

Agenda

Planning and regulatory committee

Date: **Wednesday 15 November 2017**

Time: **10.00 am**

Place: **The Council Chamber - The Shire Hall, St. Peter's
Square, Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor J Hardwick
	Councillor BA Baker
	Councillor CR Butler
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor EL Holton
	Councillor TM James
	Councillor JLV Kenyon
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor EJ Swinglehurst

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES (TO FOLLOW) To approve and sign the Minutes of the meetings held on 4 October 2017 and 1 November 2017.	
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. 164103 - CLASTON FARM, DORMINGTON, HEREFORD, HR1 4EA Erection of 2 no. Additional broiler units on existing poultry site along with associated infrastructure.	9 - 38
7. 171777 - LAND BETWEEN GARBROOK AND LITTLE TARRINGTON COMMON ROAD, LITTLE TARRINGTON, HEREFORD HR1 4JA Proposed mixed use development comprising 15 dwellings including 5 affordable, 2 live work units and associated roads and footpaths, junction improvements, sustainable drainage, informal public open space, hedgerow and tree planting.	39 - 74
8. 164024 - FORMER COUNCIL OFFICES, 39 BATH STREET, HEREFORD HR1 2HQ Re-development of former council offices at bath street, hereford including change of use from b1 - business to c3 - dwellinghouses to provide a total of 75no. Apartments (comprising 1 & 2 bed apartments). Re-development includes partial demolition of existing buildings (as indicated on submitted drawings).	75 - 78

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairman)	Conservative
Councillor J Hardwick (Vice-Chairman)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Conservative
Councillor TM James	Liberal Democrat
Councillor JLV Kenyon	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor WC Skelton	Conservative
Councillor EJ Swinglehurst	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 November 2017
TITLE OF REPORT:	164103 - ERECTION OF 2 NO. ADDITIONAL BROILER UNITS ON EXISTING POULTRY SITE ALONG WITH ASSOCIATED INFRASTRUCTURE AT CLASTON FARM, DORMINGTON, HEREFORD, HR1 4EA For: Mr Thomas per Mr James Whilding MRICS FBIC, Addlepool Business Centre, Woodbury Road, Clyst St George, Exeter, Devon EX3 0NR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164103&search=164103
Reason Application submitted to Committee - Redirected	

Date Received: 28 December 2016 Ward: Backbury Grid Ref: 358418,240735

Expiry Date: 30 November 2017

Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 2 no. broiler units on land at Claston Farm, Dormington. These would be in addition to 2 no. existing units that house up to 110,000 birds and were granted planning permission via application 133305. The farm is a mixed-use enterprise located to the north side of the A438 Ledbury Road. The application site would be accessed via a track that was installed as part of the original planning permission, which leaves the main drive from the A438 and arcs around the western side of the farmyard.
- 1.2 The original planning permission necessitated the raising of the building platform out of the 1 in 100 year flood event (plus an allowance for climate change) and the installation of a water attenuation pond and underground dirty water storage system. The approved broiler units were completed in May 2015 and are fully operational. They operate under an EA IPPC - 'permit',
- 1.3 The current application is to locate 2 further units of the same size and broiler numbers (55,000 each) on land to the west of the existing. This application stems from the refusal of 161902, also for two broiler units, which proposed siting the poultry units on land to the immediate north of the existing units. This application was refused on the basis it would have represented development within Flood Zone 3b – functional flood plain. The revised site is predominantly in flood zone 1. The proposal will however require the formation of a surface water attenuation basin in a revised location to that currently serving the existing units and some flood storage compensation.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

The Proposal

- 1.4 The two poultry buildings would each measure 109.7m x 21.4m, with an eaves height of 2.85m and a ridge height of 6.125m. Each poultry building includes an attached control room on the west elevation. The development will be served by 4 No. feed bins which are located between the proposed buildings. As a result of the development, the overall capacity on the unit will increase to 220,000 birds (4 x 55,000).
- 1.5 The Environmental Statement confirms the proposed buildings will be clad with a polyester coated profile sheeting for the walls and roof. The finished colour of the walls is proposed as juniper green (BS12B29) and roof natural grey (BS10A05) to match the adjacent poultry units. The feed bins will be coloured juniper green.
- 1.6 The proposed buildings are identical and will have pan feeders, non drip nipple drinkers and heating which will be fuelled by the existing on site biomass boiler system. Ventilation within the buildings is based on high velocity chimneys with side inlet vents. The ventilation, heating and feeding systems are all fully automated and controlled by a computer system located within the control room. The system is alarmed for high and low temperature, feeding system failure and power failure.
- 1.7 The application describes mitigating landscaping in the form of native species tree and hedgerow planting along the northern, western and southern boundaries – the eastern being kept clear to facilitate access. Public footpath DR1 leaves the A438 and heads north through the yard and along the track passing between the existing and proposed sheds before crossing the River Frome and heading onwards towards Weston Beggard.

Production Cycle

- 1.8 The proposed poultry unit will produce standard birds, based on a 35 day growing cycle, with 10 days at the end of each cycle for cleanout and preparation of the buildings for the incoming flock. The unit will operate with 8 flocks per annum.
- 1.9 The chicks are placed within the building as day olds. The growing cycle extends to 35 days. Finished birds are removed in 2 stages; 35% of the crop is thinned at day 28 with the remainder cleared on or around day 35.
- 1.10 During the growing cycle temperature is controlled within the buildings. The buildings are pre-warmed to a temperature of 32°C on day 1 of the cycle reducing to 18°C over the growing cycle. The temperature is controlled by heating and ventilation systems.
- 1.11 At the end of each flock cycle, the buildings are cleaned out and the manure removed using a telescopic handler and loaded directly in waiting vehicles, which are sheeted and the manure removed from the site for disposal through spreading as a sustainable fertiliser on agricultural land.
- 1.12 Following manure removal, the buildings are washed out with high pressure power-washers and prepared for the incoming flock. The inside of the building and concrete apron would drain to a sealed concrete dirty water tank which will be emptied following each cleanout of the building by tanker.

Vehicle movements

- 1.13 The proposed poultry units will, in combination with the 2 no. existing generate a total of 178 two-way (89 in, 89 out) vehicular movements (including HGVs and mini bus, tractor and trailers) during each flock cycle with the highest HGV movements of 18 two-way (9 in, 9 out) HGV movements on day 28 and 36 two-way (18 in, 18 out) HGV movements on day 35 of the flock

cycle. There will be two days at the end of the flock cycle where the buildings are cleaned and manure removed onto tractors and trailers.

- 1.14 It is stated that clean-out will result in 22 two-way (11 in, 11 out) tractor and trailer movements on days 36 and 37.
- 1.15 For the avoidance of doubt the existing poultry development already has the benefit of an Environmental Permit issued by the Environment Agency and a variation for up to 230,000 birds was granted for the development proposed (but refused planning permission) via 161902. An Environmental Permit deals with the following areas:-
- Management - including general management, accident management, energy efficiency, efficient use of raw material, waste recovery and security;
 - Operations – including permitted activities, operating techniques, closure and decommissioning;
 - Emissions to water, air and land – including to groundwater and diffuse emissions, transfer off site, odour, noise and vibration and monitoring;
 - Information – including records, reporting and notifications;
 - Poultry production – including the use of poultry feed, housing design and operation, slurry and manure storage and spreading.

All of the above are permitted within the requirements of Best Available Techniques (BAT).

- 1.16 The scheme is also EIA development and has been accompanied by an Environmental Statement supported by the requisite environmental information to enable an assessment of the likelihood of significant environmental impacts. These include odour and noise assessments and a flood risk assessment. Although the site as now proposed is predominantly in flood zone 1, there is an incursion into flood zones 2 and 3, which will require compensatory storage elsewhere on the holding.
- 1.17 The Council has also commissioned its own bio-aerosol risk assessment report and independent odour assessment (Redmore Environmental Ltd). The risk assessment assesses the potential for emission of bio-aerosols and likelihood of impacts upon sensitive receptors living close by i.e. occupiers of dwelling houses within the vicinity.
- 1.18 Although occupying a position of comparative isolation north of the A438, there are two cottages at the entrance into Claston Farm at approximately 250 metres from the site. Claston Cottages lie approximately 380m to the south-east and The Maltings, a residential development at the north-eastern end of Dormington is also approximately 380m distant at its nearest point. Dormington lies to the south-west of the application site.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy.

The policies that are considered to be of relevance to consideration of this application are:-

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement & Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- LD1 - Landscape & Townscape
- LD2 - Bio-Diversity & Geo-Diversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable Water Management & Water Resources
- SD4 - Waste Water Treatment and River Quality
- RA6 - Rural Economy

2.2 National Planning Policy Framework 2012

Paragraphs 1 – 14 (inclusive) are considered to be of relevance

Paragraph 17 is considered to be of relevance

Section 1 entitled ‘Building a strong, competitive economy’ is considered to be of relevance.

Paragraph 32 is considered to be of relevance.

Paragraph 122 is considered to be of relevance.

Section 11 entitled ‘Conserving and enhancing the natural environment’ is considered to be of relevance.

2.3 Dormington and Mordiford Group Parish Council designated a NDP area on 22nd March 2014. At the time of writing a Regulation 14 draft plan had not been submitted to the Council. Accordingly no weight is attributable to the NDP at this stage.

2.4 The 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

3. Planning History

3.1 161902 Erection of 2 no. broiler units on existing poultry site. Refused 2nd September 2016

3.2 133305 Erection of 2 no. broiler units for up to 110,000 birds: Approved subject to conditions

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: Original comments. No objection subject to conditions

4.1.1 Thank you for referring the above application which was received on the 13 January 2017. We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted.

4.1.2 **Flood Risk:** As previously stated the location of the proposed raised platform for the 2 broiler units lies partially within Flood Zone 3 of the River Frome on our Flood Map for Planning. This is the High Probability Zone where land has a 1 in 100 year or greater annual probability of river flooding.

4.1.3 Following recent dialogue, the location of the proposed poultry units has been moved to the west of the existing units which is preferable to the original location nearer to the River Frome. Siting the poultry units at this location would have been contrary to National Planning Policy by placing inappropriate development in the functional floodplain (Flood Zone 3b as defined in Table 3 of the NPPF) which is only suitable for water compatible uses and potentially essential

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

infrastructure. The new location is shown to fall mainly within Flood Zone 1 (Low Risk) though some parts of this area in the north east fall within Flood Zone 3 (High Probability) and Flood Zone 2 (Medium Probability) of the River Frome.

- 4.1.4. **Sequential Test (ST):** The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 100–104 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government’s NPPG.
- 4.1.5 Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that ‘Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding’.
- 4.1.6 Further detail is provided in the NPPG; ‘Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required (see Paragraph 102 of the NPPF).
- 4.1.7 Flood Risk Assessment (FRA): Following the change of locations for the poultry units, a revised FRA has been produced by Hydro-Logic Services (Ref K0739/1 Rev 2 dated December 2016). Section 2.2 of the FRA discusses the new climate change allowances that were released in February 2016. However, the FRA highlights that modelling of the River Frome has not been undertaken and that the extent of the 1% plus climate change level has been taken from the existing extent of Flood Zone 2 (0.1% annual probability flood extent). The FRA goes on to state that topographic data indicates that this level is 52.40mAOD. Given the fact that the development is classed as a ‘Less Vulnerable’ use, and that the proposed location falls mainly within Flood Zone 1, this approach is acceptable on this occasion.
- 4.1.8 The revised FRA (Section 4.2) goes on to confirm that the platform for the units will be set 600mm above the estimated 1% plus climate change level of 52.40mAOD at 53.00m AOD, which is acceptable. It also confirms that a range of flood resilient measures will be considered and these are outlined in Table 4.2. As access / egress will be available, we are satisfied that the development itself will be safe in terms of flood risk.
- 4.1.9 The FRA then goes on to detail a flood storage compensation scheme to ensure that any reduction of floodplain capacity is compensated for in order to ensure flood risk elsewhere is not increased. Section 4.3.2 again uses the estimated 1% plus climate change level of 52.40mAOD as a basis for the compensation scheme. Table 4.4 of the FRA confirms that the loss of 355.8m³ resulting from the proposed development and attenuation pond can be compensated for on a level for level, volume for volume basis in an area highlighted in Figure 4.5. In fact, this volume is far less than the storage for the existing poultry units indicating that this was actually a better location for the units. Again, we are satisfied with these proposals and that flood risk elsewhere should not occur.
- 4.1.10 Surface water drainage arrangements for both the existing and proposed units, including the location of the proposed attenuation pond, would be a matter for the Herefordshire Council, as the Lead Local Flood Authority (LLFA) to assess and approve.
- 4.1.11 In summary, we are supportive of the relocation of the proposed units which is to an area at less risk of flooding than previously proposed. The FRA has demonstrated that the development will be safe and will not increase flood risk elsewhere by reducing flood storage capacity.

Condition: Finished floor levels shall be set no lower than 53.00mAOD in line with the FRA produced by Hydro-Logic Services (Ref: K0739/1 Rev dated December 2016) which is 600mm above the estimated 1% plus climate change flood level unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed development from flood risk for the lifetime of the development.

Condition: Flood storage compensation, shall be carried out, in accordance with the details submitted, including Section 4.3.2 of the FRA produced by Hydro-Logic Services (Ref: K0739/1 Rev dated December 2016) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

Reason: To minimise flood risk.

- 4.1.12 **Environmental Permitting Regulations:** The proposed development will take the total number of birds on site to 220,000, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.
- 4.1.13 Claston Farm currently operates under an EP for its intensive poultry operates and the applicant has applied for a variation to this permit in consideration of the possible increase in bird numbers.
- 4.1.14 Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.
- 4.1.15 For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.
- 4.1.16 **Manure Management (storage/spreading):** Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership.
- 4.1.17 **Additional comments in response to the updated ES and Flood Risk Assessment v.3**
- 4.1.18 We understand from the updated Flood Risk Assessment (FRA) that discussions have been ongoing with the Council, as the Lead Local Flood Authority (LLFA), regarding the culverting of an existing ditch running from the A438 to the River Frome past the proposed location of the broiler units. As this ditch is classed as an ordinary watercourse, this would fall under the Council's remit; who would need to consent the culverting works and be satisfied that the culvert has sufficient capacity to deal with the 100 year plus climate change flows in the watercourse.
- 4.1.19 It appears from the updated FRA that the overall proposals for the broiler units remain unchanged, including the proposed finished floor levels and flood storage compensations scheme. We therefore have no additional comments to make from our response dated 19 January 2017 (Ref: SV/2016/109025/05-L01) and the flood risk conditions that we recommended.

4.2 Natural England: No objection

NO OBJECTION

4.2.1 Based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites - River Wye Special Area of Conservation

4.2.2 Based on the plans submitted. Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

4.2.3 To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Environment Agency pre-app screening dated 29/9/15 (Appendices 9-10)
- Details of how surface water, foul water and dirty water will be dealt with. (Environmental Statement)
- Details regarding manure including manure management plan. (Environmental Statement and Appendices 1-4)

Sites of Special Scientific Interest

4.2.4 The proposal site is within 5 km of the following SSSI's:

Perton Roadside Section and Quarry, Little Hill, River Lugg, Lugg and Hampton Meadows, Woodshuts Wood, Haugh Wood, Sharpnag Wood, Scutterdine Quarry & River Wye.

4.2.5 Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these site has been notified and has no objection.

Protected Landscapes - Wye Valley AONB

4.2.6 Based on the plans submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONB. We would advise that any landscape and visual impacts are minimised as far as possible.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

4.3 Welsh Water

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

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

Our response is based on the information provided by the 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.

Consultation Summary

4.4 Transportation Manger: No objection

The additional traffic from the proposal is considered acceptable on the network. The proposal is acceptable subject to the following condition: CAL

4.5 Environmental Health Manager: No objection

Original comments dated 3 February 2017

4.5.1 Our comments are to assess potential noise and nuisance issues that might arise from development. This application is for the expansion of an existing broiler unit with two additional sheds and associated increase in the number of birds by 110,000 making 220,000 in total. The site is permitted by the Environment Agency and the permit controls all emissions to air land and water arising from this site.

Odour

4.5.2 The applicant has supplied an odour dispersion modelling assessment. The assessment advises that the predicted maximum annual 98th percentile hourly mean odour concentration at all the domestic sensitive receptors is within the benchmark criteria established by the Environment Agency of 3 ouE/m³. On odour grounds our department has no objections to this proposal.

Noise

4.5.3 The applicant has supplied a noise impact report which assesses the cumulative impact of the expansion of noise emitted from the extract fans on the nearest sensitive receptors. The assessment findings that the fan noise is below the background sound level at each property during day time and evening. The assessment also finds that transport noise arising from HGV movement and fork lift trucks loading and unloading during the day time is also below the background sound level and during the evening the noise impact will be very low to negligible. The report also finds that at night time the noise impacts of vehicular movement and the extract fans will be very low to negligible. On noise grounds therefore our department has no objections.

Further comments dated 29 September 2017 (these comments are offered following the Council's commissioned review of the Odour Modelling, independent Odour Assessment and Bio-aerosol Assessment).

4.5.4 The most likely causes of concern for neighbours from operational activities associated with this type of development are:-

1. Odour, directly from the poultry houses which will vary during a growing cycle but is particularly elevated during harvesting and cleaning operations and can be a problem associated with the storage, disposal and associated manure spreading activities.
2. Operational noise; Emitted from ventilation systems, deliveries and harvesting etc.
3. Dust, including small and fine particulates.
4. Insect and rodent infestations.

- 4.5.5 The application has dealt with these matters in the following manner:
(1). An **Odour** Dispersion Modelling Study of the impact of Odour Emissions from the Existing and Proposed Broiler Chicken Rearing Houses at Claston Farm, Dormington in Herefordshire prepared by Phil Edgington, AS Modelling and Data Ltd., dated 12th November 2016 has been submitted in support of the application. This report concludes that the modelling predicts that, should the new units proceed, the maximum annual odour concentrations would remain below the Environment Agency's benchmark for moderately offensive odours, i.e. a 98th percentile hourly mean of 3.0ouE/m³ at all residential premise.
- 4.5.6 Due to ongoing concerns about the risks posed by odour, Herefordshire Council instructed Redmore Environmental to undertake a peer review of the applicants odour assessment and then to carry out another independent Odour assessment. The review highlighted weaknesses regarding the use of certain assumptions on input data and absence of reference to the Institute of Air Quality Management (IAQM) guidance. It was satisfied that the appropriate modelling and the conclusions reached on the results provided, with the proviso that these may be affected by the use of the IAQM guidance.
- 4.5.7 Redmore Environmental undertook their own Odour Assessment using the ADMS - 5.1 (V5.1.2.0) software which matches that used by A S Modelling and Data Ltd but inputted data independently so as to address the concerns it highlighted in the Peer Review section 3.1.2 i.e.
- Used IAQM guidance in the assessment
 - Used odour emission value data obtained from EA guidance 'Odour Management at Intensive Livestock installations'.
 - Used the emission rates based on the information provided in the applicants odour assessment assuming that all fans run constantly with an efflux velocity of 14.0m/s 24-hours per day, 365-days per year.
 - A lower source (fan) height was used than that in the applicant's odour assessment. The height used was obtained from the architectural drawings submitted with the application and as used in the Noise impact assessment.
 - The assessment considered emissions distributed for release from 11 fans per shed.
 - Because details of clean out process were not available and inaccurate assumptions might lead to an under prediction, clean out periods were not represented. Redmore Environmental consider that this omission was offset through the choice of maximum odour emission rate and additionally periods when the shed are empty and there is limited odour emissions were not included in the model and that this provided a conservative estimation for an average hour within the year. Redmore have clarified in a telephone conversation that the inclusion of the clean out periods would not affect the recognised assessment descriptor i.e. the 98th percentile.
 - It used meteorological data taken from Hereford Credenhill meteorological observation station over the period 1st January 2010 to 31st December 2014 as it anticipated that conditions would be reasonably similar and the data considered suitable.
 - The Monin-Obukhov Length which provides a measure of atmospheric stability was included in the modelling. A minimum length of 1m was used. It was not clear if this had been done in the applicant's submission and if so what factor was included. (N.B. It is my understanding that this length will vary according to the type of location e.g. the atmosphere is less stable in built up areas due to higher ground surface temperatures etc).
- 4.5.8 It is my opinion that the Redmore Environmental report has addressed the items identified in section 3.1.2 of the Peer review.
- 4.5.9 Although the Redmore Environmental odour assessment predicts higher 98th percentile odour concentrations than the AS Modelling and Data report submitted by the applicant, at 21 of the 22 receptors that were considered, it concludes that 'Following consideration of the relevant issues, the overall odour effects as a result of the proposed poultry unit are considered to be not significant, in accordance with the IAQM guidance,'

- 4.5.10 It is normal practice for all sheds on a poultry site to operate on the same growing cycle. I believe this is mainly for biosecurity and also for logistical reasons. The Environmental Statement advises that the unit will have 8 flocks per year which equates to the sheds being used in tandem.
- 4.5.11 (2). A **noise** impact assessment report dated the 19th December 2016 was produced by Acorus Rural Property Services LTD. The assessment was done in accordance with BS4141:2014 'Methods for Rating and Assessing Industrial and Commercial Sound. This is the appropriate standard to use and the assessment also had regard to World Health Organisation advice. It considered sound from both fan and transport activities and concluded that the proposed development will be acceptable on noise grounds. I have reviewed the report and am satisfied with it's conclusions. The predicted sound levels attributed to the proposal are very low.
- 4.5.12 (3). Concerns have been raised regarding **dust and fine particulate emissions** including bio aerosols. Bio aerosols are airborne particles that contain or originate from living organisms and include spores, pollens and bacteria etc. Bio aerosols exist naturally in the air and are also released by various agricultural activities. Redmore Environmental was requested by Herefordshire Council to undertake a bio aerosol risk assessment with regard to this proposal. A report dated 9th May 2017 was produced and concluded that, 'the residual risk from identified sources was determined to be low or very low. As such, potential impacts as a result of bio aerosol emissions from the proposed unit are not considered to represent a constraint to the proposal.'
- 4.5.13 The assessment assumed that standard industry practices as summarised in part 2.5 of the report would be used. I do not have first hand experience of this facility, but experience with other similar operations confirms that it would be unlikely that these practices would not be employed; the applicants supporting literature refers to the use of best practice and the legislative controls to which I will refer to later require that Best Available Techniques are used to control polluting emissions.
- 4.5.14 Whilst it is recognised that fine particulates can travel long distances DEFRA research has found that small particulate matter (PM10) including bio aerosols reduce to background levels within 100m from the poultry houses. The DEFRA screening assessment advice for Local Air Quality Management indicates that there would be no significant risk of exceeding the national 24hr mean PM10 objective as a consequence of this proposal. Therefore this does not raise concerns as regards local air quality.
- 4.5.15 Local residents have raised concerns about adverse health impacts. Herefordshire Council's Consultant in Public Health has advised in August 2016 that "Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities". This advice was based on the Health Protection Agency Position Statement dated 2006. I checked with Public Health England who on the 27th June 2017 confirmed that the advice in the Position Statement remains applicable.
- 4.5.16 (4). **Insect and rodent infestations** are not normally a problem with this type of development as good husbandry and appropriate control measure will ensure that problems do not occur, however should there be any future problems regulatory powers exist to ensure that appropriate controls are put in place.
- 4.5.17 This proposal will fall within the scope of the Environmental Permitting legislation, which considers all forms of pollution to air, land and water, including odour and noise and it will require a permit from the Environment Agency. The applicant has to demonstrate that the process can operate without causing undue harm prior to the grant of such a permit. Should the applicant not be able to demonstrate this, the legislation covering the regime allows for the refusal of a permit. Once a permit has been granted it is an offence not to comply with it's

requirements which can if necessary be varied. Permits may also be suspended and/or withdrawn.

4.5.18 Any complaints of nuisance pollution etc. would be directed to the Environment Agency. Based on the information provided there appear to be no sustainable grounds to oppose this proposal for the above concerns.

4.6 Conservation Manager (Landscape): I have seen the landscape proposals (dated December 2016) the tree planting whilst not entirely in keeping with this landscape character type; Principal Settled Farmlands, in this instance will assist in providing effective screening of the units from the wider landscape. The one comment I would make in relation to the tree planting is that it should take on a more organic formation, by this I mean it should extend out from the units with edge of woodland planting incorporated to create a natural landscape, this would be further complimented by the addition of wildflower meadow at the edge of the attenuation pond. Whilst its primary purpose is to provide screening there is no reason for the landscaping proposals not to provide an attractive habitat for wildlife in its own right.

The landscape proposals should be managed for a period of 5-10 years which can be achieved via a condition.

4.7 Conservation Manager (Built Heritage): No objection

Claston Farm Dormington consists of the traditional farmhouse which is now surrounded by modern steel frame farm buildings. The nearest listed buildings are located in the village of Weston Beggard which lies c450m to the north and at Dorminton 550m to the south west. The proposed location of the two poultry units is to the north west of the existing farm buildings; they are aligned east-west and are close to two other recently built poultry units. The land here is in a dip and the site of a large pond. The intensification of development would be most noticeable when viewed from the north looking into the site but given the already quite extensive existing agricultural development and the distance that the proposed new units would be from the two villages it is my opinion that the impact of the new units would result in less than substantial harm to the setting of the listed buildings. There will be an impact on the environment however and I recommend that the applicant provides an environmental impact assessment and implements mitigation measures to offset the harm. In this respect I suggest as a minimum that the northern boundary of the site is screened by a dense belt of native deciduous trees and solar panels are fitted to south facing roof slopes, as already fitted on the existing poultry sheds.

4.8 Land Drainage: No objection subject to conditions

Introduction

4.8.1 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 Soilscape mapping available online.
- Strategic Flood Risk Assessment for Herefordshire.
- Core Strategy 2011 - 2031.

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

- Application for outline planning;
- Proposed Plans & Elevations drawing (Ref: IP/DT/03 & IP/DT/04)

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- Location Plan drawing (Ref: IP/DT/02);
- Design and Access Statement
- Flood Risk Assessment (Ref: Report K0739) Rev 3, September 2017

Site Location

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



Overview of the Proposal

- 4.8.3 The Applicant proposes the construction of 2 additional broiler units on an existing poultry site. The site covers an area of 0.70 ha and is currently used for agricultural purposes. The main River Frome runs to the North of the site. The topography of the site is relatively flat from 51.4 to 53.2m AOD. A drainage ditches run to the north of the existing broiler units on site.

Fluvial Flood Risk

- 4.8.4 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 but is located directly adjacent to Flood Zone 2 and Flood Zone 3. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding. Flood Zone 2 comprises land where the annual probability of flooding from fluvial sources is between 1% and 0.1% (between 1 in 100 and 1 in 1000). Flood Zone 3 comprises land where the annual probability of flooding from fluvial sources is greater than 1% (1 in 100). The source of this flood risk is from the River Frome located approx. 180m to the north of the proposed development site.
- 4.8.5 The Applicant has stated that the poultry units will be constructed at a level of 53.0m AOD. This allows for 0.60m above the 1 in 100 year + Climate Change flood level. In addition, a number of generic flood resilience measures have been listed for incorporation in the design to manage the residual risk of flooding at the site. The access track is also being raised to 53.0m AOD to ensure it remains dry during the 1 in 100 year + Climate Change event.
- 4.8.6 The Applicant is proposing to provide compensatory storage for the north-eastern corner of the site which lies in Flood Zone 3.

Other Considerations and Sources of Flood Risk

- 4.8.7 Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer. Review of the EA's Surface Water flood map indicates that the site is not located within an area at significant risk of surface water flooding.

Surface Water Drainage

- 4.8.8 Runoff from the existing poultry units is already conveyed into an existing attenuation basin via a pipe. A plan has been presented identifying that the existing surface water drain serving the existing sheds is approximately 100mm higher than the proposed attenuation basin.
- 4.8.9 We note that there are proposals to divert the existing drainage to the new basin / ditch. The pipe will be installed at a slack gradient. This is not an ideal scenario, however we accept that if the pipe is subjected to occasional jetting then the drainage may be regarded as fit for purpose.
- 4.8.10 The Applicant has stated that an attenuation pond and 50mm orifice will be utilised to manage surface water run-off from all impermeable surfaces (existing poultry units and proposed). It has been proposed that the attenuation pond will be relocated to the north-western side of the proposed sheds. The applicant has estimated the 1 in 20 year flood level of the River Frome using the Mannings Equation as 51.39m AOD (extent of Flood Zone 3b). The proposed attenuation pond and bund are on land that is slightly higher than this.
- 4.8.11 A watercourse runs through the site (north-south). The applicant has proposed to culvert the watercourse using a 600mm diameter pipe. Following a review of the available cover, we consider that the culvert would need to be installed within a gravel bedding, below the concrete turning area. To facilitate wash-down of the surface a concrete strip (decking) should be installed directly above the culvert, cast against a 'tram line' of expansion joints either side of the pipeline. This would make it easier to break out the culvert if a repair were required. One Manhole Cover will be required mid way along the culvert to facilitate maintenance. Where the existing pipe crosses the watercourse additional access measures may be required if the pipe is found to be too low (see comments below).
- 4.8.12 An assessment has been made of the incoming flow that confirms the capacity of the proposed 600mm diameter culvert.
- 4.8.13 Appendix C includes a topographical survey of the existing site. A plan has been presented that demonstrates that the culvert may be regraded below the existing surface water pipe. Outflow from the attenuation basin is to be controlled by a 50mm diameter orifice. A Perforated Riser has also been proposed. A 2m overflow weir has been proposed to mitigate the residual risk of the orifice blocking in a storm. We note that earth bunds will be required to serve the attenuation area and the incoming ditch. We note that maintenance of the ditch will be possible using an excavation machine, from the driveway alongside the proposed shed. If the council is minded to approve the planning application, the applicant will need to clarify details of the soil that will be used to form the bund. The soil will need to be constructed using soil of low permeability or may require a clay core. Cross sections showing details of the bunds will also be required. We agree that vegetation should be allowed to grow in the bund because the plant roots will strengthen the bund.
- 4.8.14 The applicant has been able to demonstrate that there is no increased risk of flooding to the site or downstream of the site 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.

Foul Water Drainage

- 4.8.15 No foul water drainage information has been proposed for the site. However, washdown facilities will be required. The applicant has proposed to use the existing washdown tank on the eastern side of the north-south watercourse. The applicant proposes to install pipework below the concrete slab, with a maximum depth to invert of 800mm where the pipes cross the existing surface water drain. This is considered acceptable

Overall Comment

4.8.16 If the Council decides to grant planning permission, we suggest the following issues are addressed by means of Conditions:

- Ordinary Watercourse Consent will be required from Herefordshire Council for the proposed watercourse culverting works; an intermediate manhole will be required.
- Submission of a drawing showing the full extent of the compensatory storage, with a method statement to demonstrate that survey work is completed during the work.
- Cross sections of the proposed bunds should be provided with details of the soil type.

4.9 River Lugg Internal Drainage Board

We would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements

1 Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the required On-site Storage designed for the 1 in 100 year storm event.

2 For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.

3 The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.

4 All in compliance with The Institute of Hydrology Report 124 (IoH 124) - Flood estimation for small catchments (1994)

5 All to the satisfaction of the Engineer to the Board

6 No additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

4.10 Public Rights of Way Manager: Public footpath DR1 would not appear to be affected by the development. Providing it remains open and unobstructed, PROW will not object.

4.11 Conservation Manager (Ecology): Qualified comment

In line with email from the applicant 08/02/2017 We don't appear to have received a revised Landscaping proposal – this was to have a significantly reduced % of Elder (*Sambucus nigra*) which can be very invasive and swamp/kill other species proposed and consideration for Traditional Orchard enhancement through new planting of traditional 'standard' trees on vigorous rootstocks to supplement retained orchard trees/gap up and restore the orchard near to the main road which would help as part of the screening/landscaping of the expanded farm operation. I would request that this revised plan is requested as a pre-commencement Condition.

In line with past comments and discussions I would request a fully detailed Construction Environmental Management Plan as a pre-commencement condition. This must include a thorough set of Ecological Risk Avoidance Measures, including Great Crested Newts, other amphibians and reptiles.

A detailed biodiversity enhancement plan is requested in addition to required mitigatory landscape planting. This should include design details for the new SuDS pond to show how it will provide breeding and hibernacula enhancements for amphibians and reptiles as well as

aquatic insects. Bat and Bird boxes around the wider site are also requested. The new traditional orchard planting can be classed as an Enhancement and full details of proposed varieties, planting and protection methodology (fruit trees require completely different methodology to broadleaf trees) along with a 5 year establishment and 10 year management plan (Natural England's Traditional Orchard Technical Information Notes may be helpful reference material)

5. Representations

5.1 Dormington Parish Council: No objection

5.2 Weston Beggard Parish Council: No comment

5.3 32 letters of objection have been received. The content is summarised as follows:-

- People using the public footpath as well as Dormington residents will be at risk from aerial faeces/dead skin/mites/bacteria/fungal spores/mycotoxins/endotoxins/antibiotics/pesticides ammonia/hydrogen sulphide and run off water into surrounding land;
- There seems to be a race by Herefordshire and Powys to allow so many of these potentially dangerous units to be approved; more so than anywhere else in Europe;
- There is a strong and acrid smell from the existing units, which makes use of the garden and surrounds very unpleasant. The odour is particularly noticeable on clean out days;
- The proposal will see an increase in traffic and threat to pedestrians, including school children, accessing the bus stop on the A438;
- There is strong objection to any increased use of the Dormington Road, as it is already exposed to high levels of HGV traffic;
- The proposal will have an adverse landscape impact, affecting views across the valley from Dormington towards Weston Beggard;
- The proposal will have a negative impact on those living nearby with respiratory conditions. It should be a requirement that such developments prove it will have no adverse effects on human health and amenity whatsoever;
- The proposal will have a detrimental impact on users of the public right of way DR1;
- The bio-aerosol risk assessment underplays the likely effects;
- The co-location with existing units can only increase the likelihood of avian flu and it is only a matter of time before strains are communicable to humans;
- There are welfare issues associated with broiler production;
- There is a risk of increased run-off and pollution of the R. Frome and consequently the R. Lugg – a tributary of the R. Wye SAC/SSSI. This would be contrary to CS Policy SD4;
- The odours issues associated with storage and spreading of manure will increase. This is potentially contrary to CS Policy RA6;
- The proposal will not result in job creation to the benefit of the local community;
- The existing units have caused noise disturbance with regular instances of the alarms going off overnight;
- There has been no consultation with the parish council or local community;
- The future expansion of the poultry units to locations closer to sensitive receptors cannot be ruled out;
- The proposal will likely result in devaluation of house prices;
- The independent odour assessment is founded, like the applicant's report, on a number of significant non-scientific assumptions. For instance the clean out episodes have not been taken account of owing to the potential for inaccurate assumptions under representing their effect. This omission has been 'offset' by applying a maximum odour emission rate. Where is the justification for such an approach?
- The wind-rose data suggests that the prevailing winds will rarely be from the NE i.e. blowing emissions towards Dormington. However, our collective experience tells us that we do

experience revolting odours from the existing units and more worryingly, this malodour is likely to contain harmful particulates;

- Has any assessment been made of the bio-aerosols being emitted when the lorries bring the day old chicks to the farm?
- The factory farming process raises questions of animal welfare.

5.4 Herefordshire Ramblers: Qualified comment

I'm concerned that the Public Right of Way will be crossing the area of 'new concrete' which suggests that there is likely to be numerous vehicular movements in this vicinity and I would seek reassurance that safety measures will be put in place to protect pedestrians. From the Proposed Site Plan (JW/1149/1016) it would appear that at the southern end of the concrete apron there will be large vehicular gates with a kissing gate and at the northern end a further kissing gate installed on the line of the footpath. Both of these kissing gates need to be well way marked so that walkers can easily see the route through this area. I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

5.5 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=164103&search=164103

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

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."

In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above 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. Where CS policies are silent or out of date SS1 defers at b) to specific elements of national policy which indicate that development should be restricted. These are the footnote 9 policies set out at NPPF paragraph 14.

6.2 Under figure 3.1 the CS sets out 12 objectives to be delivered over the plan-period. These are arranged under the three headings of Social Progress, Economic Prosperity and Environmental Quality. Objective 8 (under Economic Prosperity) seeks to strengthen the economic viability of...rural areas by facilitating employment generation and diversification. Objective 8a gives explicit recognition to the importance of the county's land-based activities, including agriculture and food production. Under Environmental Quality objection 11 seeks to address the causes and impacts of climate change by ensuring new development...does not increase flood risk to new or existing property.

6.3 SS5 sets out that the continuing development of the "more traditional employment sectors such as farming and food and drink manufacturing will be supported."

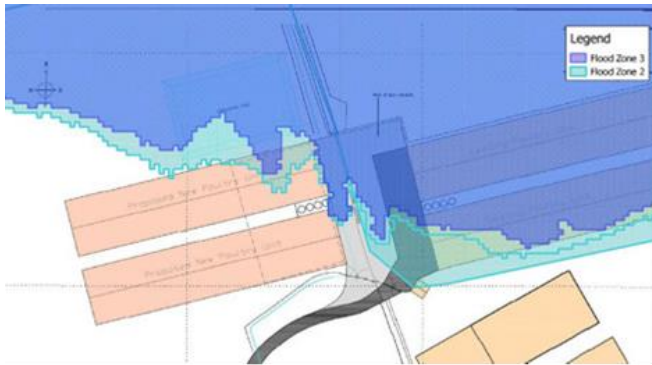
- 6.4 In terms of the more detailed policies, RA6 expresses support for proposals that “support and strengthen” local food and drink production.
- 6.5 All of the ‘local distinctiveness’ policies LD1-LD4 inclusive are relevant to the application as are SD1 and SD3. The local distinctiveness policies concern themselves with landscape, biodiversity, green infrastructure and heritage.
- 6.6 LD1 requires that development proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, with incorporation of landscaping schemes to ensure development integrates appropriately into its surroundings.
- 6.7 LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats. LD3 requires the protection, management and planning of green infrastructure.
- 6.8 LD4 requires development, in accordance with the NPPF and legislation, to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.9 SD1 - sustainable design and efficiency is a criterion based policy requiring, inter alia, that developments safeguard residential amenity for existing residents and do not contribute to or suffer from adverse impacts arising from noise, light or air contamination or cause ground water pollution. SD3 Sustainable water management and water resources, deals with flood risk, drainage, water resources and water quality. In particular development should not cause an unacceptable risk to the availability or quality of water resources. SD4 deals with the attainment of river water quality targets.
- 6.10 Having regard to the Environmental Statement, representations received and the provisions of the Statutory Development Plan and relevant material considerations, officers consider the key issues in the determination of the application are:-
- The impact of the development upon flood risk and surface water management.
 - The impacts of the development upon the living conditions of adjoining residents, including assessment of odour, noise, dust, pests and bio-aerosols.
 - The impacts of the development upon the safe operation of the local highway network.
 - The impact of the development upon the character and appearance of the local landscape.
 - Whether, taking the above issues into account, the development is representative of sustainable development such that the positive presumption is engaged.
- 6.11 The report is structured to respond to these issues in turn, with an assessment against the relevant planning policy, national guidance and where relevant, industry standards, before drawing a conclusion in respect of whether the scheme can be held to contribute to the attainment of sustainable development.

Flood risk and surface water management

- 6.12 Application 161902 was refused on the basis it promoted development in the functional flood plain. Pre-application discussion then ensued, aimed at determining whether an appropriate alternative location could be found on the holding.
- 6.13 NPPF defines agricultural development as less vulnerable and thus acceptable within flood zone 3 where the sequential test is passed. In the present case, and as highlighted above, the majority of the site is within flood zone 1, with the remainder in flood zones 1 and 2. This is shown below; the dark blue is flood zone 3, the lighter blue flood zone 2. Including the

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

proposed attenuation basin, 1,779 m² of the proposed development is within Flood Zone 2, indicative of the 1:100 year+CC fluvial event. Within this area, 1,128 m² is classified as Flood Zone 3, at risk from the 1:100 year or greater fluvial event.



- 6.14 The revised FRA incorporates a sequential test, which concludes that other planning constraints dictate that alternative locations upon the holding that are entirely within flood zone 1 are not, by reason of the available land and potential proximity to third party dwellings, feasible.
- 6.15 It has been proposed that two poultry units and associated features be constructed on a platform at 53.0 mAOD, raising the proposed poultry units 600 mm above the maximum extent of Flood Zone 2 (52.4 mAOD), indicative of the 1:100 year+CC fluvial event. Level-for-level floodplain storage compensation calculations have been undertaken.
- 6.16 A relatively small area of Flood Zone 3 would be affected by the development, which is marginal to the flood zone. All this area is above 51.2 mAOD and none is likely to be part of the functional floodplain (Flood Zone 3b).
- 6.17 An emergency access/egress plan and a number of flood resilience measures have been recommended for the site, to further mitigate flood risk. As the raised platform and proposed attenuation basin would be partly located within fluvial Flood Zone 3 and therefore take up floodplain storage, adequate floodplain storage compensation has been calculated on a level-for-level basis. Located near the edge of the floodplain, blockage of flood flow paths is not expected to be a significant issue at the site.
- 6.18 Runoff from impermeable areas of both the existing two poultry units on site and the two proposed poultry units can be managed using an attenuation basin with a basal area of 1,100 m². A 50 mm orifice, installed at the 0 m invert level would ensure that discharge from the attenuation pond would be below greenfield runoff rates at all return periods.
- 6.19 In summary, flood risk at the site can be managed by constructing the poultry units on a raised platform, above design flood levels. Adequate level-for-level floodplain storage compensation and the construction of an attenuation basin to manage runoff from the increased impermeable area on site would ensure that the development can proceed without increasing flood risk elsewhere. Commercial development of this site would be in accordance with the flood risk provisions of the NPPF.
- 6.20 The EA response confirms that subject to conditions this approach is considered acceptable, and the Council's Land Drainage Engineer has no objections either. On this basis, the scheme is considered acceptable with regard to flood risk and surface water management and thus complies with CS Policy SD3 and NPPF guidance.

Odour

- 6.21 What is evident in considering a series of planning applications and appeals for poultry units throughout the County is that one of the prime concerns of the local community revolves around odour and the impact that odour has upon the amenities one would normally expect occupiers of dwellinghouses to enjoy both within their houses and within their gardens (especially during the summer months). In this regard the Local Planning Authority submits that odour is a particularly difficult area to accurately assess. It cannot be measured by a machine in the way, for example, that noise can. Whilst there are standard methodologies and modelling approaches adopted they have inherent limitations and involve subjective judgements. Both proposed and existing scenarios (where poultry units are in-situ) are modelled.
- 6.22 The Institute of Air Quality Management's Guidance on the assessment of odour for Planning (May 2014) supports this view in that in the foreword paragraph 4 it states:-
- "The field of odour impact assessment is a developing one. It should be noted that Inspector's decisions on past planning appeals, though useful and often setting precedents, will have been based solely on the evidence that was presented to them, which may have been incomplete or of a different standard to current best practice: caution should therefore be exercised. This guidance describes what the IAQM considers current best practice: it is hoped it will assist with and inform current and future planning appeals and decisions"*
- 6.23 Furthermore paragraphs 5 and 6 state:-
- "As experience of using the Guidance develops, and as further research relating to odour becomes available, it is anticipated that revisions of this document will become necessary. The use of some odour assessment tools in the UK suffers from sparseness of published evaluation of the relationship of effects / annoyance to exposure and what level of exposure can be considered to be acceptable. The IAQM is particularly keen to hear of examples of the use of these tools so they can be further evaluated and the presentation of such data to the air quality community will itself improve the practice of odour impact assessment. The guidance also advises on the use of FIDOR, in paragraph 2.2.2 table 1 which has regard to the subjective nature of the perception of odour."*
- 6.24 The application was accompanied by 'A Report on the Atmospheric Dispersion Modelling Study of the Impact of Odour Emissions from the Proposed Poultry Units' prepared by AS Modelling & Data Ltd. Separately, and as recorded above, the Local Planning Authority commissioned Redmore Environmental to undertake a Peer Review Assessment and an independent Odour Assessment.
- 6.25 In terms of the Environment Agency's (EA) H4 Odour Management guidance the statistic generally used in the UK for odour exposure is the annual 98th percentile hourly mean concentration. The EA's H4 Odour Management guidance provides benchmark exposure levels for moderately offensive odours, which includes livestock rearing, set at 3.0 OUE/M3. Normally one would not wish any receptor (dwellinghouse other than host Farmer's) to exceed a maximum annual 98th percentile hourly mean concentration in excess of 3.0 OUE/M3. In essence, it seems that the accepted guidance is that such levels are acceptable but that higher levels should be accepted in the countryside during the relatively brief periods that poultry units are cleaned out.
- 6.26 The report submitted by AS Modelling & Data Ltd. concludes that no dwellinghouse would experience odour levels that exceed the aforementioned critical level of 3.0 OUE/M3 using the annual 98th percentile hourly mean concentration.
- 6.27 Although the Council's independently commissioned odour report concluded that the effects would be more significant at 21 of the 22 identified receptors, it too concludes that the impact is

likely to be slight, with only Claston Farmhouse experiencing a slight exceedence of 3.00UE/M3. The IAQM guidance states that only if the impact is greater than slight, the effect is considered significant. As such, impacts are considered not significant, in accordance with the stated methodology.

6.28 Paragraph 6.1.3 of the Redmore Odour Assessment states:-

*“Predicted odour concentrations were below the relevant EA odour benchmark level at all but one receptor location for all modelling years. The significance of predicted impacts was defined as moderate at one receptor, slight at three receptors and negligible at nineteen receptors. **Based on the range of predicts impacts, the conservative assumptions made and the issues discussed, the overall significance of potential impacts was determined as slight.** Following consideration of the relevant issues, the overall odour effects as a result of the proposed poultry unit are considered to be not significant, in accordance with the IAQM guidance.”* (My emphasis).

6.29 Overall, on the basis of the technical evidence available, it is the Environmental Health Manager’s professional opinion that a refusal in relation to odour impacts would not, given the evidence, be justified and that the scheme is not in conflict with CS Policies SD1 or RA6 in relation to this specific matter.

Dust

6.30 Air quality is addressed in Chapter 7 of the submitted Environmental Statement. It notes that the feed silos will be fitted with dust catchment and also that due to distances to sensitive receptors, particulate emissions are unlikely to have significant effect on human health.

6.31 The Public Health England advice is that ‘Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities.’ This was supported by Herefordshire’s Consultant in Public Health who states that “Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities”.

6.32 In order to ensure robust assessment on this point, the Council commissioned Redmore Environmental to conduct a risk assessment in respect of bio-aerosols. The assessment considered the risk to exposure arising from exposed bedding, the poultry units during the operational phase, litter during the clean-out operations, the finished birds and feed deliveries.

6.33 The assessment noted the mitigation measures proposed, including the high-speed ridge mounted extraction fans (considered likely to aid dispersion); the dust catchment on feed silos and the enclosure of trailers employed for litter removal.

6.34 Regard was also had to the relative distance to potentially sensitive receptors. It was concluded that the residual risk associated with each of the potential sources is either low or very low and that *“potential impacts as a result of bioaerosol emissions from the proposed unit are not considered to represent a constraint to the proposals.”* (Redmore Environmental Bio-aerosol risk assessment 7.1.6)

6.35 This conclusion is shared by the Environmental Health Manager. It is concluded that the concerns of local objectors notwithstanding, the evidence available would not support refusal of the proposal on the basis of concerns in respect of impacts on human health arising from particulate emissions.

6.36 It is also worth noting that the poultry rearing activity at the proposed development has the benefit of an Environmental Permit issued by the Environment Agency who regulate / control all

polluting emissions. It is understood that Public Health England is a consultee in the permitting process. On this basis I conclude that the proposal is not in conflict with CS policies SD1 or RA6.

Ammonia

- 6.37 Ammonia emission rates from the proposed poultry houses have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen and acid deposition rates in the surrounding area.
- 6.38 At all receptors considered, the predicted process contributions to the maximum annual mean ammonia concentration and nitrogen deposition rate are below the appropriate Environment Agency lower threshold percentage of Critical Level or Critical Load for the designation of the site.
- 6.39 Natural England confirm they have no objection in respect of the potential impacts on nearby SSSI's. I am content that there is no conflict with CS Policies as a consequence.

Highway impacts

- 6.40 MT1 Traffic management, highway safety and promoting active travel is a criteria based policy. It requires, *inter alia*, that proposals should 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 arising. This is consistent with NPPF policy at Paragraph 32, which states that development should only be refused where residual cumulative impacts are severe.
- 6.41 The Traffic Manager has considered the Transport Statement appended to the Environmental Statement and offers no objection. The TS adopts a worst-case scenario in relation to the movements added by the additional two units; it being considered unrealistic in reality that two additional poultry units will realise twice the number of movements that the current units generate. In any event, access is taken directly from the A438 and the Traffic Manager is content that in the context, the marginal uplift in vehicle movements when compared to the existing surveyed two-way flow will be negligible. Moreover, the existing junction on the main road will not require alteration; offering above-standard visibility in each direction.
- 6.42 It is noted that the Transport Statement accompanying the ES confirms that routing for feed and bird deliveries/collection will be via the main roads and not via the Dormington-Mordiford Road.
- 6.43 Officers conclude that the relevant aspects of MT1 are complied with and that permission may not be withheld on the basis of highway-related concerns.

The impact on the character and appearance of the local landscape

- 6.44 CS Policy LD1 requires that schemes demonstrate that landscape matters have positively influenced their design and site selection. In this case site selection has been subject to the Sequential Test, with a balance being struck between flood risk and the need to minimise landscape harm – it is felt that this is best achieved by grouping new buildings with existing. The landscape character type is Principal Settled Farmlands. The site is not covered by any landscape designation. There is a traditional orchard adjacent the site's southern boundary, but this is not affected.

- 6.45 The figure below illustrates the relationship and demonstrates the proposed tree planting belts in mitigation; it being noted that the Ecologist has recommended a revision to the planting mix to reduce the proportion of Elder; an issue that can be addressed via condition.
- 6.46 The figure also illustrates the relationship with the existing units and farmstead. The landscape officer suggests that the tree planting take on a more 'organic' form, but has no objection overall. I agree with the sentiment that the landscaping proposals should deliver obvious opportunity for bio-diversity enhancement and to this extent wildflower meadow planting should be utilised around the attenuation basin.
- 6.47 Some loss of hedgerow along the drainage channel (eastern boundary of the application site) is required, but this is not so significant so as to be objectionable and the native species tree planting proposed is adequate compensation for the loss. There will be some loss of amenity to walkers of the footpath, but this is already compromised within and around the existing farmstead, such that the additional harm caused is not considered unduly detrimental.
- 6.48 In those terms I consider that the scheme accords with the requirements of Policies LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031.



- 6.49 An issue that has arisen recently with some poultry units is whether or not, upon cessation of use, a planning condition should require their removal? In some cases this may be warranted owing to relative isolation within the landscape for instance. In this case, I do not consider such a condition to be reasonable. The landscape is not sensitive. The buildings are not unusual in the context and are grouped with existing buildings. There is also significant tree planting proposed, which will mitigate residual visual effects. There is no such requirement to remove the existing units.

Ecology

- 6.50 As noted above, the detailed planting schedule can be governed by condition, which will address the concerns noted by the Ecologist in his comments in Section 4. A condition requiring the formulation of a Construction Environmental Management Plan will also be imposed, as will a condition requiring the protection of retained trees and hedgerows.

- 6.51 It has been clarified with the agent and applicant that contrary to the Phase 1 habitat survey accompanying the ES, no existing orchard trees are intended for removal.
- 6.52 The Ecologist has recommended gapping up and restocking of the traditional orchard adjacent the A438 to the SE of the site. I do not consider this reasonable or necessary as part of this application i.e. mitigation of the visual impact of the proposed units does not depend on this. Officers have, however, had a separate conversation with the applicant, who has indicated a willingness to look at this matter separately.
- 6.53 Natural England has not objected. On this basis I conclude that the scheme, subject to the mitigation described above and in the Ecologist's comments regarding avoidance measures, would not conflict with Core Strategy objectives surrounding bio-diversity.

Noise

- 6.54 A noise survey has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed poultry units. The extract fans and transport noise (HGV movements and loading / unloading) as a result of the proposed poultry units have been assessed in accordance with BS4142:2014.
- 6.55 The Council's Environmental Health Section agrees with the conclusions that there would not be any undue loss of amenity to occupiers of existing dwellinghouses in the area by way of noise. As a consequence I conclude that there is no conflict with policies SS6, SD1 and RA6 of the Herefordshire Local Plan Core Strategy 2011-2031.

Manure Management

- 6.56 The manure is removed from the buildings at the end of each flock cycle and transported away from the immediate site of the poultry unit for field heap storage and spreading. As the site lies within a designated NVZ, the management of manure is controlled by the Nitrate Pollution Prevention Regulations 2015.
- 6.57 The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015. The requirements for field heap storage are shown below.
- (3) A temporary field site must not be—
- (a) in a field liable to flooding or becoming waterlogged,
 - (b) within 50 metres of a spring, well or borehole or within 10 metres of surface water or a land drain (other than a sealed impermeable pipe),
 - (c) located in any single position for more than 12 consecutive months,
 - (d) located in the same place as an earlier one constructed within the last two years, or
 - (e) on land having a slope of 12 degrees or more which is within 30 metres of surface water.
- 6.58 The application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. Paragraph 15 requires occupiers who spread organic manure to land to provide a risk assessment of the receiving land.
- 6.59 The applicant has confirmed that the intention is to utilise manure either upon the holding at Claston Farm or elsewhere on one of the other three holdings that is owned or farmed under tenancy, with storage being in accordance with the provisions listed above. Any surplus that cannot be spread would be sold on as a fertiliser resource for use by others or potentially as fuel.
- 6.60 In your officer's opinion, provided that the NVZ guidance is being complied with, there is no need, other than in relation to the assessment of vehicle movements, for the planning process

to consider the re-use of spent litter (manure) on the basis it is covered by other regulatory regimes. It should be noted that the assessment of vehicle movements anticipates that all manure would be removed from site and is thus a robust assessment.

Dirty Water

- 6.61 All dirty water is generated solely during the clean down process. To ensure no pollution risks are posed this effluent must be handled appropriately.
- 6.62 The washing out process is undertaken at the end of every 35 day growing cycle. The inside of the units will be drained to the existing sealed tanks which collect the dirty washout water from the existing units. The effluent containment system must conform to the requirements of Schedule 2 of the 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010'. This tank will be periodically emptied by vacuum tanker for disposal off site.

The loss of best and most versatile agricultural land

- 6.63 It is recognised that the proposed poultry units would be located on land shown as Grade 1 or 2 on the Land Classification Map. It is recognised that Central government policy seeks to protect the best agricultural land in that paragraph 112 of the National Planning Policy Framework (NPPF) states:-

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality”

- 6.64 In this case, whilst some 1.15 hectares of agricultural land would be built upon it would remain in food production (i.e. chickens). The level of food production would undoubtedly increase significantly against the usual arable rotation. 880,000 chickens per annum.
- 6.65 Regard should also be had in the overall balance to the economic and social benefits outlined in a later section of this report.
- 6.66 I therefore conclude that I do not consider that a refusal on the basis of a loss of the best and most versatile agricultural land is justified in this case and note also that the purpose to which the land would be put would continue to meet the definition of agriculture as per S336 of the Town and Country Planning Act 1990:

“Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agriculture’ shall be construed accordingly.”

Heritage

- 6.67 I am content that by dint of separation distance, the scheme would not cause harm to the setting of designated or non-designated heritage assets locally. There is thus no harm to significance and the proposal accords with CS Policy LD4 and NPPF guidance.

Economic & Social Benefits

- 6.68 Chicken is a consumer staple and is brought more than any other meat in the UK. The poultry meat industry makes a significant contribution to GDP with exports also. The proposal would offer the benefit of increasing agricultural capacity and food capacity. Moreover, agriculture has a major role in the economy of Herefordshire and plays an important part in the health and vibrancy of local communities. The proposal would clearly involve capital investment, some of which may support local contractors and suppliers. Whilst the proposal would only result in the employment of one full time manager, the scheme would have a wider impact both in contributing to a successful part of the UK economy and in supporting other local businesses.
- 6.69 In this respect the proposed development would be in accordance with Policy RA6 of the Herefordshire Local Plan Core strategy, which indicates that a range of economic activities will be supported, including proposals which support and strengthen local food and drink production and support the retention of existing agricultural businesses. The proposal would clearly contribute to the economic and social objectives of the National Planning Policy Framework (NPPF).

7. Planning Balance

- 7.1 In conclusion, it is considered that the proposed siting and landscaping would combine to satisfactorily mitigate adverse impacts on the character of the countryside and visual amenity. It should be noted that the landscape hereabouts has no specific landscape designation.
- 7.2 Impacts on air quality have also been assessed and it is concluded that the likelihood of significant impacts arising from odour or particulate matter can be described as low, very low or negligible; likewise noise.
- 7.3 The Traffic Manager is content that the highway network can accommodate the additional traffic generated and that visibility from the existing junction on the A438 is satisfactory for the surveyed speeds.
- 7.4 The site is generally within flood zone 1 and level for level compensation for the incursion into flood zone 3 will be provided to the north-west of the application site on land within the applicant's control. Neither the Environment Agency or Land Drainage Officer have objection to the scheme.
- 7.5 In the absence of identified and evidential harm and with regard to the economic and social benefits arising, the proposal is considered to be representative of sustainable development and in accordance with the provisions of the adopted development plan when taken as a whole. The application is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:**

Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed;
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas, to include measures to waymark the public footpath DR1
- d) Hard surfacing materials

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. The soft landscaping scheme approved under condition 3 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 10 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy.

5. There shall be no more than eight cropping cycles in any one calendar year and no more than 220,000 birds in total shall be housed at any one time within the poultry units hereby approved and those existing poultry units approved via application 133305 (dated 3rd March 2014).

Reason: So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the Development Plan and any other material planning considerations.

6. No development shall commence on site until a habitat enhancement scheme which contains proposals to enhance the habitat on site for wildlife and biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any demolition and/or

groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy.

7. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy.

8. Prior to commencement of the development hereby permitted a Construction and Environmental Management Plan (CEMP) shall be submitted to the Local Planning authority for their written approval.

The CEMP shall include detailed methodologies to cover the possible presence of bats, nesting birds, Great Crested Newts and other wildlife as relevant at the time of the construction as well as habitat protection. Consideration should be given on how to minimise and mitigate during the complete construction process: noise and vibration, air quality (including dust management), sustainable waste management, traffic management and flows, water management (surface and groundwater), management and protection of ecological resources including all wildlife and features such as trees and hedgerows, management of any contaminated land and managing spills and accidental discharges during operations. The CEMP should detail the appointed site manager who will oversee implementation and briefing of all contractors, monitor and record all aspects of the CEMP, take all relevant action and liaison as may be needed.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved detail and thereafter maintained as such.

Reason: To safeguard the River Frome from any disturbance, disruption or accidental pollution during the construction phase, to safeguard existing habitats and protected species and to safeguard the wider environment in accordance with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

9. Finished floor levels shall be set no lower than 53.00mAOD in line with the FRA produced by Hydro-Logic Services (Ref: K0739/1 Rev 3 dated September 2017) which is 600mm above the estimated 1% plus climate change flood level unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed development from flood risk for the lifetime of the development so as to comply with Policy SD3 of the Herefordshire Local Plan - Core Strategy 2011-2031.

10. Prior to the first use of the poultry units hereby permitted, the flood storage compensation shall be implemented in full in accordance with a scheme that shall first be submitted to and agreed in writing by the local planning authority.

Reason: To minimise flood risk so as to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy 2011-2031.

11. Notwithstanding the approved plans, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the development is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- A detailed dirty water drainage strategy showing how dirty water from the development will be disposed of;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Details of any proposed outfall structures;
- Details of how surface water runoff from surrounding land will be conveyed around the development without increasing flood risk to people or property.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason: To ensure satisfactory drainage arrangements in accordance with policies SS6, SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

12. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy.

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN05 Works within the highway
4. N19 Avoidance of doubt - Approved Plans

5. **Ordinary Watercourse Consent will be required from Herefordshire Council for the proposed watercourse culverting works; an intermediate manhole will be required.**

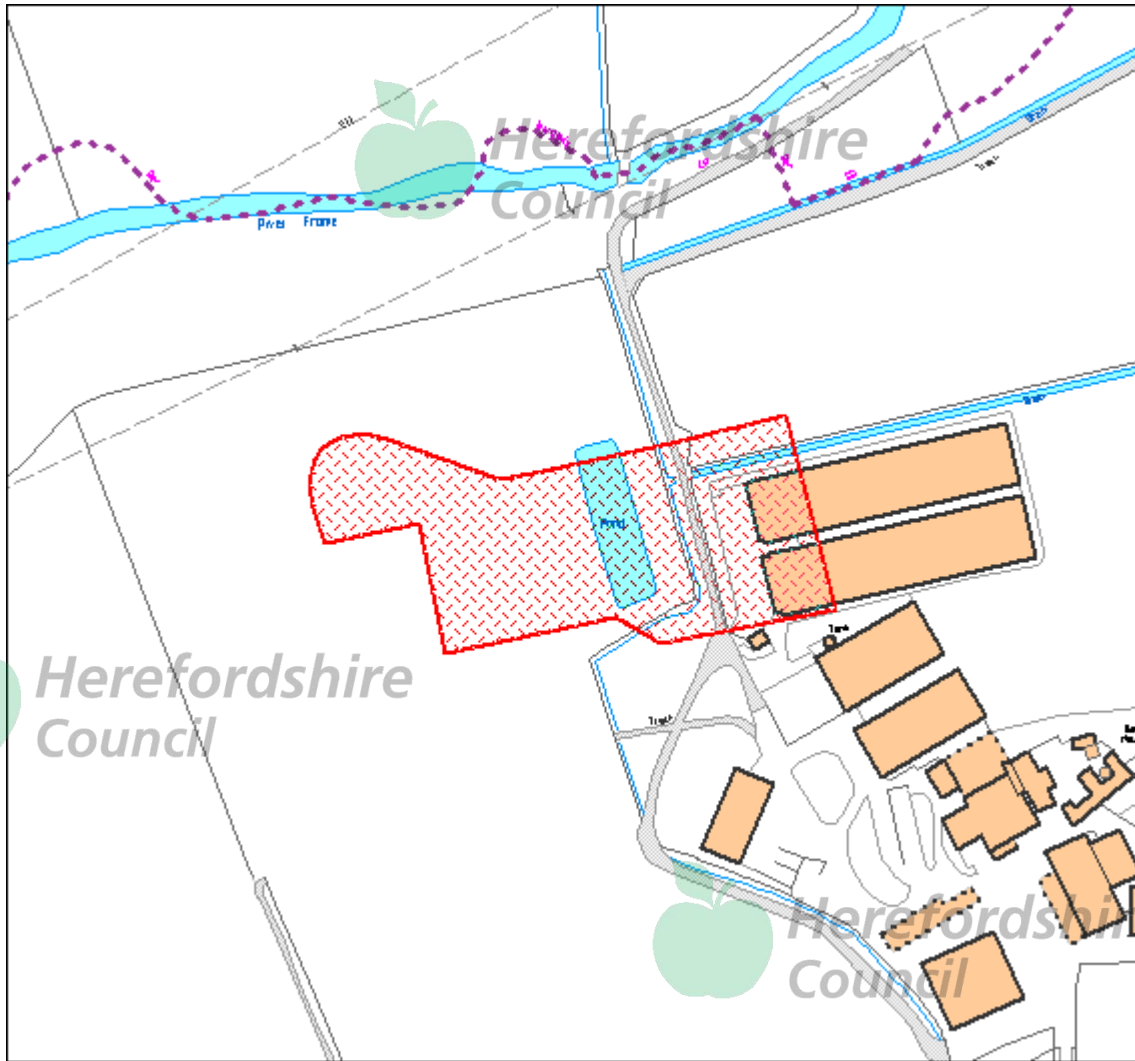
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 164103

SITE ADDRESS : CLASTON FARM, DORMINGTON, HEREFORD, HR1 4EA

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 NOVEMBER 2017
TITLE OF REPORT:	<p>171777 - PROPOSED MIXED USE DEVELOPMENT COMPRISING 15 DWELLINGS INCLUDING 5 AFFORDABLE, 2 LIVE WORK UNITS AND ASSOCIATED ROADS AND FOOTPATHS, JUNCTION IMPROVEMENTS, SUSTAINABLE DRAINAGE, INFORMAL PUBLIC OPEN SPACE, HEDGEROW AND TREE PLANTING: AT LAND BETWEEN GARBROOK AND LITTLE TARRINGTON COMMON ROAD, LITTLE TARRINGTON, HEREFORD HR1 4JA</p> <p>For: Mr & Mrs Stock per Mr Pryce, Collins Design and Build, Unit 5, Westwood Industrial Estate, Ewyas Harold, Herefordshire HR2 0EL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171777&search=171777
Reason Application submitted to Committee - Redirected	

Date Received: 16 May 2017

Ward: Backbury

Grid Ref: 362485,240868

Expiry Date: 8 December 2017

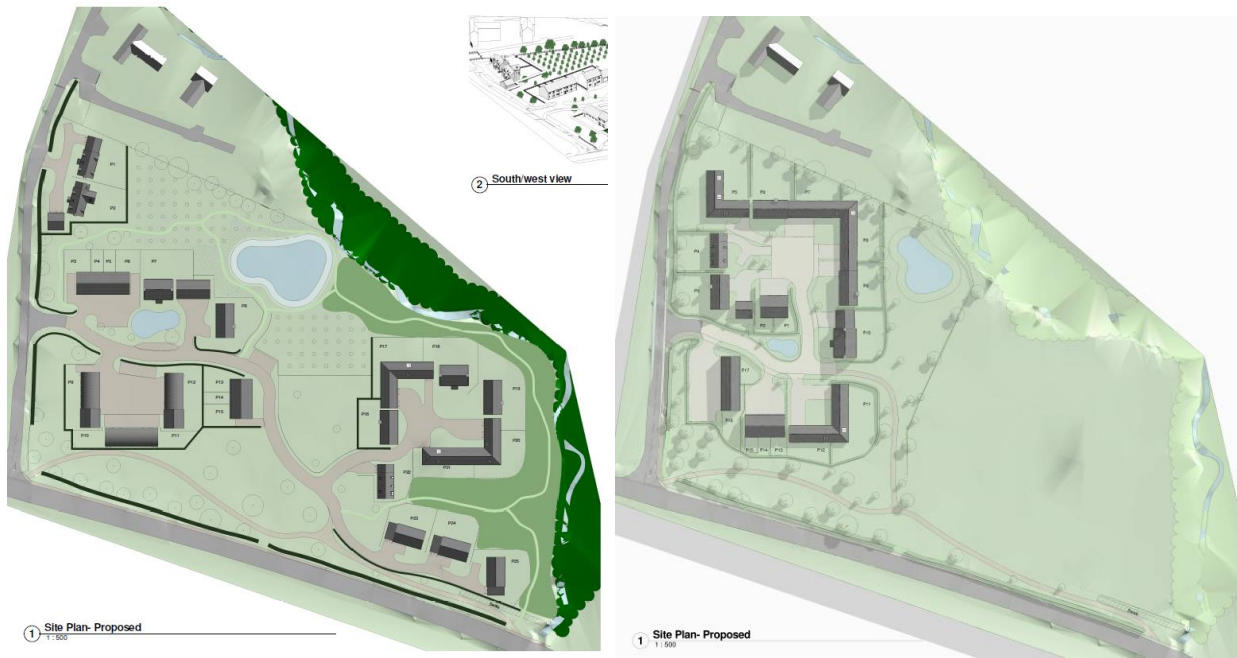
Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 Detailed planning permission is sought for the erection of 15 dwellings and two live-work units, with associated access, junction improvements, informal open space and landscaping on land situated between Garbrook and U66205 Little Tarrington Common Road, Little Tarrington, Herefordshire.
- 1.2 The site lies immediately north of the A438 and east of Little Tarrington Common Road. The site consists of 1.82ha of improved pasture. The roadside boundaries to the A438 and Little Tarrington Common Road are defined by low hedgerows, whereas mature woodland and tree cover along the Gar Brook course is a strong visual feature of the northern and eastern boundaries.
- 1.3 The residential Garbrook Estate, which appears to date from the 1960's and 70's, consists of terraced and semi-detached properties. There are two bungalows on the north-western boundary of the site. The mainline railway between Ledbury and Hereford passes within 200m of the site's northern boundary. Little Tarrington is essentially linear in form and made up of a series of mostly detached dwellings beyond the railway line.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- 1.4 The Millpond Caravan Park, with its caravan and camping pitches and associated fishing facilities, lies immediately north and north-east of the site on the other side of the brook. Tarrington itself lies approximately 300 metres to the west of the site. There is a footway running immediately adjacent the northern edge of the A438 carriageway between the application site and Tarrington.
- 1.5 The site is a broadly square shaped area of agricultural pasture extending to 1.82 hectares (including part of the adjacent highway). Levels fall by 3 metres from the southern to northern boundaries – AOD 71.00 – 68.00. The site is not subject to any national or local landscape or ecological designations and is in flood zone 1. Nor are there designated or non-designated heritage assets on or adjoining the site.
- 1.6 The application has been amended significantly following submission and the necessary re-consultation undertaken. As originally proposed the site extents and number of dwellings proposed were significantly larger than now proposed. The proposal was originally for 21 dwellings and 4 live-work units on a site extending to 2.99 hectares.
- 1.7 The ‘original’ and ‘as now proposed’ site layouts are included below for ease of comparison.



As originally proposed

Scheme as now proposed

1.8 It can be seen that the scheme as now proposed is significantly reduced by comparison to the original. These changes were undertaken in response to without prejudice advice provided by officers. Development is now limited to the western half of the wider parcel and comprises one larger courtyard as opposed to the two courtyards previously proposed. The detached units formerly proposed in the north-west and south-east corners are also deleted.

1.9 As amended the housing mix is as follows:-

	Quantity	Size	Type
Market	1	3-bed	Detached
Market	4	4-bed	Detached
Market	4	3-bed	Semi-detached bungalow
Market	1	3-bed	Detached bungalow
Affordable	3	2-bed	Terrace and semi-detached
Affordable	2	3-bed	Terrace and semi-detached

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

Live/work 2 1-bed (plus workspace) Live/work apartment

- 1.10 The development will be accessed off Little Tarrington Common Road, which will be widened up to the access into the site to accommodate two clear lanes and a new footpath link. From here, a new estate road will pass through the site to serve the different areas of development. A new footpath is also proposed broadly parallel with the A438 to provide an off-road route through to the bus-stops that lie adjacent the Garbrook Estate.
- 1.11 The Design and Access Statement explains that the concept of the layout and distribution of the housing is modelled on examples of rural farmsteads found in the Parish. It is stated that variations in the orientation, scale and height of the buildings is introduced to reflect the often irregular pattern of development that is evident on traditional farms and to some extent in Little Tarrington and Tarrington.



Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- 1.12 Plots 1 and 2 are a pair of 2-storey (1no. 3-bed & 1no. 2-bed) dwellings of red brick and timber cladding under a slate roof. Fenestration details are painted timber. They measure 8m to the ridge and 10.65m x 8.4m in plan.
- 1.13 Plots 3, 6 and 9 are 4-bed detached dwellings of natural rubble stone and timber under a slate roof with powder coated aluminium fenestration. These units are also 8m to the ridge and measure 12.75m x 6.75m in plan.
- 1.14 Plot 4 is a detached 3-bed dwelling with attached single garage, faced in natural rubble stone and standing seam cladding under a slate roof. It measures 7m to the ridge and has a plan dimension (excluding garage) of 10.4m x 6.6m.
- 1.15 Plot 5, at the north-western corner of the site, is an L-shaped bungalow with three bedrooms and attached garage. It is constructed of red brick with some horizontally laid timber cladding under a slate roof. It stands 5.4m to the ridge.
- 1.16 Plots 7 and 8 are a pair of semi-detached bungalows at the north-eastern corner of the courtyard. Plot 7 has two no. bedrooms, Plot 8 has three. They are both faced in red brick with elements of vertically hung timber cladding under a slate roof and are 5.4m to the ridge. Garaging for these plots is accommodated at either end of the building.
- 1.17 Plot 10 is at roughly the mid-point of the eastern boundary orientated to face towards the main entrance. It fulfils the 'function' as the farmhouse and is accordingly the most substantial individual building (live/work units apart). It is faced in natural rubble stone and black stained timber under a slate roof. It stands 9 metres to the ridge and has a span of 9 metres. There is an attached double garage.
- 1.18 Plots 11 and 12 are another pair of semi-detached bungalows at the south-eastern corner of the courtyard. They are 3-bed and 2-bed respectively with integral single garages. Height and span proportions are as per Plots 7 & 8.
- 1.19 Plots 13, 14 and 15 comprise a terrace of brick under timber boarding at first floor and slate roof. 2 no. are two-bed, 1 is three-bed.
- 1.20 Plots 16 and 17 are the two live-work units. They measure 8.4m to the ridge with timber and standing seam walls under a standing seam roof. The living accommodation is at first floor and comprises, in effect, a single-bed studio. The workspace is at ground floor with up-and-over roller-shutter doors in the west elevation with shared parking and turning for commercial vehicles.
- 1.21 Surface water will be managed sustainably within the site through an attenuation basin and regulated discharge to the Gar Brook. Foul drainage will connect to the public sewer.
- 1.22 Landscaping proposals include the translocation of the roadside hedgerow on the unclassified road so as to accommodate the road widening and provision of footway. A block of native species woodland planting is proposed along the Gar Brook corridor along with more random tree planting within what are described as the 'common land' area; this being the land wrapping around the southern extent of the proposed housing and either side of the proposed footway linking to Garbrook.
- 1.23 The application is accompanied by the following supporting documents, which have been updated to reflect the amended (reduced) scheme:-
- Planning, Design and Access Statement
 - Flood Risk Assessment

- Landscape and Visual Appraisal
- Ecological Assessment and Ecological enhancement proposals

1.24 The Council has adopted a Screening Opinion confirming its conclusion that the proposal is not EIA development.

2. Policies

2.1 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:-

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
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
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
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

2.2 NPPF

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 4	-	Promoting Sustainable Transport
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 Tarrington Neighbourhood Development Plan

A Neighbourhood Development Plan Area was designated on 7th January 2014. The designation follows the Parish boundary. A draft Plan has not yet been published and cannot, therefore, be attributed any weight in the determination of this application.

2.4 The 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

3. Planning History

- 3.1 There is no relevant planning history on the application site.
- 3.2 171165/O – Site for the erection of up to 15 dwellings with all matters bar access reserved. Land north of School Lane, Tarrington: Refused 30 June 2017
- 3.3 Reference is made to 171165 in the context that work commissioned as evidence base for the NDP (with the objective of identifying potential housing sites), identified this land as suitable for development.

4. Consultation Summary

Introduction

The scheme has been amended and the representations received in relation to both will, where relevant, be reported below.

Statutory Consultations

- 4.1 **Environment Agency:** Comments in respect of the original scheme: Objection
 - 4.1.1 Thank you for referring the above application which was received on the 23 May 2017. We object to the application, as proposed, and request further information as detailed below.
 - 4.1.2 **Flood Risk:** The majority of this site is shown to lie within Flood Zone 1 (low probability of fluvial flooding with less than 1 in 1000 annual probability of flooding) on our Flood Map for Planning as defined in National Planning Policy. However, some areas of the site adjacent to the Gar Brook, designated as an ordinary watercourse, fall within Flood Zones 2 and 3 (Medium and High Probability respectively). We are also aware of historic flooding in the vicinity of the site (such as in July 2007) and on the A438 from the Neighbourhood Development Plan documents online <http://www.tarrington.org.uk/neighbourhood-plan-documents/> and discussions with the Lead Local Flood Authority (LLFA). Some previous highways works have taken place on the A438 with a trash screen erected on the upstream side of the road and lowered kerbs allowing floodwater to spill over the road and back into the Gar Brook at the upstream end of the site.
 - 4.1.3 The Flood Map for Planning at this location has not been produced from a detailed hydraulic model of the Gar Brook but from a national, generalised flood mapping technique. Any impacts resulting from the upstream A438 road culvert or three structures downstream of the site would have been ignored in the mapping as it does not include the impacts of restrictive culverts or bridge structures.
 - 4.1.4 **Flood Risk Assessment (FRA):** A Flood Risk Assessment (FRA) has been produced by Hydro-Logic Services (Ref K0790/2 dated May 2017) and includes modelling of the Gar Brook. This was produced from original modelling undertaken in 2014 (included in Appendix F of the FRA) but now includes an assessment of the new climate change figures released in February 2016 (an increase of 35% and 70% in peak river flows for this catchment).
 - 4.1.5 The modelling methodologies in Appendix F all appear to be satisfactory with standard sensitivity testing on channel roughness, flows, blockages etc. The FRA concludes that the site, where development is proposed, is shown to not be affected by flooding even in a 100 year plus 70% or 1 in 1000 year event. The modelling suggests that a 50% blockage of the upstream A438 culvert arrangement would result in 0.4 cumecs flowing over the road and

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

into the upstream end of the site. This has prompted the inclusion of a flood alleviation channel in the site to divert flows back into the Gar Brook as outlined in Section 4.2 of the FRA. Naturally this would require long term maintenance to ensure that it was in a suitable condition to function efficiently should floodwater enter into the site by this means.

- 4.1.6 The FRA details surface water drainage arrangements but the LLFA will be in a position to comment upon the suitability of these proposals.
- 4.1.7 We are generally satisfied with the FRA which uses standard techniques. However, we have concerns having viewed photographs of flooding in this area from 2007 (though not necessarily within the site boundary) which are available on the Little Tarrington Neighbourhood Development Plan web site (in a letter from Mr. S Pinfield dated 3 December 2015). These photographs appear to be very different to the modelled outputs included in the FRA (Figure 3.11) which suggest very little flooding of the area even in a 1 in 1000 year flood event. In fact, the photos appear to indicate flooding more in line with the Flood Map for Planning outputs. As a consequence, we therefore would wish the FRA to consider this historic flooding and whether the modelling is underestimating flows in the watercourse or the impacts of culvert blockages, particularly downstream of the site. We request that Hydro-Logic Services submit flood maps of their modelled culvert blockage scenarios and perhaps run higher than a 50% blockage of the downstream culverts to assess whether this could have been the reason for the extent of the flooding in 2007. Given the discrepancy between the modelled outputs produced in the FRA and the historic flooding, we may wish to assess the modelling files used in the FRA.
- 4.1.8 Should the model be underestimating flooding and results are more in line with the Flood Map for Planning, we would have some concerns regarding Plots 18, 19 and 20 which appear in Flood Zone 3 land in the latter. We are presuming that the finished floor levels would be set 600mm above the 1 in 100 year plus 35% climate change flood level but this is not clear from the FRA. We would also question whether it is sensible to locate the 3 units in the south eastern corner of the site with the known flow route over the A438 and whether this area should remain undeveloped. Whilst it does appear that large parts of the site are developable, we will be in a position to comment again once information on the above issues has been submitted.

Comments in respect of the amended scheme: **No objection subject to conditions**

- 4.1.9 I refer to additional detail received in support of the above application and, specifically, our current objection to the proposed development on the grounds of flood risk. Having reviewed the revised Flood Risk Assessment (Hydro-Logic Services - Report K0790 Rep. 2 (Rev. 1) dated August 2017) we are in a position to remove our objection and would recommend the following comments and conditions be applied to any permission granted.
- 4.1.10 **Flood Risk:** As previously stated, the majority of this site is shown to lie within Flood Zone 1 (low probability of fluvial flooding with less than 1 in 1000 annual probability of flooding) on our Flood Map for Planning as defined in National Planning Policy. However, some areas of the site adjacent to the Gar Brook, designated as an ordinary watercourse, fall within Flood Zones 2 and 3 (Medium and High Probability respectively).
- 4.1.11 **Flood Risk Assessment (FRA):** The revised FRA has sought to address the issues we raised in our previous response of 12 June 2017. We had previously raised concerns that the modelling produced in the original FRA (Rev 0 dated May 2017) appeared to be in contrast to the historic flooding photographs from the 2007 flood event which indicated flooding more in line with our Flood Map for Planning. As requested, Hydro-Logic Services have undertaken additional modelling of the Gar Brook and the FRA now details the impacts of an 80% blockage scenario on the downstream culverts (in addition to 50% blockage scenario undertaken previously) in both the 100 year plus 35% and 70% events.

- 4.1.12 In addition, the FRA also offers detailed comments (Section 3.6.1 on Historic Flooding) in response to the issues raised by concerned residents as part of the Neighbourhood Development Plan and the planning application.
- 4.1.13 Figures 3.14 to 3.17 of the updated FRA indicate the modelling extents for the 4 scenarios. These do show greater flooding in the area downstream of the site including locations in historic photographs submitted for the Neighbourhood Development Plan. These flood maps are not dissimilar to our Flood Map for Planning and the updated modelling does offer greater confidence that it is not under-predicting localised flooding. It appears that blockages of the downstream culverts may have contributed to the flooding in 2007. However, the key point is that the additional modelling has confirmed that flooding does not occur on the application site in any of the 4 blockage scenarios modelled. The fact that the modelling does not indicate flooding on the site even with a 100 year plus 70% flow and an 80% blockage of the downstream culverts provides confidence that it is developable. We are satisfied with the modelling and that the site falls outside of the 1 in 1000 year floodplain i.e. Flood Zone 1 as stated in the updated FRA. In addition, the alteration of the site boundary has meant that the proposed built development is now further away from the Gar Brook than originally proposed and in an area shown as falling predominantly within Flood Zone 1 on our more precautionary Flood Map for Planning.
- 4.1.14 Section 4.2.2 of the updated FRA also proposes that finished floor levels will be set at a minimum of 600mm above the upstream 100 year plus 35% climate change modelled node level of 69.597m AOD for the site. Given the length of the site, we would agree with the FRA that this is conservative. This would result in a finished floor level 70.20mAOD for all built development. Again, given the updated modelling, we would have no objections to these floor levels. The FRA also confirms that this floor level would ensure no internal flooding even in the 100 year plus 70% with plus 80% blockage scenario modelled by Hydro-Logic Services.
- 4.1.15 **Condition:** Finished floor levels should be set at least 600mm above the upstream 1 in 100 year plus 35% modelled flood level of 69.60m AOD, confirmed in Hydro-Logic's FRA (Ref: K0790 Rep. 2 Rev 2 dated September 2017 Table 4.2) as 70.20mAOD.

Reason: To protect the development from flooding including the impacts of climate change.

Whilst there have been improvements to the culvert upstream of the site on the A438 as highlighted in the historic flooding section and confirmed by Herefordshire Council, we would still expect the flood alleviation channel outlined in Section 4.2 of the FRA to form part of the development proposals even though the site layout has changed. The latest development proposals shown in Figures 4.1 and 4.2 of the latest FRA confirm that the flood relief channel still forms part of the proposals.

- 4.1.16 **Condition:** Prior to the occupation of properties the flood alleviation channel proposed in Section 4.2 of Hydro-Logic's FRA (Ref: K0790 Rep. 2 Rev 2 dated September 2017) must be in place with detailed design to be agreed and approved by the Lead Local Flood Authority.

Reason: To reduce flood risk to the site.

In summary, the updated FRA with the additional modelling of blockage scenarios has addressed the issues we have raised previously and responded to local concerns. We therefore feel the FRA is now satisfactory and is in line with national planning policy.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

4.2 **Welsh Water**

We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment Report K0790 Rep. 2 (Rev 2) dated September 2017. We note that surface water will drain to the nearby Gar Brook and assume that foul water will be directed towards the public sewer. However it is unclear as to the preferred connection point on the existing public sewer network.

Therefore, if you are minded to grant planning permission we request that the following **Conditions and Advisory Notes** are included within any subsequent consent.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4.3 **Natural England:** No objection

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites - River Wye Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Email dated 11/04/2017 from the Welsh Water development control officer Mr Matthew Lord confirming that the sewer network and treatment works have capacity to accommodate the proposed development.

River Wye Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Mains Wood Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. Should the proposal change, please consult us again.

Internal Council Consultations

4.4 Traffic Manager: No objection subject to condition

4.4.1 The site is located close to A438 which carries a regular bus service between Ledbury and Hereford, with formal bus stops at Garbrook to the east.

4.4.2 The proposals include improvement works to the U66205 from A438 to beyond the site access with widening to 5.5m, allowing two way traffic, with footway provision alongside the U66205 road from the estate road to the A438 junction and the existing footways. Some onward widening of the A438 footways to the village, where practicable, is desirable and might be achieved by siding the existing paths.

4.4.3 With these improvements the development impact on the highway network is considered acceptable. The footway links within the site and broadly parallel to A438, linking to the end of the estate road, will provide alternative route to the roadside paths and Garbrook with the formal bus stops and shelters, but some direct links from the courtyards to those paths would provide a shorter route than via the estate road and U66305 path for the southern properties and should be considered, but may not be practicable due to property boundaries/private drives.

4.4.4 The overall highway and parking layout within the site is considered acceptable, as is the improvement work to U66205 (subject to S278 technical approval). I would comment that on drawing LT-PA-2697-08A there is a note that the existing hedge is to be trimmed back to footway edge, but no coloured footway is indicated over this length. Is this to be provided?

4.4.5 Secure covered cycle storage should be provided for each plot in appropriately sized garages or by separate provision.

4.4.6 Access for all construction and site traffic should be from the unclassified road only and the improvement works to U66205 and new site access should be carried out prior to commencement of any other works on site. Such works will need liaison with the nearby caravan site, and I would suggest a CTMP is provided.

4.4.7 I therefore have no objections to the proposals and would suggest the following conditions:-

4.4.8 CAB (3m x 65m) CAE CAL CAP (works to U66205 shown on Drawing LT-PA-2697-08A) CAO CAO CAS CAT CAZ and CTMP submission and informatives I05 I07 I08 I35 and 45.

4.5 Conservation Manager (Landscape): Comments in relation to original scheme: Objection

Comments in respect of the amended scheme: Objection maintained

4.5.1 The current application before me has been the subject of extensive pre-application advice as well as a number of revisions. The resulting scheme has been reduced to 17 units contained upon the western half of the site and set out in a farmstead layout.

- 4.5.2 Whilst the scheme has been amended to reflect comments from the LPA and mitigate potential harmful effects upon the landscape to a degree, the proposal does not comply with RA2 given that it is not situated within or adjacent to a settlement and therefore lies within open countryside.
- 4.5.3 I have read the amended Landscape and Visual Appraisal (September 2017) which takes into account the amendments to the scheme. In terms of the landscape character of the site and the surroundings, we can agree that the site falls within the landscape type; Principal Settled Farmlands, that the site has no landscape designations and is of medium sensitivity. However whilst I accept there are detractors within the local landscape I do not consider their influence to be overwhelming upon the site. Millpond Caravan site is well screened via intervening vegetation, as is the residential development of Garbrook. I would not contest the influence that the A438 has in terms of noise; however this diminishes as the distance from the highway increases.
- 4.5.4 The fundamental point of difference in my view is that the site does not form part of the dispersed settlement of either Tarrington or Little Tarrington but in fact functions as part of the wider field pattern which forms the rural setting to these settlements.
- 4.5.5 In so far as the visual effects are concerned, I concur with the view that residential amenity is unlikely to be substantially harmed; aside from the two bungalows to the north west of the site all other built form is clearly physically and visually separate from the development. In respect of the Public Right of Way TR6 which crosses open countryside and links to the village of Tarrington, my view differs to the conclusion within the appraisal of negligible adverse; users of footpaths are considered highly sensitive receptors (according to GLVIA3 guidance) and as viewpoint 4 illustrates the proposal would be prominent within this natural landscape.
- 4.5.6 I agree with the statement within the appraisal that the woodland will provide a backdrop to the development; however in my opinion this will in fact serve to highlight the new built form. Planting will take a number of years to establish and can only mitigate to a degree given that the views from the footpath are elevated and will look down upon the proposal. Views from the A438 and Little Tarrington Road to the site will also be possible, ordinarily views from highways can be classed as low to medium sensitivity given the speed of travel and purpose of the user, however given that the A438 forms the gateway to the settlement of Tarrington I would suggest the views are of a medium sensitivity and the residual visual effects to be greater than the assessed minor negligible adverse.
- 4.5.7 In terms of mitigation I am aware that a number of measures have been implemented to reduce the impact these have informed both the early design stage through to the planting plans and this approach is welcomed. It is also acknowledged that several of the measures proposed including the new footpath and extensive planting will bring with it benefits in terms of biodiversity and amenity. However given that the landscape objection arises from the siting of the proposal within open countryside the associated adverse visual effects and impact upon the inherent pattern of the landscape cannot be fully mitigated. I cannot therefore agree that the residual effects upon character and visual amenity will be negligible and do not consider the proposal to be compliant with policy RA2, RA3 or LD1.
- 4.6 **Conservation Manager (Ecology):** Comments and conditions recommended in relation to the original scheme (set out below) are confirmed as applicable to the amended scheme: No objection subject to conditions
- 4.6.1 I note that lengths of the proposed native hedge run alongside highways and footways. The applicant is reminded when finalising their landscape planting that in line with the Council's Highway Design Guide for New Developments (2006) "Thorned species shall not be accepted immediately adjacent to footways and cycle tracks. If existing hedges contain thorned species, cycle tracks shall be positioned at least 3 metres from the extremities of the hedge to prevent

problems with hedge-cutting debris. Existing hedges adjacent to the existing highway shall be transferred to frontagers for maintenance.”

4.6.2 I would request that the proposed landscaping plan/planting mixes are amended to take the above in to account

4.6.3 In order to ensure there are no negative impacts on the local rivers and watercourses through the foul water volumes created on site confirmation that connection to mains sewer system, as proposed is possible and that the local mains sewer system has sufficient headroom capacity is requested.

4.6.4 In the interests of protecting the local ecology and water courses from any impacts during construction I would request that a relevant tree, hedgerow and watercourse protection plan and methodology is supplied for approval as a pre-commencement condition. Given the extensive scale of the development and works proposed it would be appropriate to request that this arboricultural and aquatic protection is included with standard ecological risk avoidance and working methodology in to wider Construction Environmental Management Plan for the whole site and period of construction.

Nature Conservation Protection – recommended condition

4.6.5 *Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.*

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

4.6.6 I note the ecological report by Ecology Services dated May 2017 and I am satisfied that this is appropriate and relevant to the site. The landscaping scheme and SuDS will certainly offer an enhanced foraging habitat for local wildlife and reinforce existing local habitat areas. Specific biodiversity enhancements through habitat boxes and similar features are recommended in the ecological report and these should be detailed, finalised and secured through an appropriate pre-commencement condition.

Nature Conservation – Enhancement

4.6.7 *Prior to commencement of the development, a detailed habitat enhancement scheme based on the recommendations in the Ecology Report by Ecology Services dated May 2017 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.*

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

4.6.8 No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

4.7 Conservation Manager (Building Conservation Officer): No objection

The proposals are for a housing development between Garbrook and Little Tarrington. The settlement of Tarrington lies nearby, although this is not a Conservation Area.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

The key heritage assets likely to be affected are Wagoner's Cottage and The Firs in Little Tarrington and The Church of St Phillip and St James at Tarrington. There is likely to be some limited inter-visibility of the site and the Church from the footpath running past Church Hill cottage however this would not be considered to be significant. It is not felt that there would be significant impact upon the setting of other heritage assets. For this reason we would offer no objection to the proposals

4.8 Land drainage: No objection subject to conditions

Introduction

4.8.1 A formal response to this application was provided on the 16th of June 2017. This response highlighted discrepancies between the flood maps provided by the Applicant's hydraulic model and those supplied by the Environment Agency (EA). It was also noted that a number of the proposed dwellings were at risk from both fluvial flooding and an overland flow route that passed through the eastern edge of the site. It was also recommended that the Council request a more comprehensive summary of the proposed foul water strategy before granting planning permission. The Applicant has since submitted an updated version of the Flood Risk Assessment and surface water drainage strategy. An update to the proposed site layout has also been provided:

- Flood Risk Assessment for residential development in Little Tarrington, Herefordshire, Report K0790 Rep. 2 (Rev. 2)
- Proposed Development at little Tarrington (DRG No. LT-PA-2697-03b)

Flood Risk

4.8.2 In our previous response it was noted that while the site was located primarily within the low risk Flood Zone 1, the north east and northern edges of the site sit within Flood Zones 2 and 3. A large difference was also noted between the extent of the EA's flood map for planning, historical flooding provided in anecdotal evidence and the flood extents provided by the hydraulic model. The previously mentioned overland flow route was also noted as an additional flood risk to the proposed dwellings.

4.8.3 Due to uncertainty around the extent of Flood Zones 2 and 3 within the site and the presence of the overland flow route it was recommended that the Applicant considers repositioning properties that are located within this at risk area further to the west. Should properties be placed in this area deemed to be at risk, it was recommended that, in addition to the proposed flood alleviation channel that would direct surface water flows east towards Gar Brook before reaching the overland flow route, ground levels across this area of the site are carefully designed to ensure that the adjacent properties are not at risk in the event that the channel should reach capacity through blockage or exceedance.

4.8.4 In this update to the planning application, the proposed site layout has been changed. This change removes the dwellings that were previously at risk of flooding from the overland path and effectively puts the entire development site within Flood Zone 1 and an area at very low risk of surface water flooding.

4.8.5 In order to be conservative in design the FRA still recommends the construction of the proposed flood alleviation channel in order to direct surface water back into the Gar Brook before it follows the overland flow path. The hydraulic modelling in support of the FRA has also been updated and now more closely reflects the historical and EA flood maps. The FRA also states that the finished floor levels for the dwellings will be set 600mm above the 1 in 100 annual probability with 35% climate change allowance flood level (a minimum level of 70.197 mAOD). Hydraulic model results also show that this floor level would place the dwellings beyond the limit of the 1 in 100 year plus 70% climate change event, with an 80% blockage of

the culverts downstream of the site. We believe that these mitigations effectively manage the flood risks present on site.

Surface Water Drainage

- 4.8.6 In the updated FRA, updates have also been made to the surface water management plan. The intended attenuation basin has been resized for the revised impermeable site area of 3611m². The majority of the other details of the surface water management plan have not changed.
- 4.8.7 In our previous response it was noted that while the drainage strategy provided a layout of the drainage features it did not appear to include proper consideration of manhole and pipe locations for the onsite drainage. As this is a full planning application for a major development, we recommend that a more detailed illustration is provided.
- 4.8.8 The previously provided strategy stated that the onsite drainage systems should be maintained on a monthly basis and after major rainfalls in order to alleviate the risk of blockage. It however did not mention the intended capacity of the gully and pipe systems or how flows will be managed if these systems overflow due to blockage or surcharge. Below ground drainage systems are typically designed to be have no flooding from the system for events with up to 1 in 30 annual probability event. We therefore recommend that the Applicant confirms the capacity of the system (including the piped system) and demonstrates consideration of overland flow paths in a more detailed design of the onsite drainage. The updated strategy does not appear to have addressed the above matters.
- 4.8.9 It is unclear who will be responsible for the adoption and maintenance of the surface water drainage system. We recommend this is clarified before the Council grants planning permission. Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

Foul Water Drainage

- 4.8.10 In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.
- 4.8.11 The Applicant has outlined that the foul drainage will be discharged to the mains sewer that crosses Little Tarrington Common Road north west of the site. They have confirmed with Welsh Water that the sewer network and treatment works have the capacity to accommodate the proposed development. It is also stated that there will be no surface water discharges to the public sewer network.
- 4.8.12 We recommend that the Applicant provides further information about the proposed foul water strategy in order to provide detail of the following:
- Description and illustration of the proposed foul water drainage system including location of manholes, external pipework, pumping stations (if required) and discharge location
 - If pumped systems are proposed, justification for the use of these systems, summary of key design principles and assessment of residual risk, with supporting calculations
 - Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the foul water drainage system
 - Demonstration that appropriate access is available to maintain drainage features (including pumping stations)

Overall Comment

- 4.8.13 As discussed above, we recommend that a detailed foul water drainage strategy showing how foul water from the development will be managed on site and conveyed to the public sewerage network is provided prior to the Council granting planning permission for this development. We

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

also recommend that a more detailed illustration of the surface water drainage system is provided, along with confirmation of the proposed adoption and maintenance arrangements.

4.8.14 However, should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information in suitably worded planning conditions (note: the list below includes some information recommended by the previous response from June 2017):

4.8.15 Detailed design of the surface water drainage strategy with supporting calculations and sections that demonstrates the following features as a minimum:

- Nature and size of the standard pipe network proposed to convey onsite runoff.
- Details of the pipe network proposed to convey clean roof runoff to the ornamental pond.
- How the system will deal with surcharge and blockages. Including how overland flows would be conveyed to the ornamental pond and attenuation basin.
- Full specifications of the Hydro-brake Optimum
- Confirmation that Ordinary Watercourse Consent has been granted by Herefordshire Council for the outfalls from the attenuation basin.

4.9 Public Rights of Way Officer: No objection

4.10 Parks & Countryside: No objection

4.10.1 My previous comments with regard to open space provision are still relevant, only informal POS and play is required and there is no requirement for either formal children's play or outdoor sports provision given the size and location of the proposal. On-site provision is still proposed, but there will be a reduction in the amount of required as this amended proposal is now for a reduced size development (from 25 houses to 15 houses).

4.10.2 In accordance with policy standard requirements as described in my previous comments for 15 houses at an occupancy rate of 2.3 (34.5) as a minimum the following is required:

- POS: 0.014ha (140sq m) @0.4ha per 1000 population
- Informal Children's Play: 0.019ha (190sq m) @ 0.55ha per 1000 population of informal play space

Total 0.033ha (330sq m)

4.10.3 **On-Site Provision:** The amended site layout shows an area of informal POS and recreation extending to 700sq m. This is in excess of the policy requirement. The applicant has confirmed that formal play is not considered necessary or appropriate either on site or as an off-site contribution, but has suggested that the open space could include some natural play and this would be supported. The site is some distance from the existing play area in Tarrington and would involve negotiating a busy main road which would be a potential barrier especially for younger children.

4.10.4 That said, the development also proposes to deliver other areas of well-connected green infrastructure providing additional publically accessible areas extending over 4000sq m. These include woodland and meadow planted areas, the stream corridor and the SuDs area. These areas look to provide access around the field to the east. It is not clear from the site plan whether or not this is to be included as public open space but even without it, the on-site provision provides plenty of opportunity for accessible informal natural play and recreation and is supported. The courtyard development also provides communal landscape areas including an ornamental pool which sits at the heart of the development.

4.10.5 The SuDs area if managed to take account of standing water and health and safety issues can provide both opportunities for natural play and informal recreation along with valuable areas of

biodiversity and wildlife habitats. Given the location of the informal POS next to the SuDs and wildflower meadow this could provide an opportunity to create natural play opportunities.

4.10.6 The Council's SuDS Handbook (draft) provides advice and guidance on the inclusion of SuDs on new development. The applicant should seek further advice from the Council at the earliest opportunity

4.10.7 The site layout also provides some natural surveillance with properties to the south overlooking the footpath running through the site and to the east overlooking the informal play and SuDs areas. The site is will connected both from within and to existing residential areas at Garbrook estate. It is understood that footpath connections into the village already exist.

Maintenance

4.10.8 The revised s.106 heads of terms confirm that the informal public open space and recreation opportunities are available on site in the extensive landscaped areas and they will be maintained by a management company.

4.11 Housing Delivery: Qualified comments

I refer to the amended application and would comment as follows:

- With regards to my previous comments in relation to the affordable and the live work units these remain unchanged. *NB the previous comments in relation to affordable and live work units queried the need for live work, but ultimately accepted that home working is of value and supported by the local authority. In respect of the affordable housing (low cost market) it was noted that the applicant will need to provide two open market valuations for both the 2 and 3 bed units so that a discount can be set within the S106.*
- With regards to the open market mix it is good to see that the applicant has taken on board the need for more 3 beds over 4 beds, but I am disappointed that 2 bed units for open market have not been included. Nonetheless, the increase in bungalows is a positive and will meet a need.

4.12 Education: Both the catchment primary and secondary schools (Ashperton and John Masefield) are at or over capacity in some year groups. A financial contribution is therefore required.

5. Representations

Introduction

The scheme has been amended and the representations received in relation to both will, where relevant, be reported below.

5.1 Tarrington Parish Council

In response to the scheme as originally submitted (the 25 unit scheme): Support in principle

PC Comment: A vote was taken and it was agreed that the Parish Council support this application in principle with a caveat that it contradicts advice received previously from Herefordshire Council and other planning experts - Herefordshire Council (policy of having development adjacent to settlement boundaries), Carly Tinkler (landscape assessment) and David Nicholson (location grounds).

In response to the amended scheme: Support

The Parish council discussed the above planning application at its meeting last evening. A vote was taken with 4 councillors supporting and 2 objecting. The Parish Council support this application but would like to draw your attention to the same caveats as per our response dated 9th June 2017 (above).

5.2 In response to the original scheme there were 15 letters of objection. The content is summarised as follows:-

- The proposal will result in significant additional traffic; particularly given the live/work element.
- The proposal will have an adverse effect on the adjoining Millpond Camping and Caravan site. This business relies on an open countryside setting, which will be ruined if a housing estate is built on adjoining land.
- Ledbury is growing significantly, as is Bartestree. It is likely that this development will be the thin end of the wedge insofar as Tarrington is concerned as it will encourage 'back-filling' of the land between the site and the main village.
- The preference should be for the re-use of brownfield sites in truly sustainable settlements.
- The site has been rejected in the 2009 and 2015 SHLAA exercises and also ruled out by reports commissioned by the NDP group; this on the basis that it is isolated and development would result in major negative landscape and visual impacts. Development here is consequently contrary to the criteria of CS Policy RA2.
- If the scheme were to adversely affect the Millpond site that in turn could lead to a downturn in trade to the village pub.
- The development of this site will result in more traffic and in particular pedestrian traffic moving between the site and the main village on a footway that is narrow. There have been road traffic accidents, which indicate that walking the footway along the A438 is not safe.
- The road traffic survey was undertaken at a time of year when the Millpond was closed and is thus not representative of the traffic movements at peak times.
- The proposal will exacerbate flood risk. The area is low-lying and has been prone to flooding historically.
- The site is not part of Little Tarrington, which is limited to land lying north of the railway.
- The development is of a scale that is not sympathetic to the landscape.
- Housing should be in the main built up area of Tarrington, where it would better support the village amenities.
- Support for this proposal derives solely from opposition to sites within the main village.
- The scheme does not adequately demonstrate that the drainage solution will be effective. Concern is expressed in relation to the ability of the attenuation pond to accommodate predicted flows and that it will be inundated during flood events.
- The pond will likely need to be bunded in order to prevent this.
- Widening of the road has the potential to increase flood risk due to disruption to the existing drainage ditch.
- The scheme fails to provide adequately for cycling infrastructure – the footway at the entrance should be widened to 3m.
- Secure, lockable cycle storage should be provided for all dwellings.

5.3 In response to the original scheme there were 34 letters of support. The content is summarised as follows:-

- The site layout is sympathetic to the area and is a clear reference to other farmstead developments within the parish.
- The scheme will tie Garbrook, which can feel remote and disconnected, back to the main village, will should assist with community cohesion.

- The housing designs are varied and sympathetic to the location, including both affordable housing and live/work accommodation. The approach reflects the wishes of the community as expressed during the public consultation undertaken by the applicant.
- The proposal offers the opportunity for traffic calming in the form of a potential extension of the 30mph speed limit in an easterly direction beyond Garbrook. This would assist with the movement of vehicles at the junction of the A438 and the Little Tarrington Common Road.
- The proposal will also enhance the footway linking back to the main village.
- There are no known issues with drainage or sewerage at this part of the village.
- Development of this site will have no discernible impact on traffic movements on the lanes surrounding the main village. This cannot be said of the other site put forward for development.
- The site affords good access to the bus stops at Garbrook.
- The landscaping proposals are generous and well-conceived and should help the scheme assimilate into a natural extension of the village.
- The scheme will not adversely affect the historic core of the village.
- The proposal will assist in supporting village amenities, including the pub and seasonal shop at the Millpond.
- The scheme is low-density, with good gardens and ample parking provision.
- The site is well screened from the Millpond.
- The site should be identified as part of Little Tarrington via the NDP and included in a settlement boundary. Absent a NDP the site is the best available and although making a good contribution would not on its own fulfil the minimum growth requirement. It will be very difficult to find two sites of similar scale locally.
- The site has been subject of genuine consultation with the community, which has led to suggested changes being incorporated. The result is far more attractive to the village than some of the housing developments springing up in adjoining parishes.

5.4 Three letters of objection has been received in response to the amended proposals. The content is summarised as follows:-

- The site is still prominent in views from the churchyard and damaging to its setting and the ancient monument – preaching cross;
- Concerns persist in relation to flooding; as noted by other correspondents in their original objections;
- It is only opposition to other sites that have led to the support for this site, which is still divorced from the main built up part of the settlement and contrary to Paragraph 4.8.16 of the Core Strategy;
- Improvements to the footway links to Tarrington and Garbrook should be a stipulation of any approval;
- This site was not identified by the NDP and rejected by the consultant appointed to review potential housing sites as being divorced from the settlements of Tarrington and Little Tarrington and harmful to the landscape;
- The proposal will still have an impact on the Millpond site, which is marketed as enjoying rural surrounds. The scheme will remove the rural setting. Further concerns outlined in relation to the original scheme are restated.

5.5 Thirteen letters of support have been received in response to the amended proposals. The content is summarised as follows:-

- The reduced scheme is even better than the original proposal;
- It promotes the right number of houses in the right place;
- It has none of the disadvantages in relation to landscape or heritage that other sites have;

- It is better placed to afford ease of access; sites within the village would lead to additional congestion and conflict;
- The proposal will enhance the community and represents sustainable development;
- The reduced scheme will have a less pronounced impact on the Millpond site, which is seasonal;
- The new siting provides easy access to the Little Tarrington Common Road and there is public open space on the South and West sides which will be planted with native trees which should help the site to blend in with the surrounding grass fields and woodland planting to the North East and East adjacent to the Millpond;
- The reduction in the numbers of houses has enabled the site to be reduced in size and allows for the planting of native trees around and within the development, helping the houses to assimilate into the surroundings;
- The design is mirroring the farmyard layout typical the area and incorporates a range of styles appropriate to this theme;
- The site slopes down from the A438 so that the impact will be reduced compared to a level site or one that sloped up from the road, further reduced by the retention of existing hedges;
- The widening of the Little Tarrington Common Road and the new footpath from the site entrance to the A438 will be of benefit to Little Tarrington residents and the new footpath running along the South side of the site is likely to be a great improvement on the existing footpath running alongside the A438;
- The sustainable drainage proposals (SUDS) demonstrate that the surface water will be controlled by an attenuation basin and Hydro-brake to ensure that the surface run off from the site will be no greater than the existing run off and should therefore ensure that the development does not contribute to flood risk downstream;
- Consultation on housing sites undertaken as part of the NDP work pre-dated the inclusion, within the CS, of Little Tarrington. Consultation on the inclusion of this site has never been undertaken in the changed policy-context;
- With the influence of Garbrook, the main road and railway, the site cannot truly be said to be in open countryside;
- The site will be visible from the churchyard, but so are lots of developments. This is not so harmful an impact as to warrant objection;
- The Environment Agency has not objected on flood risk.

5.6 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=171777&search=171777

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

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 In this instance the Development Plan for the area comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS). In the context of a lack of 5-year supply, housing proposals should be considered in the context of the positive presumption in favour of sustainable development and the pre-weighted planning balance at Paragraph 14 of the NPPF - unless restrictive policies apply. The CS underpins the importance of maintaining a supply of housing land with Policy SS1 echoing the positive presumption, SS2 setting out the spatial strategy

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insofar as housing delivery is concerned and SS3 setting out the measures that might be promoted where housing completions are below the required level.

- 6.3 The CS approach to housing delivery in rural areas rests with the proportionate distribution of dwellings across the settlements identified at figures 4.14 and 4.15 of the CS. Tarrington is a main settlement within the Hereford Housing Market Area, where the indicative minimum target for growth is 18%. CS Policy RA1 states that the indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of NDPs, with local evidence and environmental factors determining the appropriate scale of development. Policy RA2 sets out the criteria against which housing proposals will be considered where a NDP does not exist and explains that NDPs will, in time, allocate land for new housing or otherwise demonstrate delivery to provide a level of housing to meet the minimum target. Taken, together, it is clear that RA1 and RA2 operate to cede precedence to NDPs that are made.
- 6.4 In this case the NDP is not yet material to decision-making. Whilst reports have been compiled in support of the evidence base with the intent of identifying potential housing sites, these are background documents to an NDP that is yet to be consulted on and cannot, therefore, be given any material weight.

The weight to go to the Policies of the development plan (CS)

- 6.5 For Members' benefit, my summary of the correct approach to decision taking in the circumstances of this application is summarised below:-
- As per 6.1, decisions should be made in accordance with the Development Plan (CS) unless material considerations indicate otherwise.
 - A significant material consideration in the context of a lack of housing land supply is the NPPF, which states that housing applications should be considered in the context of the presumption in favour of sustainable development (NPPF 49)
 - In the context of the shortfall of housing land supply, policies relevant for the supply of housing must, as per the NPPF, be considered out-of-date (NPPF 49).
 - The weight to go to these policies is a matter for the decision-maker having regard to all material considerations.
 - The practical effect of housing policies being out-of-date is the application of the decision-taking approach set out in CS Policy SS1, which reflects NPPF paragraph 14 i.e. where the development plan is absent, silent or relevant policies are out-of-date, the presumption should be in favour of granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the NPPF indicate development should be restricted.

- 6.6 Thus, it is for the decision-maker to determine the weight that should go to policies relevant for the supply of housing in each case. Given the over-arching objective to boost significantly the supply of housing, paragraph 49 suggests that absent a five year supply with buffer, such policies must necessarily be apportioned reduced weight, but the degree of weight is for the decision-maker. This was recorded in the Court of Appeal decision [Richborough Estates] 2016.

47. One may, of course, infer from paragraph 49 of the NPPF that in the Government's view the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply. The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land,

the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy...

- 6.7 One of the factors determining weight cited by the judges in Richborough above is the extent to which relevant policies fall short of providing for the five-year supply of housing land. In order to address this point it is necessary to review the approach to housing delivery set out in the CS. SS2 sets out the hierarchical approach in terms of the settlements identified for housing growth. Hereford is expected to accommodate 6,500 dwellings (minimum), the market towns 4,700 and the rural areas 5,300.
- 6.8 Development in the rural areas is directed to the settlements defined at figures 4.14 and 4.15 of the CS (the main villages and smaller settlements, with Tarrington in the former category and Little Tarrington in the latter). It is also clear that the expectation is that each parish will be expected to accommodate their minimum growth requirement and NDPs are being progressed county-wide on this basis.
- 6.9 In the case of Tarrington parish there is no made or draft NDP and a lack of clarity, therefore, as to how the existing residual minimum requirement – 35 dwellings as at April 2017 – will be met and the housing land supply at the parish level addressed. As at 3.2 above, the only other large-scale site for residential development to have come forward as an application in the parish during the plan period was refused – 171195. There has been no appeal.
- 6.10 Accordingly, it is my view that at the parish level there is uncertainty as to how the indicative minimum growth target will be met. In these circumstances I am of the view that policies RA1, RA2 and RA3 attract limited weight. Insofar as RA2 is concerned, this view relates specifically to the locational requirement that development be located within or adjoining the main built up area, but does not relate to the requirement at criteria 3) which requires development to be high quality and sustainable...appropriate to their context and capable of making a positive contribution to the surrounding environment and the landscape setting. Criteria 3) thus continues to attract full weight as it is consistent with CS policies that continue to attract full weight and the objectives of NPPF design policies.
- 6.11 On this basis CS Policies LD1, LD2, LD3, LD4, MT1, SD1-4 all attract full weight as policies that are not relevant for the supply of housing and in full accord with the objectives of the NPPF. It is clear, however, that in the final balancing exercise, decision-makers must have the context afforded by NPPF 49 in mind.

Main issues

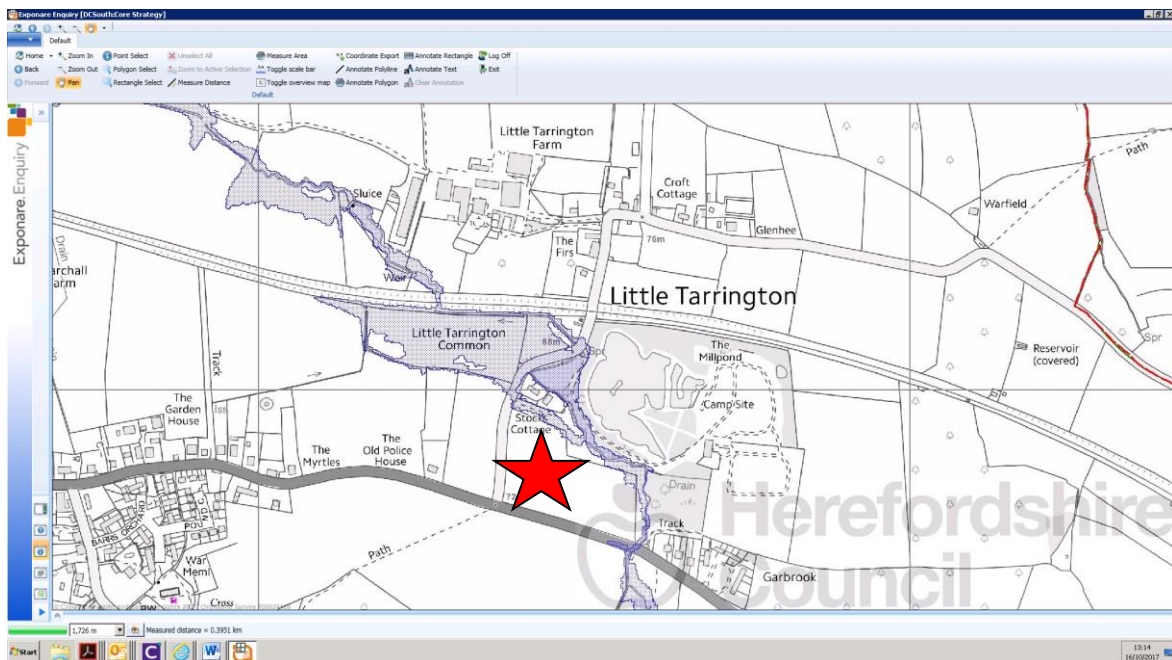
- 6.12 Having regard to the development plan and material considerations, including those raised in the consultation responses received, I consider the key issues in the determination of this application are as follows:-
- a) Its effect on the character and appearance of the surrounding area;
 - b) Its effect on the hydrological conditions of the local area with particular regard to flood risk;
 - c) Its effect on the safe operation of the highway network and accessibility to sustainable modes of transport;
 - d) The weight which should be given to policies for the supply of housing, in light of the Council's position regarding its 5 year supply of housing land;
 - e) Whether the proposal should be seen as representing sustainable development and how the planning balance, involving the benefits and disbenefits of the proposed development, should be assessed.

Impacts on the character and appearance of the area

- 6.13 CS Policy SS6 is a strategic policy which states that development proposals should conserve and enhance those environmental assets that contribute towards the County's distinctiveness, and makes specific reference to settlement pattern and landscape.
- 6.14 Policy SD1 requires development proposals to make efficient use of land - taking into account the local context and site characteristics; to make a positive contribution to the character of the area; and to ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored.
- 6.15 Policy RA2, which operates as the principal policy against which rural housing proposals within or adjoining main villages will be assessed pending a NDP, requires that development proposals should be *"high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting."*
- 6.16 This requirement of RA2 is underpinned by Policy LD1, which require that development proposals demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.17 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.18 Also relevant is section 11 of the Framework, which deals with conserving and enhancing the natural environment. Of particular note in this regard is paragraph 109 which states, amongst other matters, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is accepted that the site is not formally designated for its scenic quality and is not, in the view of officers, a valued landscape.
- 6.19 The application site is open pasture bounded by some development to the north, but nonetheless a site that in my opinion forms part of the rural landscape hereabouts.
- 6.20 During periods when trees and hedgerows are in leaf, the presence of Garbrook and the Millpond Camping and Caravan site is barely discernible; likewise the railway line. One is thus largely unaware of the settlement that is Little Tarrington, which is located to the north of the railway and comprises development that fronts onto the Little Tarrington Common Road, as well as the large farmstead at Little Tarrington Farm.
- 6.21 This is illustrated in the OS extract below. The site is marked by the red star. The rail line runs on an E/W axis to the north, beyond which lies Little Tarrington. Garbrook is to the E/SE and Tarrington to the W.
- 6.22 The CS confirmed that pending the adoption of NDPs, housing schemes will be considered against the relevant criteria of RA2; including at 1) that the design and layout should reflect the size, role and function of each settlement and be located *within or adjacent to the main built up*

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area. In relation to smaller settlements identified in fig. 4.15, proposals will be expected to demonstrate *particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned.*



- 6.23 As above, in the context of the absence of a five year supply of housing land with buffer, it is my opinion that the locational aspect of RA2 should attain reduced weight. It is the case, however, that RA2 (3) requires that schemes are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting. This requirement is reflected in CS Policy LD1, which as above, should attain full weight. The first bullet to LD1 requires that development proposals should demonstrate that character of the landscape...has positively influenced the design, scale and site selection, protection and enhancement of the setting of settlements and designated areas.
- 6.24 In this case, it is acknowledged that the amended scheme has now had regard to the character of the landscape. It has done this principally by reducing the scale of the proposal. It is axiomatic, however, that new development in a green-field context such as this will have a pronounced and irreversible effect on landscape character and views into and across the site.
- 6.25 At 5.5 of the applicant's LVIA, the consultants give view professional opinion on the impacts on landscape character arising from the proposal:
- "It is our view that the proposed development respects the essential characteristic of this large landscape type. It fits within the pattern of dispersed settlements. While Tarrington, the main village, is relatively tightly clustered there are other associated groups of buildings about 1km away and these include Little Tarrington and the Garbrook Estate. The proposed housing would be physically close to the latter two settlement areas but associated, in a similar way, with Tarrington."*
- 6.26 At 5.11, this translates, in the view of the submitted LVIA, to a residual level of effect [on landscape character] that is 'minor adverse':

The site area is comparatively small and would be well assimilated by existing and proposed planting in the wider landscape. Taking account of the loss of the Site as half of an open field,

and balancing this against the potential improvements the development can bring in terms of appropriately designed rural housing set within a structure of new native planting, we believe that the overall effect of the housing on the landscape character within the LVA study area around Tarrington/Little Tarrington/Garbrook, would be minor adverse at all stages of the development. This would result in a residual level of effect of minor adverse on this medium sensitivity landscape. The development would have a residual negligible adverse level of effect on the landscape character of the wider Natural England National Character Area 100. Herefordshire Lowlands and the Herefordshire Principal Settled Farmlands LCA.

- 6.27 The Landscape Officer doesn't concur with this assessment. Although the sensitivity of the landscape is agreed as medium sensitivity, the magnitude of residual effects on landscape character is considered to be greater than negligible adverse. Owing to the site's prominence within the landscape and degree of detachment from Tarrington and Little Tarrington, the Landscape Officer concludes that the amended scheme remains in conflict with CS Policies RA2 and LD1.
- 6.28 Officers have had regard to the applicant's LVIA and the professional comments of the Landscape Officer. There is professional disagreement in respect of the effects on landscape character and visual amenity. It is common ground between the professionals that some negative effects will ensue, the difference relates to the magnitude.
- 6.29 It is clear that the approach to landscaping has been carefully considered, yet it is obvious that relatively large-scale development upon a green field will have landscape effects and by comparison to the baseline position, it is not unreasonable to consider these effects to be negative.
- 6.30 I am also satisfied that in amended format the scheme better reflects the rural character of the site and attempts to create a 'sense of place' by reverting to a farmstead complex arrangement.
- 6.31 Overall, I agree with the landscape officer that there is a degree of conflict with CS Policies RA2 (3) and LD1 insofar as the scheme is divorced from the built up part of the settlements. However, with respect to LD1 in particular, it is the case that the character of the landscape has positively influenced the amended design, scale and nature of the development if not the site selection. It is also the case that LD1 places particular emphasis on the protection of designated landscapes, which the application site is not.
- 6.32 The third and fourth bullet points of LD1 refer to the incorporation of new landscape schemes... "to ensure development integrates appropriately into its surroundings" and "maintain and extend tree cover where important to amenity...and new planting to support green infrastructure." It is my view that the scheme accords with these specific requirements of the policy.
- 6.33 Overall on the first main issue, I am of the opinion that there is harm to landscape character and visual amenity, but this is moderated to a degree by the amended scheme and landscaping proposals and must be considered in the overall consideration of benefits and adverse impacts (the 'planning balance') and the context set by the lack of housing land supply; which appears likely to persist at the parish level even if this scheme is permitted. Such harm as has been identified will be factored into the planning balance later on.

Drainage

- 6.34 The scheme as originally deposited attracted objection from the Environment Agency (EA) and Land Drainage officer as well as members of the public. However, as noted by the Land Drainage officer and Environment Agency, the site in its reduced amended form is now well

removed from the area at risk from flooding and entirely within Flood Zone 1 – land at the lowest risk of flooding.

- 6.35 The revised scheme has been informed by modelling of the Gar Brook (as per the request of the EA) and this modelling has assumed what would happen in hydrological terms were culverts downstream to suffer obstruction.
- 6.36 The revised Flood Risk Assessment has been reviewed and the commentary provided by the EA and Land Drainage officer indicates that each is satisfied that subject to conditions there is no longer any sustainable basis for objection to the scheme.
- 6.37 I am of the view that the proposal would comply with CS Policy SD3 and NPPF guidance.

Impacts on the safe operation of the highway network and accessibility to sustainable modes of transport

- 6.38 CS Policy MT1 requires that development proposals should incorporate a number of principle requirements covering movement and transportation. These include demonstration that the local highway network can absorb the traffic impacts of 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 second criterion refers to the promotion of integrated transport connections...including access to services by means other than private motorised transport, whilst the third requires that active travel behaviour is encouraged. The policy rounds off as follows:-

“Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character...”

- 6.39 The policy is thus consistent with the NPPF and serves to support a reduction in reliance upon the private motor vehicle; especially for short-distance trips.
- 6.40 Whilst I acknowledge concerns expressed locally in respect of a lack of services and employment opportunities locally, Tarrington is identified as a recipient for proportionate growth. Thus, whilst the quality, frequency and convenience of public transport services may be in question, I do not consider such absence of provision to mean that housing proposals in rural areas are unacceptable. This is echoed by the NPPF, which at paragraph 29 states:

“...the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

- 6.41 In this case, the site, albeit one that is divorced from the main built up part of the village, affords reasonable access to sustainable modes of transport. There are Hereford and Ledbury bound bus-stops on the A438 at Garbrook. There is an existing footway on the north side of the A438 linking to these bus-stops and the scheme also promotes an internal route for occupants linking to the site’s south-eastern corner.
- 6.42 The scheme also promotes a footway on the east side of Little Tarrington Common Road and enhancements of the existing footway on the north side of the A438 linking back to Tarrington. It has been clarified that the intention is to ensure that the footway be widened or overgrowth cleared such that a minimum width of 1800mm is achieved where obstruction in the form of existing boundaries does not prevent it. A covenant to undertake this work at the developer’s cost is included in the draft heads of terms.

- 6.43 I am also of the view that the site, in terms of providing direct off-road access to sustainable transport modes i.e. bus; is better located than any potential sites within or adjoining Little Tarrington.
- 6.44 The draft heads of terms also promotes a payment of £15,000 towards the extension of the existing 30mph limit.
- 6.45 In overall terms, I am content that the residual cumulative impacts of the development will not be severe and that the proposal accords with CS Policy MT1 and NPPF guidance.

Other matters

- 6.46 Subject to the imposition of conditions there are no objections on ecological grounds.
- 6.47 The draft heads of terms makes provision for the highway improvements and a contribution towards a TRO for the extension of the speed limit. Governance of the affordable housing (5 no. low cost market dwellings) and the maintenance of the SuDs and open space is also included.

7. The Planning Balance

- 7.1 The CS expectation is that in order to deliver the requisite number of houses across rural areas, each parish will attain the minimum indicative growth target against a 2011 baseline. For Tarrington Parish, this is a minimum indicative requirement of 43 dwellings. With 8 commitments and/or completions as at April 2017, this leaves a residual requirement for 35 dwellings i.e. slightly more than twice the number promoted by this application.
- 7.2 As above, the early work for the NDP (now stalled) conducted a call for sites. The preferred option on land north of Old School Lane has been refused planning permission (171165). The only other large-scale site to come forward is that now under consideration. On an objective assessment, it appears that the ability to meet the minimum indicative requirement is at present questionable. Thus, the contribution that this scheme would make towards the social dimension of sustainable development i.e. through the provision of market, affordable and live-work housing, is a significant material consideration telling in favour of the scheme.
- 7.3 Officers also note the design response to the context and the attempts to conceive a development that is not uncharacteristic of the landscape character type. Harm to the character of the landscape and adverse visual effects are, however, unavoidable. Whilst the landscaping proposals would ameliorate the impact over time, it remains that the development is, in the local context, visible from public vantage points and without obvious context. I detect a degree of conflict with RA2, but this harm is moderated in the context that the locational requirements of RA2 cannot, in my view, be given full weight in the context of the housing land supply deficit. It is also my assessment that the scheme does fulfil certain of the criteria attached to LD1 and the sensitivity of the landscape is agreed as moderate. There is no landscape designation and thus I am of the view that the harm to landscape character and visual amenity should only attract moderate weight in the overall balance.
- 7.4 The application site is now modified such that it is entirely within flood zone 1 and the Environment Agency and Land Drainage officers have, subject to conditions, removed their earlier objections.
- 7.5 Despite the site's location that is neither within or adjacent Tarrington or Little Tarrington, it does not suffer from the inability to promote access to sustainable modes of transport. In fact, it could be argued that in terms of convenient walking distances to local bus stops, the site is better located than any alternatives in Little Tarrington and at least as well placed as those in

Tarrington itself – this in recognition of the direct access onto the footway along the A438 towards the bus stops at Garbrook.

- 7.6 I have had regard to objections received that relate harm to the setting of the church and SAM therein, but consider that in order for harm to setting to be evidenced, it is necessary for more than the development to simply be visible from the asset. At 4.7 the Conservation Manager (Built Environment) records no objection to the scheme's impact on heritage assets and I agree with his professional view.
- 7.7 Thus, having regard to the absence of a five year supply of housing land, the question being posed is whether the harm to the landscape character of the area, in the context of alleged contravention of CS Policies RA2 3) and LD1, is so pronounced that it significantly and demonstrably outweighs the benefits of the scheme when assessed against the development plan taken as a whole.
- 7.8 To my mind the benefits of the scheme amount to the following:-
- 1) The provision of market, affordable and live-work accommodation in the context of a pronounced and not obviously reconcilable under-supply of housing land in the parish;
 - 2) The benefits arising in the economic sphere through the construction phase of the development and then via the lifetime of the development i.e. through increased expenditure in the local economy and potential underpinning of local services as a consequence;
 - 3) Support for the rural economy arising from the live-work elements;
 - 4) Potential bio-diversity enhancements by comparison to the baseline position.
- 7.9 Against this the site is divorced from the respective settlements and is in conflict with RA2 and elements of LD1. However, for the reasons given above, which include absence of harm in other areas e.g. flooding, highways and design approach, my overall conclusion is that in the context of the decision-making approach set out above the adverse impacts associated with the development do not *significantly* and *demonstrably* outweigh the benefits. As a consequence and in these specific circumstances, I am of the view that the development is representative of sustainable development and is recommended for approval accordingly.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **A01 Time limit for commencement (full permission)**
2. **H03 Visibility splays**
3. **H06 Vehicular access construction**
4. **H13 Access, turning area and parking**
5. **H17 Junction improvement/off site works (works to U66205 shown on Drawing LT-PA-2697-08A)**
6. **H16 Parking/unloading provision - submission of details**
7. **H20 Road completion in 2 years**

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

8. **H21 Wheel washing**
9. **H27 Parking for site operatives**
10. **Construction Traffic Management Plan**
11. **Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

12. **Prior to commencement of the development, a detailed habitat enhancement scheme based on the recommendations in the Ecology Report by Ecology Services dated May 2017 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

13. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment,

14. **Prior to the occupation of properties the flood alleviation channel proposed in Section 4.2 of Hydro-Logic's FRA (Ref: K0790 Rep. 2 Rev 2 dated September 2017) must be in place with detailed design to be agreed and approved by the Lead Local Flood Authority.**

Reason: To reduce flood risk to the site. In summary, the updated FRA with the additional modelling of blockage scenarios has addressed the issues we have raised previously and responded to local concerns. We therefore feel the FRA is now satisfactory and is in line with national planning policy.

15. **C01 Samples of external materials**
16. **G09 Details of Boundary treatments**
17. **All planting detailed upon the Amended Landscaping Proposals – Drawing number LT-PA-2697-07b dated 26th September 2017 - shall be carried out in the first planting season following completion of the development or first occupation of the development (whichever is the sooner). Any trees or plants that within a period of**

ten years of their planting die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

18. B03 Development to be in accordance with amended plans

19. Construction Environmental Management Plan

20. The work space within the live-work units hereby approved (plots 16 and 17 on the approved site layout drawing LT-PA-2697-03b) shall be used solely for purposes falling within Class B1 of the Use Classes Order 1987 (As amended).

Reason: To control the use of the workspace areas in order to ensure that they remain compatible with the adjoining residential properties so as to comply with policies SD1 and RA6 of the Herefordshire Local Plan Core Strategy 2011-2031 .

21. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

22. Notwithstanding the approved plans, details of the following shall be submitted to and approved in writing by the local planning authority.

- Nature and size of the standard pipe network proposed to convey onsite runoff.
- Details of the pipe network proposed to convey clean roof runoff to the ornamental pond.
- How the system will deal with surcharge and blockages. Including how overland flows would be conveyed to the ornamental pond and attenuation basin.
- Full specifications of the Hydro-brake Optimum
- Confirmation that Ordinary Watercourse Consent has been granted by Herefordshire Council for the outfalls from the attenuation basin.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

23. Finished floor levels should be set at least 600mm above the upstream 1 in 100 year plus 35% modelled flood level of 69.60m AOD, confirmed in Hydro-Logic's FRA (Ref: K0790 Rep. 2 Rev 2 dated September 2017 Table 4.2) as 70.20mAOD.

Reason: To protect the development from flooding including the impacts of climate change.

INFORMATIVES:

1. **HN10 No drainage to discharge to highway**
2. **HN08 Section 38 Agreement & Drainage details**
3. **HN07 Section 278 Agreement**
4. **HN28 Highways Design Guide and Specification**
5. **HN05 Works within the highway**
6. **N02 Section 106 Obligation**
7. **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.**

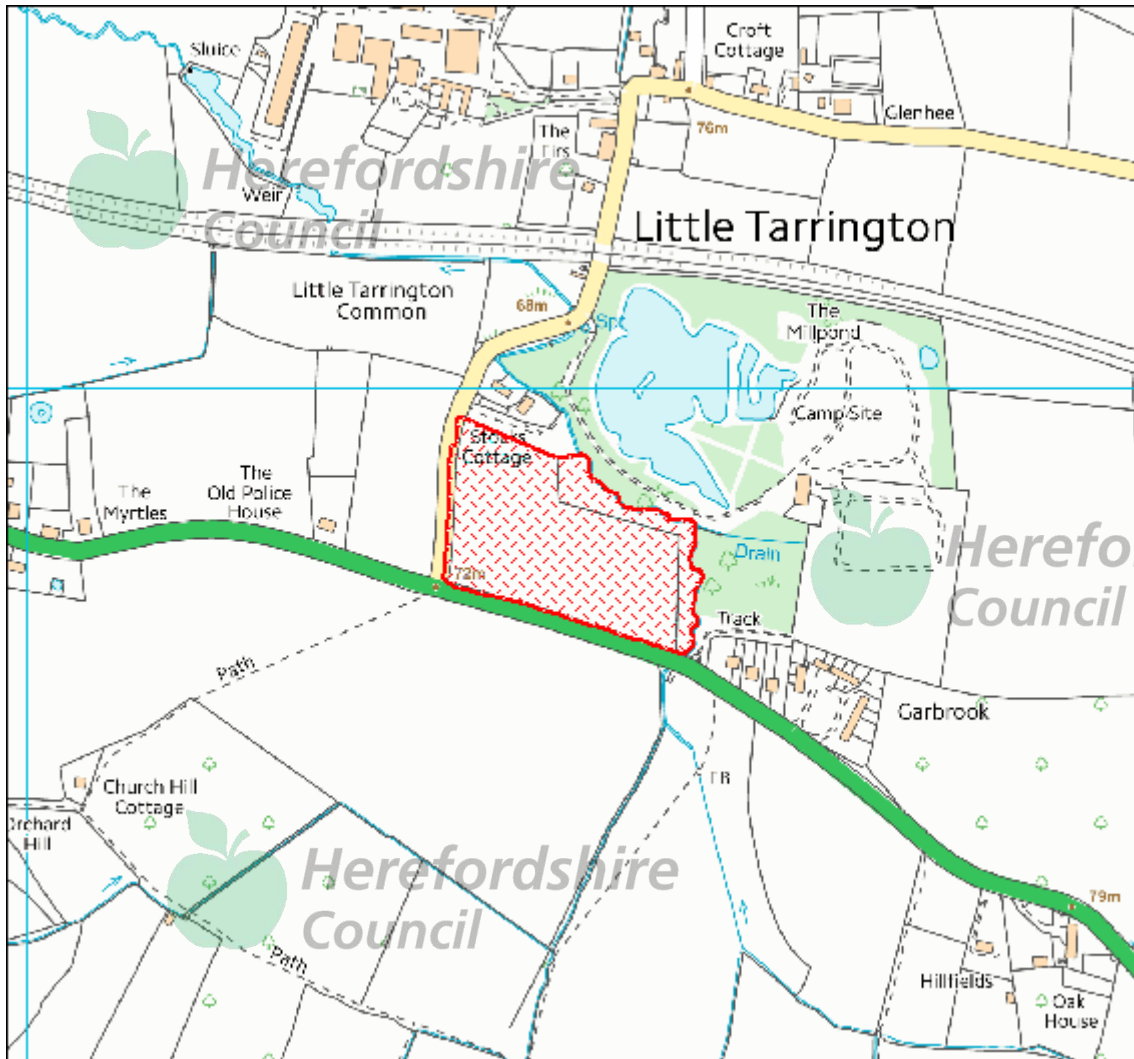
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171777

SITE ADDRESS : LAND BETWEEN GARBROOK AND LITTLE TARRINGTON COMMON ROAD, LITTLE TARRINGTON, HEREFORD, HR1 4JA

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only, except for the waste contribution.

Planning application: P171777/F

Proposed mixed use development comprising 15 dwellings including 5 affordable, 2 live work units and associated roads and footpaths, junction improvements, sustainable drainage, informal public open space, hedgerow and tree planting on land between Garbrook and Little Tarrington Common Road, Little Tarrington, HR1 4JA

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£28,558.00** (index linked). The contributions will provide for enhanced educational infrastructure at Ashperton Primary School. The sum shall be paid on or before commencement of the development, and may be pooled with other contributions if appropriate.

NOTE: An education contribution has been agreed in principle for Ashperton Primary School but is currently subject to negotiation subject to confirmation that the contribution is necessary and compliant with the Community Infrastructure Levy Regulations 2010.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£15,000.00** (index linked). The contribution will provide for a Traffic Regulation Order to investigate the reduction in speeds on the westbound approach of the A438 into Tarrington. The sum shall be paid on or before commencement of the development.

NOTE: The developer has covenanted with Herefordshire Council to deliver improvements to the A438 U66206 junction including road widening and new footpath links through the site to link with local bus stops at Garbrook and Tarrington village.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,360.00** (index linked) per dwelling. The contributions will provide for 1 x waste bin and 1 x recycling bin. The sum shall be paid on or before commencement of the development.

4. The developer covenants with Herefordshire Council to provide a minimum on site green infrastructure of 0.033 hectares comprising;
 - Public Open Space 0.014 hectares (140sqm) @ 0.4 hectares per 1000 population
 - Informal children's play 0.019 hectares (190sqm) @ 0.55 hectares per 1000 population
5. The developer covenants with Herefordshire Council that 5 units of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 - 2031 and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations 2008.
6. The developer covenants with Herefordshire Council that the affordable units will be Low Cost Market Housing which means housing sold to people in need of Affordable Housing at a discounted price as set by the Affordable Housing technical data.
7. The developer covenants with Herefordshire Council not to occupy or cause or permit the occupation of more than eighty percent (80%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).
8. The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-
 - 8.1 a local connection with the parish of Tarrington;
 - 8.2 in the event there being no person with a local connection to the parish of Tarrington to the following parishes Ashperton, Pixley, Putley, Stoke Edith, Woolhope, Yarkhill and Stretton Grandison;
 - 8.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under subparagraph 8.1 & 8.2 above

9. For the purposes of sub-paragraph 8.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- 9.1 is or in the past was normally resident there; or
- 9.2 is employed there; or
- 9.3 has a family association there; or
- 9.4 a proven need to give support to or receive support from family members; or
- 9.5 because of special circumstances

10. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2 and 3 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

11. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.

12. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
3 November 2017

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 November 2017
TITLE OF REPORT:	<p>164024 - RE-DEVELOPMENT OF FORMER COUNCIL OFFICES AT BATH STREET, HERFORD INCLUDING CHANGE OF USE FROM B1 - BUSINESS TO C3 - DWELLINGHOUSES TO PROVIDE A TOTAL OF 75NO. APARTMENTS (COMPRISING 1 & 2 BED APARTMENTS). RE-DEVELOPMENT INCLUDES PARTIAL DEMOLITION OF EXISTING BUILDINGS (AS INDICATED ON SUBMITTED DRAWINGS), CONVERSION OF REMAINING ELEMENTS, EXTENSIONS TO EXISTING AND ALSO NEW BUILD TO PROVIDE RESIDENTIAL ACCOMMODATION AND ASSOCIATED LANDSCAPING, DRAINAGE, PARKING AND ANCILLARY BUILDINGS. AT FORMER COUNCIL OFFICES, 39 BATH STREET, HERFORD HR1 2HQ</p> <p>For: Herefordshire Housing per Polly Upton, Upper Twyford, Hereford, HR2 8AD</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search
Reason Application submitted to Committee – Amendment required to previous planning and regulatory committee recommendation	

Date Received: 15 December 2016 **Ward: Central** **Grid Ref: 351479,239865**
Expiry Date: 30 November 2017
Local Member: Councillor LC Tawn

1. Site Description and Proposal

- 1.1 The planning application described above was reported to the Planning and Regulatory Committee on 13 September 2017. Members resolved unanimously to support the officer recommendation. Namely that:

“Subject to the completion of a Section 106 Town and Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.”

- 1.2 The normal practice would then be that the section 106 is completed, the planning permission is issued and the land transferred to Herefordshire Housing Ltd simultaneously on the same day.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- 1.3 However, Herefordshire Housing Limited is unable to purchase the site until a period of time has elapsed (6 weeks) should a third party wish to lodge judicial review proceedings against the grant of planning permission.
- 1.4 The purpose of this report is to seek authorisation to amend the previous recommendation to enable an alternative process to be followed under Section 111 Local Government Act 1972. It is not the purpose of this report to revisit the planning merits.
- 1.5 The Section 111 agreement is a legally binding covenant that will require 'Herefordshire Housing Limited' to enter into agreement under Section 106 Town and Country Planning Act 1990 with the Council once it has acquired a legal interest in the land.

2. Officer's Appraisal

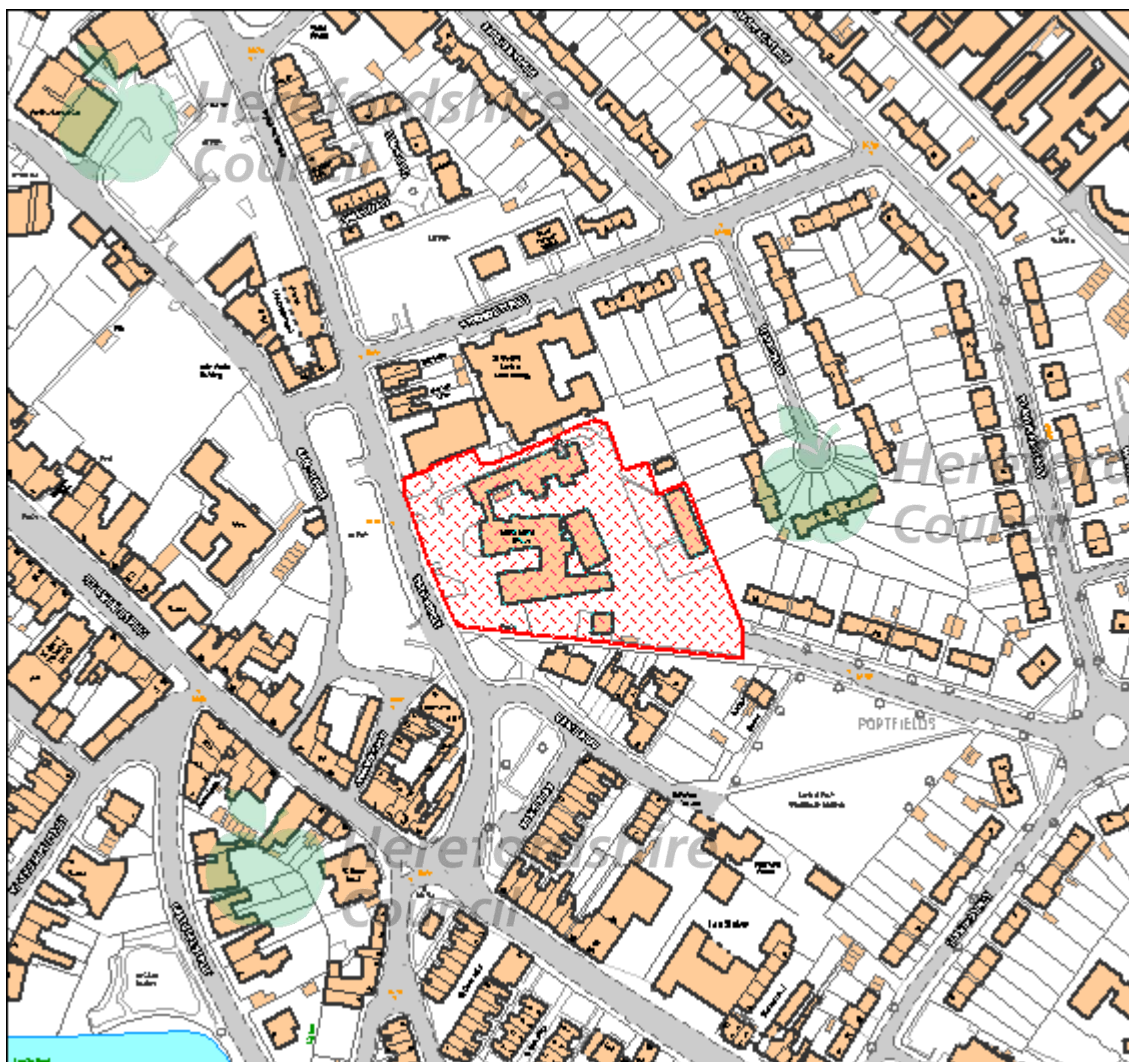
- 2.1 Section 111 of the Local Government Act 1972 is entitled "Subsidiary powers of local authorities". It is a generalised catch-all provision to enable local authorities to "do any thing.... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions" (Section 111(1)).
- 2.2 The use of the power under Section 111 is by its very nature applied to a very wide range of local authority functions, and its use must be subsidiary to the discharge of some particular function.
- 2.3 In the present case, the power under Section 111 is being used by the council to enter into an agreement with Herefordshire Housing Limited which will secure the entering into of a planning agreement under S106 of the 1990 Act. Accordingly, the relevant principal function to which the use of S111 is subsidiary in this case is S106 of the Town and Country Planning Act 1990 (as amended).
- 2.4 S106 of the 1990 Act authorises persons with an interest in land to enter into planning obligations with the local planning authority (by agreement or otherwise) and gives local planning authorities powers to enforce such planning obligations. 'Herefordshire Housing Limited' is not currently in a position to enter into a planning obligation with the Council as local planning authority under S106 because it does not yet have an interest in the relevant land, and as the landowner and also the local planning authority, Herefordshire Council cannot covenant with itself to comply with the planning obligations, nor can they be enforced against themselves.
- 2.5 Therefore the effect of the S111 agreement will be two-fold.
 - a. It will enable the council to issue the planning permission, within 5 working days of the S111 being signed; &
 - b. It will require the council (as local planning authority) and Herefordshire Housing Limited to enter into the agreed form of S106 agreement simultaneously that Herefordshire Housing Limited acquires the legal interest in the land.

RECOMMENDATION

That subject to the completion of a Section 111 Local Government Act 1972 agreement, binding both parties into the unconditional completion of the Section 106 Town and Country Planning Act 1990 agreement and, transfer of the land to Herefordshire Housing Limited, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions set out and attached to the original officer report to committee on 13 September 2017.

Decision:

Notes:



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APPLICATION NO: 164024

SITE ADDRESS : FORMER COUNCIL OFFICES, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ

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