

**From:** Jones, Ollie  
**Sent:** 15 March 2020 19:44  
**To:** 'Jim Hicks' <[jim@oha-architecture.co.uk](mailto:jim@oha-architecture.co.uk)>  
**Subject:** RE: P193871/F - Sutton Lakes House Sutton St Nicholas Hereford Herefordshire HR1 3NS - Proposed Replacement dwelling and office

Jim,

### **193871 - Sutton Lakes House, Sutton St Nicholas**

Thank you for your email and I apologise for the delay in getting back to you. I am dealing with a caseload of in excess of 90 applications at present and have recently had to take some time off unexpectedly.

I have spoken informally with the Building Conservation Officer and the comments are that the amended drawings represent a significant improvement. However, they consider that the double garage is somewhat bulky. I note the aspiration here is to accommodate a first floor bedroom and whilst there is no objection to this in principle, I wonder if there is any scope to reduce the overall scale/height of this slightly?

With regards to HRA, I shall re-consult with the Council's Ecologist in relation to re-screening the proposal in light of the amended scheme.

I would be grateful if you could firstly advise as to whether you will look to reduce the overall bulk of the garage as to address the Building Conservation Officer comments and secondly agree to an amended development description of 'proposed replacement dwelling' in order to account for the omission of the office structure?

Once you have advised on the above, I shall update the file accordingly and engage the relevant re-consultations where necessary.

I look forward to hearing from you in due course.

Kind regards,  
Ollie

**Herefordshire.gov.uk**

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#### **Ollie Jones**

Senior Planning Officer | Northern Team  
Development Management | Economy and Place | Herefordshire Council

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@ [Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)

Tel 01432 260504

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**From:** Jim Hicks <[jim@oha-architecture.co.uk](mailto:jim@oha-architecture.co.uk)>

**Sent:** 10 March 2020 11:40

**To:** Jones, Ollie <[Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)>

**Cc:** Bishop, Kevin <[Kevin.Bishop@herefordshire.gov.uk](mailto:Kevin.Bishop@herefordshire.gov.uk)>; Padstone - Mark Young [REDACTED]

**Subject:** Re: P193871/F - Sutton Lakes House Sutton St Nicholas Hereford Herefordshire HR1 3NS - Proposed Replacement dwelling and office

Dear Ollie,

Further to our email of 20th February, below, and having considered the comments now received from the council's Historic Buildings Officer, we now enclose the following amended drawings:

2018.089-P002-D

Block plan as Proposed

2018.089-P003-D

Site Plan as Proposed

2018.089-P100-F

Ground Floor Plan as Proposed

2018.089-P101-F

First Floor Plan as Proposed

2018.089-P200-E

Elevations as Proposed

2018.089-P201-D

Elevations as Proposed

Please would you ensure that the previous versions of these drawings as well as the 3D visualisations (P400 and P401), and office elevations (P202) are disregarded / superseded as they no longer form part of the amended proposal.

The amendments carried out to the scheme include:

- **removal of the office building** (to address HBO comments and remove any additional foul drainage output);
- **reconfiguration of the house and garage** (to address HBO comments);
- **amendment to drainage proposals, removing proposed package treatment plant and retaining existing septic tank and drainage field with no alterations to the existing means of foul drainage which currently serves an existing 4 bedroom dwelling** (to address HRA / drainage comments).

Notwithstanding the fact that the previous proposal was 'screened out' of the HRA process by the council's ecologist, we consider that the amended scheme now provides the LPA with additional reassurance that the scheme is demonstrably 'nutrient neutral' as it simply replaces an existing 4 bedroom dwelling with a new 4 bedroom dwelling connected to the same (existing) foul drainage system which serves an existing property of the same occupant capacity as the proposal.

We also consider that the amended proposals fully address the comments provided by the LPA's HBO, and indeed we have sought to accommodate the council's HBO comments on the scheme throughout the pre-app and planning application process.

We trust that the enclosed now enables the council to move to determination of the application. If you require any further information from us to be able to determine the application, including agreement of suggested planning conditions, please let me know as soon as possible.

We look forward to hearing from you.

Kind Regards

Jim

**Jim Hicks** BSc. (Hons) RIBA cert. Arch.  
Director

**OWEN HICKS ARCHITECTURE**

Second Floor Offices  
46 Bridge Street  
Hereford | HR4 9DG

t: 01432 261 152  
m: 07590 400 980

[www.oha-architecture.co.uk](http://www.oha-architecture.co.uk)

RIBA Chartered Practice. Registered in England and Wales. Company Registration Number 8563854

On 20 Feb 2020, at 16:27, Jim Hicks <[jim@oha-architecture.co.uk](mailto:jim@oha-architecture.co.uk)> wrote:

Dear Ollie,

Thank you for your email. Please could you confirm where the council considers uncertainty arises in the submitted calculations? To my mind the calculations submitted are based on quantifiable and verifiable data concerned with the effluent volume output of package treatment plants vs traditional septic tanks. If the council wishes to challenge the methodology or accuracy of the calculations, please could the council clearly state where it considers that issues arise, or provide its own calculations to refute the calculations provided by the applicant's consultant in

order that this response can be scientifically scrutinised by relevant consultants and responded to?

I appreciate that the council are in the process of updating their position statement on the HRA matter, but as nothing further has been published since the 15th October statement, I refer to the guidance contained within that document, which states:

***"There remains potential for a positive Appropriate Assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that any impacts would be neutral (where avoidance / mitigation measures included in the plan or project, counterbalance any nutrient (phosphate) increase from the plan or project)..."***

In this case, the drainage consultant's calculations clearly demonstrate a neutral impact: the replacement of the existing septic tank with a package treatment plant of the calculated size connected to the same, existing drainage field is shown to counterbalance any nutrient increase from the proposal. Your email refers to a need to demonstrate phosphate reductions - is this a new requirement to be contained in a revised position statement? If so, it would be most helpful to receive details of the council's latest position pertaining to this matter as it is currently under review by a legal team appointed by HCILG.

We consider that providing information pertaining to ground water levels on neighbouring land is likely to confuse rather than clarify the current position of certainty, given that:

- a) this application relates to modifications to an existing drainage system, not the laying of a wholly new drainage system (the understood focus of the NE criteria). The baseline for decision making is therefore the output of the existing situation and drainage system, ground conditions are a constant between the two scenarios (existing and proposed) and therefore irrelevant in consideration of whether neutrality is achieved;
- b) the trial pits are stated as having been completed on a different (neighbouring) site - it is therefore arguable whether the trial pits would contribute towards or detract from the current informed scientific certainty associated with the proposals;
- c) the applicant has already demonstrated neutral impact - the calculated phosphate increase from the proposal being avoided through the calculated phosphate reduction flowing from the proposed removal of an existing septic tank and replacement with a package treatment plant;
- d) the council as the 'competent authority' have already completed a positive AA for this application based on the information previously submitted. Related to this point, please could you clarify at what point the AA is considered to have been completed? For example, if the AA process is to be regarded 'open ended' as is suggested with the approach being taken with this application, what is to prevent the position being revisited (by the council or others) after the grant of planning consent, prior to discharge of conditions, during construction, or even during occupation?

with kind regards,

Regards,

Jim

**Jim Hicks** BSc. (Hons) RIBA cert. Arch.  
Director

**OWEN HICKS ARCHITECTURE**

Second Floor Offices  
46 Bridge Street  
Hereford | HR4 9DG

t: 01432 261 152  
m: 07590 400 980

[www.oha-architecture.co.uk](http://www.oha-architecture.co.uk)

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On 20 Feb 2020, at 12:31, Jones, Ollie <[Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)> wrote:

Jim,

Thanks for the email. I am aware of this discrepancy and fully aware of the proposed drainage arrangement. Whilst I note the proposed calculations with regards to the expected effluent discharge, to have scientific certainty over the predicted 'betterment' or 'neutrality' we would need calculations to demonstrate the phosphate reductions.

With this in mind, the 5 criteria is much more straightforward to demonstrate and as per my previous email, would request details of the locations of the excavation pits if at all possible.

Regards,  
Ollie

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**Ollie Jones**  
**Place Directorate**  
Senior Planning Officer  
Northern Team  
Development Management  
01432 260504  
<[image008.png](#)>

**Economy and**

Plough Lane, Hereford, Herefordshire, HR4 0LE

[Ollie.Jones@Herefordshire.gov.uk](mailto:Ollie.Jones@Herefordshire.gov.uk)

-

Main Council Switchboard:  
01432 260000  
General Planning Enquiries:  
[planningenquiries@herefordshire.gov.uk](mailto:planningenquiries@herefordshire.gov.uk)  
Planning Registration Enquiries:  
[planningregistration@herefordshire.gov.uk](mailto:planningregistration@herefordshire.gov.uk)

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**From:** Jim Hicks <[jim@oha-architecture.co.uk](mailto:jim@oha-architecture.co.uk)>  
**Sent:** 19 February 2020 16:11  
**To:** Jones, Ollie <[Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)>  
**Cc:** Padstone - Mark Young [REDACTED]  
**Subject:** Re: P193871/F - Sutton Lakes House Sutton St Nicholas Hereford Herefordshire HR1 3NS - Proposed Replacement dwelling and office

Dear Ollie,

Thank you for your email. I have provided to our client and his drainage consultant for review.

However, I think there is some confusion evident within the council's land drainage representation as while it acknowledges (and accepts the principle) that we are proposing to connect to the existing drainage field, it later refers to the need for tests to determine whether a drainage field is a viable option on the site (despite the presence of the existing drainage field on the site which has evidently functioned satisfactorily for several decades), and goes on to refer to a further requirement for a new drainage field to replace the existing drainage as well as providing technical detail for new drain field construction, all of which is irrelevant for this proposal.

To be clear, the proposal is to utilise the existing drainage field which serves the existing 4 bedroom property on the site.

The H+H drainage report and enclosed calculations demonstrate that the existing drainage field is sufficient to serve the proposed development (a like for like replacement plus an additional office) so long as the existing septic tank is replaced with the correctly sized package treatment plant which will reduce the volume of treated effluent volume entering the drainage field, sufficient to offset the minor increase in load generated by the additional office.

The 'scientific certainty' required to complete a positive AA appears to have been provided by the calculations (which can be verified and interrogated as necessary) contained within the H+H report which demonstrate there will no net additional treated effluent entering the drainage field over and above the existing situation. In turn, there can be no net additional phosphate entering the Lugg catchment over and above the existing situation.

We consider that a positive AA could be completed on the basis of the neutrality calculations alone, without needing to refer to the NE criteria which we understand (from our direct discussions with Natural England through HCILG) were provided as one possible way for for a

positive AA to be completed on new development proposals (i.e. new dwellings and drain fields where none previously existed) within the Lugg catchment.

Notwithstanding this, the H+H report provides the Competent Authority with an additional layer of certainty beyond the neutrality calculations alone, as it demonstrates that the existing drain field would also appear meet the majority of criteria for wholly new development in the Lugg catchment *in addition* to demonstrating neutrality.

We note that the council's ecologist has not conditioned or qualified his his conclusion that the application should be screened out, and that he has been able to draw his conclusions and satisfy himself with scientific certainty that there will be no additional phosphate output over and above the existing situation from the existing system serving the existing dwelling, based on the information and calculations provided.

We therefore remain of the view that the Land Drainage comments pertaining to HRA matters are redundant in the context of nutrient neutrality having been demonstrated and a positive AA having been completed. The further technical details (erroneously or otherwise) referred to in the Land Drainage representation are a matter for Building Regulations compliance, which is controlled by separate legislation and in our view, should not form part of a planning decision in line with NPPF paragraph 183.

If any of the above is unclear or if you wish to discuss, please do not hesitate to contact me.

Kind Regards,

Jim

**Jim Hicks** BSc. (Hons) RIBA cert. Arch.  
Director

**OWEN HICKS ARCHITECTURE**  
Second Floor Offices  
46 Bridge Street  
Hereford | HR4 9DG

t: 01432 261 152

m: 07590 400 980

[www.oha-architecture.co.uk](http://www.oha-architecture.co.uk)

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On 19 Feb 2020, at 13:24, Jones, Ollie <[Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)> wrote:

Jim,

Following my below email, I have further considered the exception criteria for screening out the application. As I said, whilst mitigation is not required if the application is screened out, we do need scientific security over the exception criteria being met. So whilst the request from Land Drainage should generally be for demonstrating whether the site can demonstrate a sustainable drainage strategy, in this instance it is fundamentally penitent to HRA screening.

With the above in mind, noting that the trail holes were in the neighbouring property, could you indicate the precise locations of these, when they were tested and evidence of any results if at all possible. This would inform us as to whether we consider that trail holes would be required on the application site prior to determination.

I look forward to hearing from you.

Kind regards,  
Ollie

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**Ollie Jones**  
**Place Directorate**  
Senior Planning Officer  
Northern Team  
Development Management  
01432 260504

**Economy and**

Plough Lane, Hereford, Herefordshire, HR4 0LE

<[image004.png](#)>

[Ollie.Jones@Herefordshire.gov.uk](mailto:Ollie.Jones@Herefordshire.gov.uk)

Main Council Switchboard:

01432 260000

General Planning Enquiries:

[planningenquiries@herefordshire.gov.uk](mailto:planningenquiries@herefordshire.gov.uk)

Planning Registration Enquiries:

[planningregistration@herefordshire.gov.uk](mailto:planningregistration@herefordshire.gov.uk)

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**From:** Jones, Ollie  
**Sent:** 18 February 2020 13:37  
**To:** 'Jim Hicks' <[jim@oha-architecture.co.uk](mailto:jim@oha-architecture.co.uk)>  
**Subject:** RE: P193871/F - Sutton Lakes House Sutton St Nicholas Hereford Herefordshire HR1 3NS - Proposed Replacement dwelling and office

Afternoon Jim,

**193871 - Sutton Lakes House, Sutton St Nicholas, Hereford**

Thank you for your email. Sorry – I have been meaning to email you this week advising of the application being successfully screened out of HRA but alas current workloads have meant you've beaten me to it!

My view on this is that given the application has been screened out and that therefore, no mitigation for HRA is required, this request from Land Drainage is not relevant or necessary. I have just forwarded this over to the Ecologist for them to confirm, however. Even though the application has been screened out, any approval will need to be conditioned accordingly to ensure that the drainage arrangements are secured. However, this should be likely to be achieved through compliance conditions.

I would also advise that I understand Conor Ruttledge (Conservation Officer) was due to be contacting you directly as I am aware he had some comments re the layout and orientation of that proposed. I think this mostly related to the siting of the office building being forward of the principal elevation of the dwelling. Obviously, it falls on my part to make an assessment of any comments that are made from the Conservation Officer relating to the historic environment and these would need to be weighed up in the planning balance.

Once I receive the comments from the Conservation Officer I will be better placed to make a full assessment of the application – also taking into account the pre-application advice received.

I will get back to you once I hear from the Ecologist but I hope this helps in the meantime.

Kind regards,  
Ollie

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**Ollie Jones**  
**Place Directorate**  
Senior Planning Officer  
Northern Team  
Development Management  
01432 260504  
<[image009.png](#)>

**Economy and**

Plough Lane, Hereford, Herefordshire, HR4 0LE

[Ollie.Jones@Herefordshire.gov.uk](mailto:Ollie.Jones@Herefordshire.gov.uk)

—  
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01432 260000  
General Planning Enquiries:  
[planningenquiries@herefordshire.gov.uk](mailto:planningenquiries@herefordshire.gov.uk)  
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[planningregistration@herefordshire.gov.uk](mailto:planningregistration@herefordshire.gov.uk)

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**From:** Jim Hicks <[jim@oha-architecture.co.uk](mailto:jim@oha-architecture.co.uk)>

**Sent:** 18 February 2020 13:06

**To:** Jones, Ollie <[Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)>

**Cc:** Padstone - Mark Young [REDACTED]

**Subject:** P193871/F - Sutton Lakes House Sutton St Nicholas Hereford Herefordshire HR1 3NS - Proposed Replacement dwelling and office

Dear Ollie,

With regard to the above application, we are pleased to note no objection from the council's Transportation manager.

We are also pleased to note that council's ecologist has confirmed no objection to the proposals (dated 04.02.20). As the council's ecologist points out, the submitted drainage report confirms that the proposed new PTP connected to the existing drainage field is sufficient to cope with the replacement dwelling plus the proposed office, and that the existing drainage field complies with the River Lugg SAC criteria agreed between Natural England and the LPA, as per the council's position statement of 15.10.19.

We note that the Council's Land Drainage Consultant (06.01.20) confirms no objection to the proposal but recommends that prior to determination, a trial pit is excavated to demonstrate that ground water is at least 2m deep, in order to satisfy the Natural England criteria:

***"We note the proposal is to connect the new buildings to the existing drainage field and accept this proposal in principle. We Request that a trial pit is excavated to demonstrate the ground water is at least 2m deep, to satisfy Natural England's criteria for the river Lugg catchment. "***

We would however point out that this comment pre-dates the council's ecologist representation which subsequently concludes that:

***"no further HRA process or assessment of this application is required as it can be considered 'screened out' and no Likely Significant effects on the Lugg (Wye) SAC identified."***

With the above taken into consideration, we would question whether the requirement for a trial pit to demonstrate compliance with Natural England criteria prior to the application being determined remains valid.

Additionally, given that the proposal is to connect to the existing drainage field (which is supported by both Land Drainage and Ecology) and that no further HRA process or assessment is required, then we see no reason for pre-commencement planning conditions relating to

drainage to be imposed, since the foul and surface water drainage proposals will be required to demonstrate compliance with Building Regulation approved document H, Drainage and Waste Disposal. The proposals will be inspected by the Council's Building Control officers at both plan checking and site inspection stages of the Building Regulations process.

**Paragraph 183 of the NPPF says:**

*"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*

We would be grateful of your consideration of the above, and for an update on when the application may be determined, now that the HRA issue appears to have been resolved in this case.

Kind Regards,

**Jim Hicks** BSc. (Hons) RIBA cert. Arch.  
Director

**OWEN HICKS ARCHITECTURE**  
Second Floor Offices  
46 Bridge Street  
Hereford | HR4 9DG

t: 01432 261 152  
m: 07590 400 980

[www.oha-architecture.co.uk](http://www.oha-architecture.co.uk)

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