

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.

- 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

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.



- 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.

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

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

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

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.

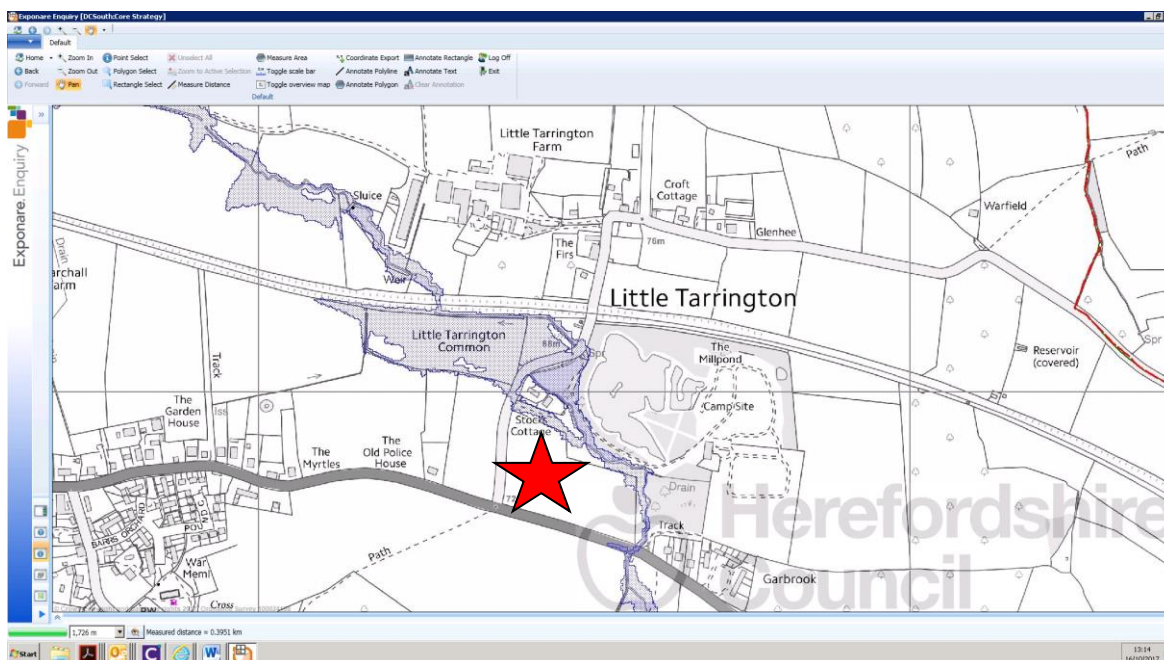
Main issues

- 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*

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**

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.**

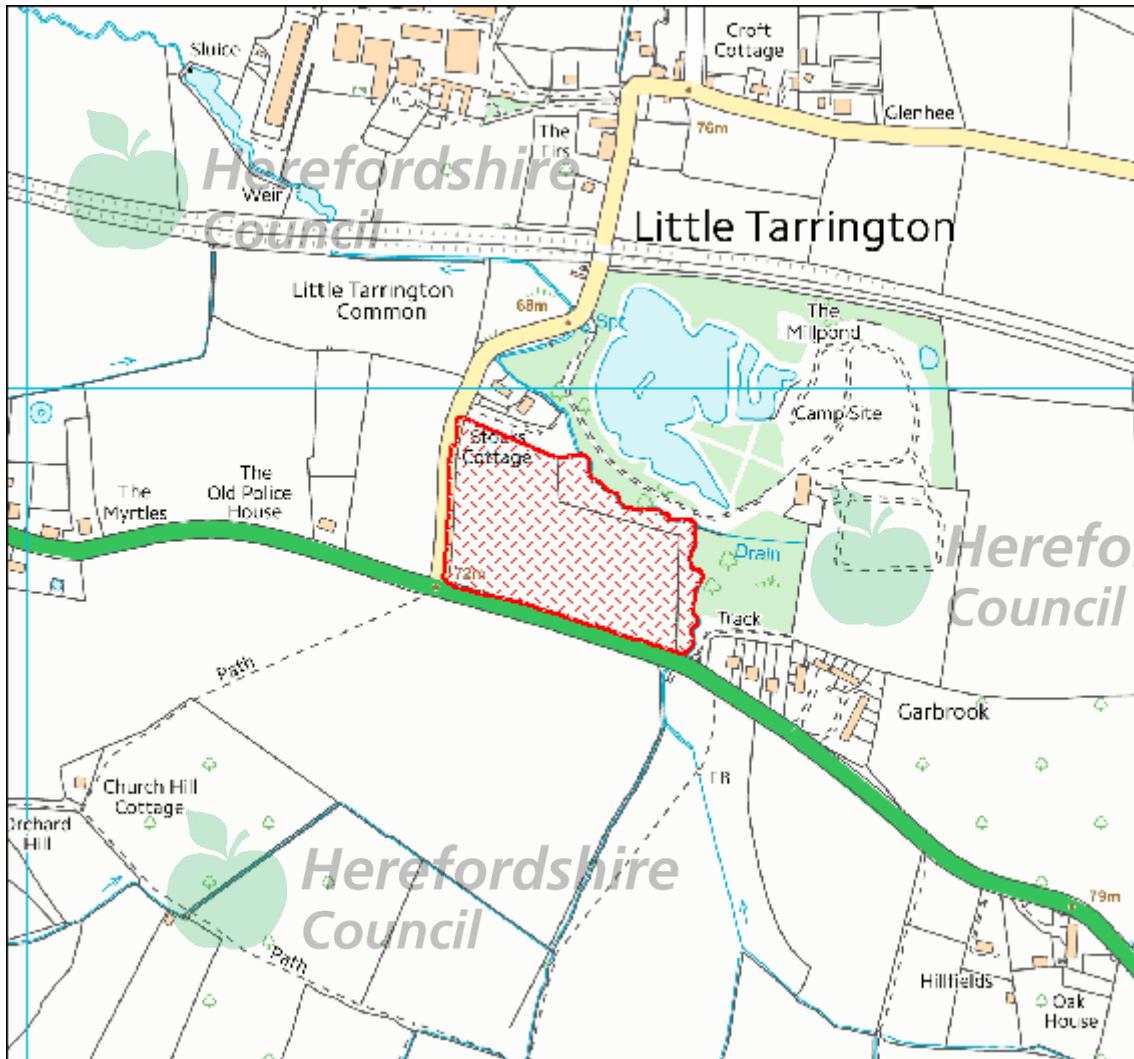
Decision:

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