

PLANNING APPLICATION P202554/F

September 9th 2020

RELEVANT POLICIES (SUMMARISED)

ALM1 - Sustainable Development to
Fit sensitively into the landscape
Avoid clusters of modern houses
Meet the specific housing needs in terms of house types and tenures

ALM5 - Design - Development to
Respect local distinctiveness and traditional qualities of the rural settlements and buildings

ALM11 - Housing Development in Woonton
Dwellings shall be of a scale, massing, density, building line and layout compatible with the character, size and form of the particular part of the settlement within which they are located and not adversely affect the amenity of adjacent properties.
Provision should be made for storm water drainage on site and should not lead to or increase flooding of other properties and the highway.
Special attention shall be given to ensuring foul/waste water drainage does not cause pollution, affect the amenity of other land or properties, or the integrity of any important wildlife habitats.

ALM17 - Protection from flood risk
Development not to cause or increase surface/storm water flooding or risk of pollution.

INFORMATIVE

This application is the latest in a series of attempts to develop this land. The first application pre-empted the NDP and was approved despite serious reservations by the Parish Council and local residents regarding the suitability of the land to accommodate soakaway drainage. The site failed to find a buyer.

The area is known to flood in winter, the local sub-soil is mainly clay and the fact that the applicant's drainage adviser carried out percolation tests only during the summer casts doubt upon his results and recommendations.

Of particular relevance is the objection by Herefordshire Council's Land Drainage Engineer in the Planning Officers Report dated 04 May 2020. The facts contained therein must be considered as remaining relevant today. He categorically states that contrary to information in the application the ground is not gravelly material but clay. He points out that percolation tests were not properly conducted and that the ground in the vicinity is not permeable. The Planning Officer's report states : 'An increase in flood risk would also occur as a result of surface water runoff exceeding the infiltration capacity of the ground in the proposed soakaway crates'. In this latest planning application, no changes have been done to the soakaway crates, and consequently would still mean this application contravenes NDP policy ALM17. The report also states that infiltration is not a viable means for the management of foul water on this site, but the method of disposing of foul water in this latest application is still by infiltration.

The percolation and infiltration test reports used in the applicant's previous planning application (P193562/F) which was refused, have been resubmitted in this planning application. These tests were based on percolation tests carried out in the summer of 2019 in trial holes of 600mm depth and in a covering letter the Agent has now disclosed the abandonment of that scheme. It is now proposed to remove all top soil to a base rock level of 1800mm and to attempt to dispose of effluent by discharging it directly into the bed rock. No percolation or infiltration data is provided regarding this revised proposal.

The UK Government has conducted research into the best sites to dispose of nuclear waste. As part of this research, a report has been produced which documents the geology of the Welsh Borders (report link - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834548/Welsh_Borderland_Regional_Geology_V.1.0a.pdf). According to this report, the main bedrock in the Woonton area is mudstone and siltstone. A further report produced by the National Geological Society (report link - <https://core.ac.uk/download/pdf/61318.pdf>) states that mudstone has a low to very low permeability. It is therefore essential that the applicant conducts further percolation and infiltration tests, ensuring the holes dug for the tests are to a depth of 1800mm. The tests should also be witnessed by Herefordshire Council and if possible conducted during the time of year which typically has most rainfall.

There is a risk that if foul water penetrates the bed rock it could contaminate the underlying aquifer and thereby deep water abstraction sources such as boreholes and deep wells, one of which is sited in a property within 50m of this site and is used by the residents for watering food produce. This would go against the General Binding Rules for small sewage discharges, where rule 7 states 'The discharge must not be within a groundwater Source Protection Zone 1 or within 50 metres from any well, spring or borehole that is used to supply water for domestic or food production purposes.'

It should be noted that should the proposed drainage systems fail to work, the new occupiers of these houses would find themselves in properties unfit for occupation and thereby unsaleable. The resultant litigation and costs could be considerable.

This application increases the size of the previously proposed dwellings to relatively large, executive style houses. Policies ALM 1, ALM5 and ALM11 are therefore relevant. The preferences expressed in the pre-NDP Parish survey are reflected in those Policies. It is highly questionable whether or not the proposed development could be regarded as compatible with it's surroundings or, to meet the specific local housing needs in terms of house types as detailed in the NDP.

The proposal appears to entail a real risk of foul water pollution in an area known to flood in winter and which is in the River Wye Special Area of Conservation. The refusal reasons given in May 2020 are therefore still valid as there have been no material changes to site conditions or relevant policies. It should also be noted that the site is currently good agricultural land, not a building site as stated in the application form.