out in Section 9 of the ecologist's report from Starr ecology dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

4.5 Conservation Manager (Landscape) (November 2017):- No objection subject to conditions

The site of the proposal is located off the Village Link Road at Orcop Hill, currently pasture land bounded by hedgerow, it forms part of a larger field with a distinct south west facing slope. In terms of landscape character it lies within the Forest smallholdings and dwellings character type, defined as; *"intimate, densely settled landscapes characterised by strings of wayside cottages and associated smallholdings. They nestle within a complex matrix of pastoral fields and narrow lanes, often defined by prominent dense hedges with hedgerow trees."*

The proposal is for the development of 3 dwellings continuing the adjacent wayside pattern. I have visited the site with the planning officer and read the landscape appraisal. Whilst I have not commented formally until this point I have held ongoing discussions with the case officer regarding the least intrusive access point, the scale form and external materials for the built form as well as the most appropriate treatment of the remainder of the field. I am satisfied that from the development proposals have been informed by the local character; they work with the settlement grain, the built form relates to adjacent development and the proposed access point whilst not providing access points does serve to minimise hedgerow loss.

Clearly given the topography of Orcop Hill there will be opportunities to view the development however I am satisfied that the adverse effects will not be significant because of the design approach taken. This in conjunction with the proposed mitigation as shown within the emerging landscape masterplan will assist in assimilating the built form into the surrounding environment.

I would therefore recommend a condition be applied requiring the submission of a detailed landscape plan which implements the proposals shown within the appraisal in conjunction with a further condition for the management of the planting for a period of 10 years.

4.6 **Transportation Manager (October 2017):- No objection subject to conditions**

Proposal acceptable, subject to the following conditions and / or in formatives:-

To meet the appropriate guidance of visibility splays, using the 85th percentile speed equates to 35m in both direction. MfS 2 allows for a running lane as the vehicle will be in the centre of the road and not along the edge of the carriageway, therefore these distances can be achieved. To allow for the increase in vehicles using the lane, the access should be built to HC road specification construction to allow for the access to be used as a passing bay, therefore in terms of the highway impact of the development the proposals would not be classed as severe.

Please add conditions as follows: -

- Visibility Splays - 35M X 2.4
- Vehicle Access Construction
- Driveway Gradient
- Access, turning area and parking
- Wheel washing
- Parking for site operatives
- Secure covered cycle parking provision

4.7 **Neighbourhood Development Manager – No Objection**

Orcop Neighbourhood Area was designated on 18 July 2013 however little progress has been made on the neighbourhood development plan to date and there is no draft plan available.

Therefore the policies of the Core Strategy would be relevant to this application.

Orcop Hill is contained within the lists of settlements related to policy RA2. Therefore development is permitted within or adjacent to the built form in accordance with policy RA2.

The proportional growth for the parish of Orcop is 26 and as at April 2017 there had been no dwellings built and 6 commitments leaving a residual of 20 units within the plan period.

4.8 **Environmental Health (Noise & Nuisance) – No objection**

My comments are with regard to potential noise issues that might arise from development. From a noise perspective we would normally require that all new housing development undertakes a pre-app initial noise assessment to establish background day and night time noise levels. This would be in accordance with the a Stage 1 Initial Site Noise Risk Assessment as outlined in the methodology contained in ProPG: Planning and Noise.

However, it is known by the authority that background noise levels in this locality are extremely low so on this instance specifically this is not requested.

4.9 **Environmental Health (Air pollution) – No objection**

Please find my comments below regarding the Newcastle Planning application for three residential dwellings in Orcop Planning Ref 173385, in respect of air quality: Due to the rural location of the application site, the background levels of pollutants would be generally low. Therefore significant increases in traffic and emissions would be required for air quality action levels to be breached.

The IAQM guidance recommends that an air quality assessment should be required where there is a change in Light Duty Vehicle movements (outside an Air Quality Management Area)

of more than 500 AADT (annual average daily trips) or more than 100 AADT for Heavy Goods Vehicles. Therefore, in relation to this application, there would be no requirement to ask for further assessment in respect of transport emissions.

Local Air Quality Management Guidance (TG 16) identifies what may warrant consideration in respect of air quality; emissions from cesspits are not mentioned within this guidance, and therefore cannot be considered as a major source of air pollution.

Having considered the above information, I have no adverse comments to make in respect of the application in relation to air quality.

However, good design of developments should be promoted to reduce any potential emission sources. If planning permission were to be granted, an inclusion of a planning condition requiring the developer to install electric vehicle charging points for each property should be considered.

4.10 Land Drainage - No Objection

Initial response 30th October 2017 further information requested

Introduction

This response is in regard to flood risk and land drainage aspects, with information obtained from the following sources:

- Environment Agency (EA) indicative flood maps available through the EA website.
- EA groundwater maps available through the EA website.
- Ordnance Survey mapping.
- Cranfield University Soilscales mapping available online.
- Strategic Flood Risk Assessment for Herefordshire.
- Core Strategy 2011 - 2031.

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: E001 Rev A);
- Existing Site Plans (Ref: E003 Rev A);
- Ground Investigation Report (Ref:);
- Outline Drainage Strategy (Ref: D01 Rev A);
- Soakaway calculations (plots 1-3, 10 & 30 year event design).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), October 2017



Overview of the Proposal

The Applicant proposes the construction of 3 dwellings, associated parking and access road. The site covers an area of approx. 0.50ha. The topography of the site slopes steeply from approx. 106.2m AOD in the northwest of the site to approx. 98.5m AOD in the southeast.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations and Sources of Flood Risk

It has been brought to our attention through the ground investigation report and public objections that the site contains spring(s) and the ground is often saturated in the southwest of the site. It has also been stated that the ditch takes runoff from the spring.

The Applicant needs to consider the risk of flooding to lower lying land. Consideration should be given to the flow routes. It may also be necessary to raise the thresholds of the proposed development to ensure that the dwellings are not at risk of overland flow from higher land. Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Ground investigations have been undertaken at this site. Soakaway test pit 1 demonstrated that infiltration at this location is negligible (north east of the site). A spring was identified in the south west of the site. An infiltration rate of 7.2×10^{-6} m/s (0.02592 m/hr) was determined in the deep soakaway test for soakaway test pit 2.

An infiltration rate of 0.02592m/hr has been used in the design of soakaways 1 – 3. This infiltration rate is not representative of the true infiltration at the locations of the proposed soakaways.

The Applicant has provided calculations to demonstrate that soakaways have been designed for the 1 in 30 year event. The calculations for soakaway serving plot 3 design assumes that only runoff from 90m² will reach the proposed soakaways within the first 4 minutes. The remaining 230m² are assumed to reach the proposed soakaways within 4 to 8 minutes. Similarly for soakaway 2, it has been assumed that 140m² will reach the soakaway within the first 4 minutes, the remaining 120m² is assumed to reach the soakaway within 4-8 minutes. Ordinarily it is assumed that all runoff from a dwelling will reach the soakaway within the first 4 minutes. The Applicant must state why a different assumption has been made for this site. Longer time of entry is normally provided for flatter sites, however this site is steeply sloping.

The Applicant has also used a safety factor of 1.5 for the 30 year design and a safety factor 1 has been used for the 10 year design. A safety factor of 2 should be used for residential developments. The Applicant should redesign the surface water soakaways ensuring that suitable infiltration rates are used – it may be necessary to obtain infiltration rates at the locations of each proposed soakaway. The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system.

Foul Water Drainage

It is proposed that each dwelling will be served by a package treatment plant from which the treated effluent will be disposed of via soakaways. We appreciate that the spreaders are connected to allow for continuous flow of treated effluent to prevent build-up of debris. We also appreciate that the spreaders have been laid in line with the topography of the land to ensure that the gradient of the perforated pipes will be no steeper than 1:200.

It appears that the drainage fields are located outside of each dwellings allocated land. The Applicant should ensure that the land on which the drainage fields are located will be owned by the respective home owners.

The Applicant has not provided any calculations to demonstrate how the drainage fields have been sized. We note there are difficulties with infiltration rates across the site. It may be necessary to remove plot 3 from the proposals to ensure sufficient land is available to infiltration the treated effluent from plots 1 and 2.

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission:

- Provision of a detailed foul drainage strategy including calculations to demonstrate that the drainage fields have been accurately sized using suitable infiltration rates. It may be necessary to undertake infiltration testing in accordance with BS6297 at each drainage field location. It appears that the drainage fields are located outside of each dwellings allocated land. The Applicant should ensure that the land on which the drainage fields are located will be owned by the respective home owners.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Redesign a detailed surface water drainage strategy (please review comments above) with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;

Following a further investigation carried out by the agents drainage consultants a revised scheme was submitted which is outlined in section 1.7 above. The following comments were then received from the Councils Drainage Consultants.

This response builds on our previous comments dated 30th October 2017 following the submission of additional information:

- Micro Drainage submissions for Plot 1 and Plot 3 storage tanks;
- Environmental management Solutions Soakaway Report dated 19th January 2018;
- Tumu, Outline Drainage Strategy Revision B dated 31st January 2018;
- Outline Drainage Strategy (Ref: DO1 Rev B);
- Representations on Herefordshire Council website

Overall Comment

We currently object to the proposals. Further information is given below.

Foul Water Comments

We currently object to the proposals of using cesspits for disposal of foul water. Through previous discussions with the Environment Agency, there is a national policy to eliminate tankering on new sites. In addition to this, due to the high groundwater level, we consider that the use of cesspits is not appropriate due to the risk of groundwater entering the cesspits and causing foul flooding.

Surface Water Recommendations

Redesign of the attenuation tanks to ensure that they are designed to cope with the 1 in 100 + 40% climate change event. Micro Drainage outputs for the tank serving plot 2 should also be supplied. A safety factor of 2 should be applied to all tanks.

Further details regarding the swale design and check weirs within the swale should be provided, including cross sections and long sections. The Applicant should consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Flow paths should be considered and demonstrated. The Applicant should also confirm the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

Following further amended plans relating to the redesigning of the surface water drainage as requested by Drainage the following comments have been received which confirm that they no longer object to the proposal;

Foul Water Comments

The Applicant has followed the hierarchy and it has been proven that the preferred methods of foul water disposal are not viable at this site. The final and least preferred option of cess-pits is proposed. The Applicant has proposed to provide separate cess-pits to serve each dwelling. As the hierarchy (as outlined in the Core Strategy Policy SD4) has been followed, an exception can be made to allow the use of cess-pits at this site.

The Applicant must be aware of the risks associated with the high groundwater level. It has been confirmed that the cess-pits will be located a minimum of 7m from habitable buildings. This is in accordance with the Building Regulations Part.

We consider it appropriate to alert the owner of the cess-pits to the risks associated with the high groundwater levels and thus potential foul flooding.

Surface Water Recommendations

The Applicant has now suitably redesigned the attenuation tanks as requested previously. In addition to this, the Applicant has provided cross sections and long sections for the swale design and check weirs. The flow paths on site have also been considered and demonstrated to be directed away from any buildings.

The Applicant has confirmed that the drainage systems will be privately owned by the respective property owners. They will be responsible for the management and maintenance. It may be that the responsibility is passed onto specialist third-party management as appointed by the relevant property owners.

5. Representations

5.1 Orcop Parish Council - Objection

In relation to The Core Strategy policies the proposed development of 3 residential dwellings does not demonstrate that it complies with the following Core Strategy policies and the requirements of the NPPF. Core strategy policies SD1, LD1 & LD4 set out the key principles in terms of scale, layout and appearance of new development. In summary these require proposals to demonstrate that the landscape and built environment have positively influenced design, scale nature and site selection. The setting of heritage assets (including non-designated assets) should be protected, conserved where ever possible enhanced under CS policy LD4.

The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental role) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.

The NPPF confirms the importance and desirability of the significance of assets. Where harm would result the NPPF sets out the relevant tests to be applied. In the terms of sustainable design policy SD1 requires new buildings to maintain local distinctiveness through the incorporation of local architectural detailing and materials and respecting scale, height proportions and massing of surrounding development.

The proposal for 3 residential dwellings by virtue of its design, scale, mass, and siting has not taken into account the form of, layout, character and setting of the site and its rural location. The proposal is not considered to make a positive contribution to the character and appearance of the rural location or wider landscape area.

As such Policies RA2, LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy are not complied with or the relevant aims and objectives of the National Planning Policy Framework.

Core strategy Policies SS1, SS4, SS6, RA2 and RA3. The proposal is contrary to Policies SS1, SS4, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2015) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.

Core strategy Policies SD3 & SD4. The proposal is contrary to policies SD3 & SD4 as there are a number of issues surrounding the matter relating to "Sustainable Water Management and Water Courses" in relation to the proposal.

Local residents living near the proposed development have highlighted these issues in their responses / comment that have been submitted to Herefordshire Council and the Parish Council concur with the drainage, water course and sustainable water management issues as outlined within the comments made by residents relating to these policies.

Core strategy policy MT1 and the NPPF require proposals to provide safe access, and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The proposal is contrary policy MT1 and the NPPF as the proposed development is accessed off an unclassified single-track road on which is very narrow, and it is not possible for 2 cars to pass. The level of impact with regard to the increased traffic created by the proposed development would have an adverse impact on the road safety on Wilkes Row.

At the Extra Ordinary Meeting of Orcop Parish Council on 25/10/2017 22 residents of the parish attended the meeting to outline their concerns and objections in relation to the proposal and many of those present have submitted their comments to Herefordshire Council. The Parish Council asks that consideration is given to these valid, important and relevant comments relating to drainage and spring issues that they have highlighted which warrant consideration in relation to proposed development and the immediate area surrounding it. In the light of the amount of public interest in the application and proposed development The Parish Council have asked the ward Councillor to request that the application is called into Herefordshire Council Planning Committee for determination.

Following the submission of the amended drainage strategy the Parish Council were consulted further and provided the following comments:

Orcop Parish Council's further comments on re consultation of 173385 Land at Newcastle Farm Orcop Herefordshire The Parish Council have already made comments and have lodged an objection relation to this application We would also make further comments concerning the re consultation on the application. These being that the proposed development is unsustainable, will have a detrimental impact upon the character, environment, drainage, local roads, and highway safety of the area. We would reiterate again that he application is not compliant with the following core strategy policies SS1, LD1, LD4, RA2, RA3, SS4 ,SS6, SD3 & SD4. The Parish Council concur with comments and objections submitted by residents. They reflect the considerable and valid concerns and objections relating to drainage and the proposed septic tanks of the development and the comments from the residents must be taken into account when considering the application.

- 5.2 In the first round of consultation **20 letters of objection** were received plus a petition of 44 signatures from those who were opposed to the development. The contents of these can be summarised as follows:

Highway Safety

- Accessibility poor with narrow roads and limited visibility at near by junctions
- No consideration given to pedestrians – conflict of users with no footway
- No passing bays along highway with existing residential drives used to pass vehicles

- The already granted planning permissions on 2 other sites off the Wilkes Row with this one if approved would increase traffic along the highway by 100%
- Highway previously deemed unsafe in applications SH940595PO and SH 950741PO
- Significant increase in vehicles during construction and operation which would have an adverse impact on the local highway network.

Landscape Character and visual amenity

- The scheme represents a cul-de-sac development which is not in keeping with the area
- No consideration given to the safeguarding of farming;
- Detrimental to the general character and setting of the settlement and wider landscape
- Scale and massing of the houses to large in comparison to those which surround the site
- Similar design is not a characteristic in the settlement

Drainage and Flooding

- Site unsuitable principally as the field is prone to periodic flooding due to southwest sector of the site being constantly waterlogged by existing springs
- Soakaway for plot 3 being over an area affected by spring activity
- Limited space available for drainage fields
- Surface water drainage on fields and disposal of treated effluent will interfere with existing underground drainage and springs
- Proposed development will direct water towards lane where flooding already an issue
- The proposed scheme has the potential to cause water pollution in local area as the site has poor infiltration
- The proposal will disturb the natural flow and treated effluent infiltration into the ground
- Culverts and ditches in local area are already often blocked and overflowing
- Development will increase surface water flooding in area due to scale of hard surfacing proposed
- Application does not confirm who will take responsibility for the drainage strategy should it go wrong
- Potential risk of effluent seeping into the land due to ineffective drainage
- Infiltration tests were not taken or carried out in accordance with the correct standards
- Development of the land could change the water environment and could result in an increase in flooding.

Amenity and Privacy

- Proposed development would result in a loss of light and privacy to adjoining properties
- Impacts of noise and disturbance from increased number of properties

*Following the submission of the amended drainage strategy a **further 26 representations** were received 15 of these were from people who have previously made representations. It should also be noted that many of the objectors have submitted a number of objections during the process of the application. These representations were largely in relation to the changes in the drainage strategy and are summarised below:*

- The use of cesspools is inappropriate and unsustainable in this location being isolated from any Waste Water Treatment Plants (nearest Rotherwas or Ross);
- Cesspools are banned in Scotland and other countries and are generally only ever seen as a last resort;
- The tanks will emit sewerage smells into the atmosphere which will be detrimental to the amenity/enjoyment of existing residents and detrimental to their quality of life;
- The tankers will generate significant noise whilst on site emptying ~ (average of 30-45 minutes for each tank);
- The tanker will generate 3 additional large HGV movements every 45 days on narrow country roads which are not suitable and need resurfacing and the additional traffic movements will be hazardous and unsustainable;

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Manoeuvring into and out of site restricted and not suitable for tankered vehicles;
- No confirmation or explanation as to who will be responsible for the maintenance of the drainage strategy;
- General quality of life for all residents and enjoyment of the countryside will be harmed if cesspools are supported;
- Cesspools have a considerable cost associated with them which makes the development unsustainable;
- There is already pollution in streams from other septic tanks in the area which are not maintained; No exceptional circumstance demonstrated including the need for additional homes;
- Swale proposal for dealing with the surface water will generate a risk of flooding to properties to the south;
- Neighbouring properties have already been affected by the drainage tests which have been carried out with subterranean flows redirected across the field and causing spring activity.
- The development is contrary to Balfour Beatty SuDS Handbook dated February 2018 which states that cesspools will not be allowed.
- Residential have no faith in applicants drainage consultant due to different results from filtration tests;
- Cesspools represent an unacceptable risk for future generations in connection with the contamination of ground water which can last for generations with leaks going unnoticed;
- Unacceptable risk and threat to the wider environment
- Risk of failure given the high water table and ground conditions
- Allowing the use of cesspools will set a precedent in the area when the percolation testing has demonstrated poor land drainage and therefore the solution should be no development.

The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173385&search=173385

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of development

6.1 S38 (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."

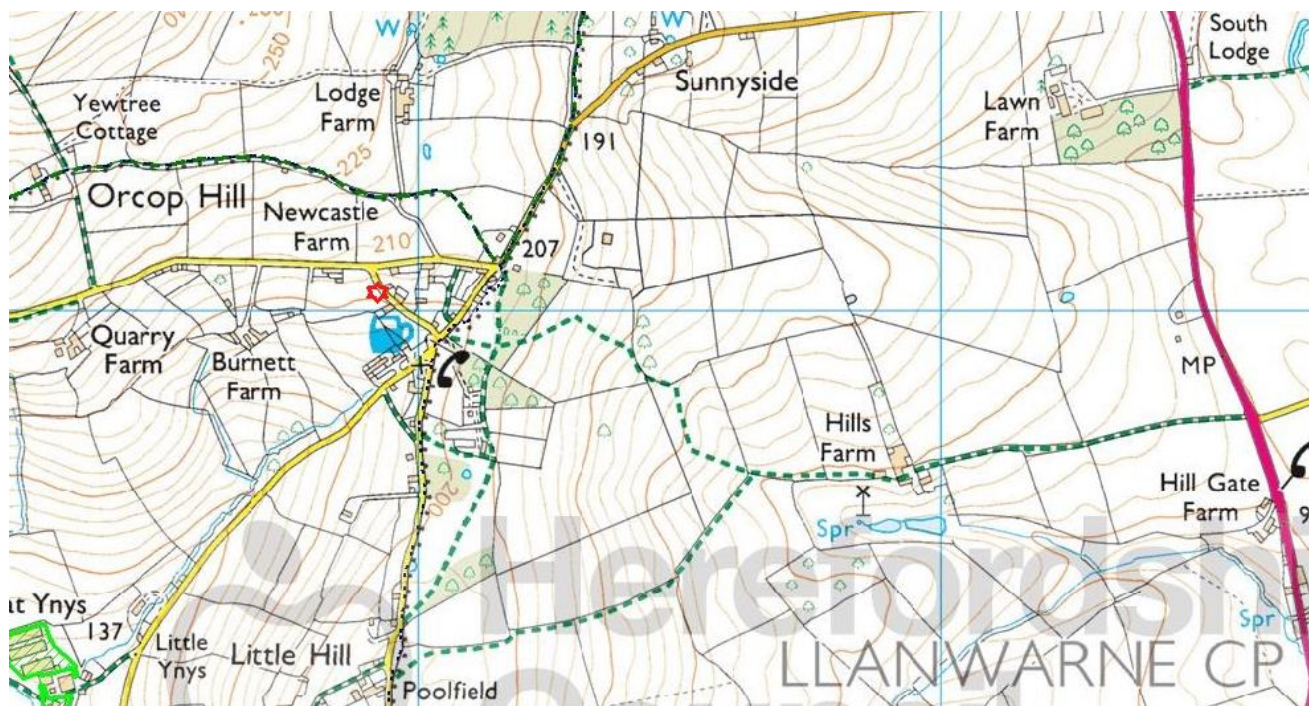
6.2 The National Planning Policy Framework (NPPF) has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The NPPF is a material consideration in the assessment of this application.

6.3 Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

- 6.4 The NPPF sets out 12 core land-use planning principles in paragraph 17 which should underpin decision taking. These include the principle to 'proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving places that the country needs'. Amongst the core planning principles set out in paragraph 17 of the Framework are that plan making and decision taking should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.5 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF and Core Strategy policy SS1 to engage the positive presumption in favour of the proposal. The Government's definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17.
- 6.6 The Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether "any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.
- 6.7 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community." Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS out-of-date.
- 6.8 Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4 of the CS. Since the adoption of the CS in October 2015, the Council has been unable to demonstrate a 5-year housing land supply. As set out in paragraph 49 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date. As established in recent case law (Suffolk Coastal DC v Hopkins Homes [2016] EWCA Civ 168) in practice this means that it is for the decision-maker to decide how much weight to apply to such policies, because paragraphs 14, 47 and/or 49 do not stipulate this. As of April 2017 the latest position with regard to the housing land supply in Herefordshire is 4.54 years.
- 6.9 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present proposal. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. In reaching a decision upon new residential development, the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission
- 6.10 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly prescribes a '*presumption in favour of sustainable development*' as the golden thread running through the NPPF and that in respect of decision making this means approving development proposals that

accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the NPPF indicate development should be restricted. This goes back to the weight to be afforded to policies relevant for the supply of housing absent a 5 year supply with buffer. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 55). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy are wholly consistent with the NPPF, although the weight they attract will be dependent upon the specific circumstances of each application; which absent an NDP will include the site's location relative to the main built up part of the settlement and the housing land supply within the parish itself.

- 6.11 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. The remaining 5,300 dwellings are distributed in the rural settlements which are identified in policy figures 4.14 and 4.15 within the place shaping section of the CS.
- 6.12 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. Orcop Hill is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14. The Parish of Orcop lies within the rural part of the Ross-on-Wye HMA, which is tasked with an indicative housing growth target of 14% (1150 dwellings). The Neighbourhood Development Officer has confirmed that the proportionate growth for the parish is 26 and as of April 2017 there had been 0 dwellings built and 6 commitment, leaving 20 remaining across the parish. This application for 3 dwellings would contribute to the minimum indicative target for the parish.
- 6.13 The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Inspector's Report on the Core Strategy Examination makes clear that a flexible and responsive approach is necessary to deliver the level of development sought, whilst recognising and respecting the rural landscape. The Modification proposed, and now incorporated within the adopted Core Strategy, leaves flexibility for NDPs to identify the most suitable housing sites.
- 6.14 In the absence of a NDP for the Parish policy RA2 is the determining policy making provision for housing in rural settlements. The policy directs new housing developments to the main built up part of a settlement. Where the application site is found to be within or adjacent to the main built up part of an identified settlement, it is then necessary to assess the proposed development against Policy RA2 which requires that development reflects the size, role and function of the settlement; makes use of brownfield sites where possible; is of high quality, sustainable design which is appropriate for and positively contributes to its environment; and that the size and type of housing reflects local demand.
- 6.15 The application site is indicated on the map below by the red star. The site is contiguous with the north-eastern edge of Orcop Hill and thus would be considered 'within or adjacent to' the settlement. Like many of the figure 4:14 'settlements' Orcop Hill does not have a typical nucleated centre and development is relatively low density, with limited local services. In my opinion, the main built up area to Orcop Hill is that which surrounds the Fountain Inn. On this basis, I consider the application site to be adjacent to the main built up area and consequently fall to be considered against CS policy RA2 and other associated policies. The development would represent an acceptable spatial growth of the settlement and therefore would accord with Policy RA2 as set out above.

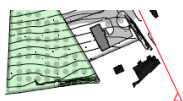


- 6.16 Having established that the principle of development at this location is acceptable it falls to consider the proposal against the remaining specific/ relevant policies of the CS to establish whether there are any adverse impacts associated with the proposed scheme, which would weigh against its established benefits and ultimately, whether or not the application proposal is representative of sustainable development on the basis of the tilted balance described by the NPPF.
- 6.17 Having regard to the Development Plan and other relevant material considerations I am of the view that the main issues relevant to the determination of this application are as follows:-
- a) The appropriateness of the scale, design and appearance of the dwellings;
 - b) The impact of the development of the landscape character and visual amenity of the area;
 - c) The appropriateness of the surface and foul drainage techniques proposed;
 - d) The impact of the development upon the local highway;
 - e) Other matters raised by consultees and interested persons, including the effect on the living conditions of nearby residents.

The appropriateness of the scale, design and appearance of the dwellings

- 6.18 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Other than the policies that are relevant for the supply of housing, other CS Policies continue to attract full weight. In considering the design and scale of the proposed dwellings, policy SD1 which deals specifically with sustainable design and energy efficiency is the relevant policy.
- 6.19 Policy SD1 requires new development proposals to create safe, sustainable, well integrated environments for all members of the community by ensuring that proposals make efficient use of the land, are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respect scale, height, proportions and massing of surrounding developments.

- 6.20 The application site occupies an elevated position immediately to the North West of the property 'Holmlea' which is a detached stone cottage under a tiled roof which is positioned perpendicular to the highway. To the east of the site on the opposite side of the highway is a detached red brick bungalow under a tiled roof. Adjoining the site to the north west is the converted 'Stone Barn' a detached converted property of stone construction with timber boarding under a slate roof. As a whole, Orcop Hill is a settlement which consists mostly of detached properties, with a wide variety of sizes, ages and positions within their plots. There are some semi detached properties to the south west of the Fountain Inn as well as some to the north east of the application site.
- 6.21 In a recent appeal decision on a site just south of the application site APP/W1850/W/17/3187314), the Inspector identified that overall, *'there is a distinctive verdant and relaxed character which prevails in the settlement which is due to the proximity of open fields, with properties enjoying large gardens and significant spaces between dwellings'*. The Inspector also considered that the character of the area was largely informed by the topography, which slopes down from north and south, and I consider this to be especially true of the application site, with the settlement being situated within a narrow section of the valley affording for views from across the valley from the U71419 highway and PROW LW19 and OC19, as well as from the u71418 the highways at the bottom of the valley.
- 6.22 The application site totals 0.5ha in area. The three proposed dwellings consist of 1 x 3 bedroom property and 2 x 4 bedroom properties. The 3 bedroomed property has a floor area of 121.3sqm (not including the integral garage); whilst the plots 2 and 3 floor area of 156.72sqm. As is evident from the proposed block plan in section 1 of this report, in the context of the site and its surroundings, these are considered to be reasonable sizes, comparable to other existing dwellings within the settlement.
- 6.23 Each of the dwellings is set back from the highway and is to be accessed via a central access point. The levels of the dwellings reflect the existing ground conditions, with the finished floor levels rising from south to north. As illustrated in the street scene below, the heights are reflective of the dwellings located either side. Each dwelling has a generous plot size and is set back from the highway. I do not consider that the properties would appear prominent in the street scene or cramped within the site. They have a similar scale and massing to the other surrounding properties. Although the 3 properties have a similar appearance to one another, the materials proposed are considered to be appropriate and will not detract from the character of the settlement.



6.24 The scale and design of the proposed dwelling is considered to be of a form that is acceptable in the context and that would preserve the character of the locality. Overall I have not detected any conflict with policy SD1 in relation to the layout, scale and design of the proposed dwellings.

The impact of the development of the landscape character and visual amenity of the area;

- 6.25 Policy LD1 requires that the character of the landscape and townscape has positively influenced, *inter alia*, the design and scale of the proposal and incorporates new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.26 Policy LD3 requires that development “should *protect, manage and plan for the preservation of existing and delivery of new green infrastructure...*”
- 6.27 Orcop Hill is not subject to any landscape designation. The application site is an area of improved grassland bounded by a mature established hedgerow that is grazed by sheep. The site has up until recently formed part of a larger field with a distinct south west facing slope. In terms of landscape character it lies within the forest smallholdings and dwellings type, defined as; *intimate, densely settled landscapes characterised by strings of wayside cottages and associated smallholdings. They nestle within a complex matrix of pastoral fields and narrow lanes, often defined by prominent dense hedges with hedgerow trees.*
- 6.28 It is evident that the proposed development will change the character of the site. Policy LD1 states that ‘ *Development proposals should....demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas*’. Likewise it is an NPPF Core planning principle that development should always seek ‘to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 57 says it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.29 Paragraph 58 enlarges on this and aims to ensure that developments will function well and add to the overall quality of the area, establishing a strong sense of place, using streetscapes and buildings to create an attractive and comfortable place to live, work and visit. However, the paragraph also aims to ensure that whilst development should respond to local character and surroundings, they should also not prevent or discourage appropriate innovation.
- 6.30 In the case of the dwellings proposed, the layout is considered to follow the grain of the linear residential dwellings along Wilkes Row wrapping around the corner to link with the dwellings along the C1235. The roadside hedgerow will remain, other than at the point of access, around the perimeter of the site, with new native species trees and hedgerows around the boundaries of each plot. To the rear of the site, orchard planting is proposed in an area which will become a communal area which will also accommodate the surface water treatment.
- 6.31 The Landscape Appraisal which has accompanied the application has considered the site conditions, opportunities and constraints of the site against its landscape character and planning context. In summary the appraisal concludes that the extent of native hedgerow planting on the site will be increased providing new green infrastructure and wildlife corridors. Overall the Council’s Landscape Officer is satisfied that the scale, layout and external materials for the built form, as well as the proposed boundary and field treatment are appropriate within the landscape setting.
- 6.32 Given the topography of Orcop Hill there will be opportunities to view the development within the wider landscape and the introduction of 3 detached dwellings will change the character of

the site. However officers are satisfied that the adverse effects will not be significant because of the design approach taken. This in conjunction with the proposed mitigation as shown within the emerging landscape masterplan will assist in assimilating the built form into the surrounding environment. Subject to a further condition requiring the submission of a detailed landscape plan which implements the proposals shown within the landscape appraisal in conjunction with a further condition for the management of the planting for a period of 10 years, officers have detected no conflict with the requirements of CS policies LD1 and LD3.

Surface and Foul Drainage

- 6.33 The treatment of foul drainage and surface water has been the primary concern expressed by all the objectors and the Parish Council. As identified already during the course of the application the applicant instructed the drainage consultants to carry out further percolation testing on the site which concluded that there is no scope for the use of soakaway drainage across the site. As a result the proposal is now for each dwelling to be served by a sealed cesspool.
- 6.34 For clarification a cesspool is a sealed underground holding tank, without an inlet, for the temporary storage of liquid waste and sewage. It doesn't treat or discharge the sewage. It collects the foul waste from a property and when it is full it has to be emptied and waste water taken away by a tanker. In rural areas, such as Orcop Hill which do not have direct or easy access to the main drainage system, cesspools are not uncommon. The proposed cesspools are to be emptied every 45 days by a registered waste carrier.
- 6.35 Policy SD4 of the CS deals specifically with wastewater treatment. Where connection to the waste water infrastructure network is not practical, the policy requires developments to consider alternative foul drainage options in the following order:
- Provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway);
 - Septic tank (discharging to soakaway);
- 6.36 Both these options have been looked at and explored by the applicant, however their own drainage consultant has ruled them out due to the ground being unsuitable for the use of soakaway drainage. Policy SD3 states that 'the use of cesspools will only be considered in exceptional circumstances and where it can be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives'. Within the supporting text of policy SD3 in paragraph 5.3.70 it states that measures proposed to mitigate any effect will be rigorously scrutinised; and monitoring arrangements may need to be put in place to ensure the chosen system is effective'. The paragraph does state that the sensitivity of the Herefordshire environment is such that the use of cesspools should be avoided; however if this is deemed to be the only option then a rigorous assessment of potential effects will be required.
- 6.37 In principle it is considered that a properly constructed and maintained cesspool should not lead to environmental, amenity or public health problems. Problems can occur as a result of overflowing due to factors such as poor maintenance, inadequate capacity or lack of suitable access. It is the responsibility of the property's owner to ensure that it is tankered from the site on a regular basis by a registered waster handler. It is also the property owner's responsibility to ensure that it doesn't leak or overflow. It is an offence under the 1936 Public Health Act to let a cesspool overflow or leak.
- 6.38 A number of the representations received have expressed concerns regarding the odour emanating from cesspools. Odour can occur if the cesspools are not emptied regularly or maintained. The odour can be considered a statutory nuisance if it unreasonably and substantially interferes with the use or enjoyment of a home or premises. Under the

Environmental Protection Act 1990 Local Authorities have the responsibility to investigate complaints about issues that could be a statutory nuisance.

- 6.39 The Council's Drainage Consultant has acknowledged the applicant has followed the hierarchy and has proved that the preferred methods of foul water disposal are not viable at this site. The Drainage Consultant accepts that the option of cesspools are the final and least preferred option; yet is satisfied following rigorous examination, that as the applicant has followed the hierarchy (as outlined in the Core Strategy Policy SD4), an exception can be made to allow the use of cess-pits at this site.
- 6.40 Almost all of the objectors have referenced concerns with the foul drainage arrangements and the risks associated with the use of cesspools. Full consideration has been given to the potential risks and the possible impacts on the environment and amenity of existing residents. However, it is considered that these impacts will only occur if the cesspools are not constructed or maintained properly. The risk of this happening is considered to be no greater than the risks that are associated with septic tanks or package treatment plants, and one can not assume that the property owner will **not** maintain the cesspool to the required standard. Building Control Officers have confirmed that the scheme is compliant with part H of Building Regulations which covers cesspools.
- 6.41 Paragraph 120 of the NPPF states that Local Planning Authorities can prevent unacceptable risks from pollution and land instability by ensuring that new development is appropriate for its location. However it goes on to state in paragraph 122 that in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Authorities should assume that these regimes will operate effectively.
- 6.42 It is clear from the number and nature of the representations and the evidence provided by the applicant's own drainage consultant that there is no scope for the use of soakaway drainage on the site. The concerns expressed by neighbours in relation to the potential of unwanted smells and odours are fully understandable, however, policy SD4 in the CS does not prevent the use of cesspools as a matter of principle. To prevent unwanted smells/odours, the proposed cesspools will be fitted with alarms that will monitor the levels within the tanks and inform the waste contractor and property owner when the tanks need emptying earlier than the scheduled day. The tanks will also be encased in concrete to further prevent any potential leakage into the surrounding soils.
- 6.43 Consideration has also been given to the impact of the tankering of the waste from the site. Many of the objectors have sited that the narrow nature of the highway makes the site unsuitable for the use of cesspools. Each tank will need emptying every 45 days, with a emptying on average taking around 40 minutes. The Highways Officer has raised no objection to the proposal and considers that the proposed scheme allows sufficient space for tankers to pull off the highway and wait within the site when emptying. Working on the basis that the tank will be emptied every 45 days, this will equate to 8 tanker movements per property each year. (24 total across the site). The Highways Officer does not consider this to be significant and will not have an adverse impact on the safe and efficient flow of traffic on the network. No conflict with policy MT1 has been detected.
- 6.44 The issue surrounding the use of cesspools is very finely balanced, however, the use of cesspools as a means to deal with the foul waste from the proposed dwellings is considered to be compliant with policy SD4 of the CS in these specific circumstances. The policy does prefer that new development connects to existing mains wastewater infrastructure, however, it does allow for alternative provisions, such as the cesspools suggested.

Surface water management

- 6.45 Policy SD3 requires measures for sustainable water management to be an integral element of all new development in order to reduce flood risk; to avoid adverse impacts on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.46 The site is not within an area identified for flood risk, however, a number of the representations received from local residents have confirmed that Orcop Hill as a whole does suffer from surface water flooding in times of heavy rainfall. The owners of the houses which immediately adjoin the application site have expressed concerns with the land's stability and the presence of springs. On visits to the site and from evidence provided by the local residents it is clear at times the southerly edges of the site can be saturated.
- 6.47 Representations have expressed concerns about the risk of flooding to lower lying land and the flow routes of the drainage strategy. Policy SD3 requires developments to include appropriate sustainable drainage systems appropriate to the setting of the site and not result in an increase in runoff but achieve a reduction in the existing runoff rate and volumes, where possible.
- 6.48 The scheme now proposes a shallow sided swale in the proposed orchard land to the rear to the house which will discharge to the existing ditch at the south of the site. The Land Drainage Consultants have not objected to the surface water drainage strategy subject to further conditions relating to the detailed construction and management of the strategy. Officers are satisfied that a condition could ensure that prior to the commencement of development further details are provided relating to the surface water drainage with methods to be employed to delay and control the surface water discharge from the site and measures to be taken to prevent pollution of the receiving groundwater. The conditions would also require a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation and maintenance of the scheme throughout its lifetime. The applicants have confirmed that the surface water drainage system will largely be with the orchard to the rear of the properties which will be a communal area owned and managed by the three property owners. I have detected no conflict with policy SD3 of the CS and subject to further details the scheme would not increase localised flooding or have an adverse impact on the water quality in the area.

The impact of the development upon Highways Safety

- 6.49 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF paragraph 32).
- 6.50 The application proposes a new access to support the proposed three dwellings. The development site is bound to the north by an unnamed road and to the east by Wilkes Row. Both roads are typically single track with passing places which accommodate two-way traffic. There are no footways along their length and as such the carriageways are shared by all.
- 6.51 The supporting documents submitted in support of the application have confirmed that the access takes the form of a single priority junction arrangement, with a 4.5metre wide carriageway and a 6 metre radius. The new access has been designed following the completion

of an ATC speed and traffic count survey on Wilkes Row (U71419). Both roads are unlit and are subject to the National Speed Limit. However, the recorded 85th percentile speeds from the ATC speed survey were 24.5mph northbound and 24.8mph southbound. The details submitted in support of the application show 8m of hedgerow will need to be removed for the access with the required visibility in both directions achievable (32m to the south and 36m to the north). It is noted that there have been no accidents recorded in the area over the last 10 years.

- 6.52 The Council's Highways Engineer has recognised the narrow nature of the surrounding highways which are common in rural area such as Orcop Hill, however based on the information submitted within the Transport Statement and the submitted drawing no objection has been raised. It is considered that the additional traffic and trip generation that the development will give rise to, including the removal of foul effluent by tankers, can be safely accommodated on the local road network. In conclusion I detect no conflict with policy MT1.

Other matters

Ecology/Biodiversity

- 6.53 The application submission has been supported by an Ecological Report. The Council's ecologist has considered the ecological information provided and confirmed that subject to the imposition of conditions as below, the proposed development would comply with the relevant policies of the Core Strategy (LD3) and with the guidance contained within the NPPF.

Amenity

- 6.54 Policy SD1 in the CS requires all new development proposals to safeguard the residential amenity for existing and proposed residents. Overall, officers are content that the layout would generate good quality living conditions for occupiers with good provision for private amenity space and separation distances and that living conditions for neighbours would also be respected. This is achieved by maintaining appropriate separation distances throughout. In conclusion on this issue, it is concluded that the scheme accords with policy SD1 of the CS. A condition removing permitted development rights is proposed which will ensure the continued protection of the amenities of adjoining properties.

Impact on Heritage assets

- 6.55 The Parish Council have made reference to policy LD4 in the CS and the need to ensure that the development does not have an adverse impact on heritage assets (including non designated assets) in the surrounding area. I can confirm that there are no Listed Buildings within 1km of the site. Orcop Castle which is a Scheduled Monument is located 1.7km south of the site. The site is not considered to have any direct relationship with any heritage or non-designated heritage assets in the area and therefore officers are satisfied that the scheme does not conflict with policy LD4 of the CS.

The Planning Balance

- 6.56 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously
- 6.57 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would *significantly* and

demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole; it being the case that there are no footnote 9 restrictive policies applicable.

- 6.58 In this instance the scheme would make a contribution towards meeting the existing housing land supply shortfall. In providing a greater supply of housing and breadth of choice in the area the scheme is also likely to respond positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. Likewise, the additional housing will support local services and facilities and play a key part in the social role of sustainable development. In environmental terms, the site is considered to be well located on the edge of the settlement of Orcop Hill such that policy RA2 is satisfied. In economic terms the contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses would be acknowledged as fulfilment of the economic role and should be attributed significant weight in the decision making process.
- 6.59 The proposed development has been carefully considered in relation to the impact on the built and natural environment that relate to the environmental role. Officers are satisfied that the development is acceptable having regard to its context and locality and that it would comply with the relevant policies of the NDP, Core Strategy and NPPF.
- 6.60 Technical matters in respect of highway safety and drainage have also been carefully considered and whilst concerns raised by the Parish Council and the local residents objecting to the application have been carefully considered, the proposed development is considered to comply with the Development Plan.
- 6.61 In terms of the overall planning balance, I am content that in the context cast by the lack of housing land supply, the absence of demonstrable adverse impacts and the benefits arising in the social and economic dimensions, that the scheme is representative of sustainable development.

RECOMMENDATION

That subject to the conditions below and any other further conditions considered necessary by officers named in the Scheme of Delegation to Officers, officers are authorised to grant planning permission subject to the following conditions:

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C13 Samples of materials**
- 4. C65 Removal of permitted development rights**
- 5. C96 Landscaping Scheme**
- 6. C97 Landscaping scheme implementation**
- 7. CAB Visibility Splays**
- 8. CAE Vehicular access construction**
- 9. CAH Driveway gradient**
- 10. CAL Access, turning area and parking**
- 11. CBK Restriction of hours during construction**

12. Site drainage shall be undertaken in accordance with the details shown on drawing DO1 C (Outline drainage strategy) alternative details are submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed prior to the first occupation of the dwellings hereby occupied.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment to comply with the requirements of policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

13. CCK Details of slab levels

14. CAT Wheel washing

15. The recommendations for species' mitigation set out in Section 8 of the recommendations of the ecologist's report from Star Ecology dated March 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species including reasonable Avoidance Measures for great crested newts should be submitted in writing for approval to the local planning authority. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

16. CAZ Parking for site operatives

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. I05 No drainage to discharge to highway
3. I09 Private apparatus within the highway
4. I11 Mud on highway
5. I45 Works within the highway
6. I46 Wildlife & Countryside Act 1981

Decision:

Notes:

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Background Papers

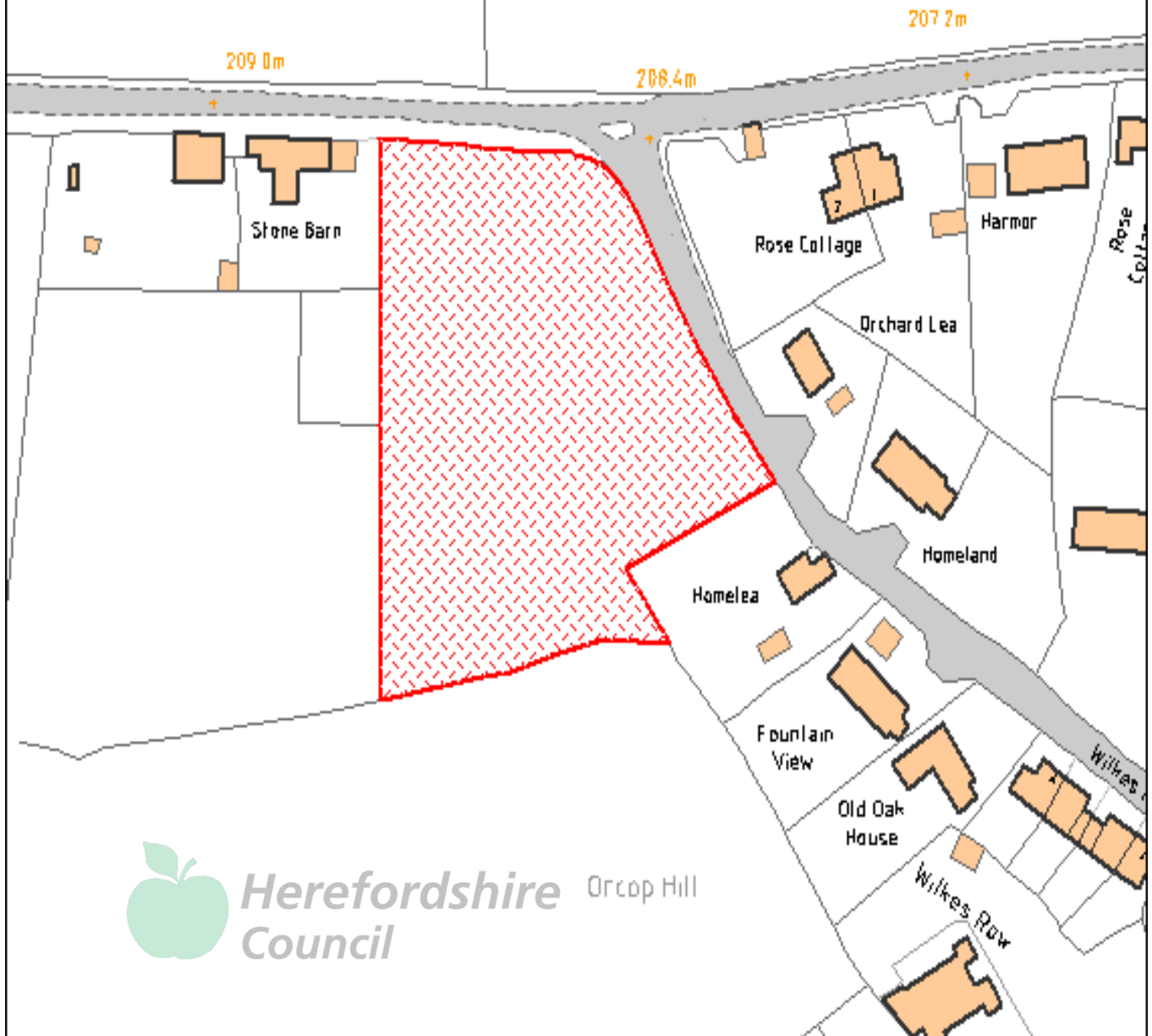
Internal departmental consultation replies.



Herefordshire Council



Herefordshire Council



Herefordshire Council Orcop Hill

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APPLICATION NO: 173385

SITE ADDRESS : LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961