

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 APRIL 2019
TITLE OF REPORT:	<p>184506 - PROPOSED DEVELOPMENT OF TEN DWELLINGS INCLUDING 2 AFFORDABLE HOMES AND 2 SELF BUILD PLOTS AND ASSOCIATED ACCESS ROAD, FOOTPATH LINK, SUSTAINABLE DRAINAGE, HEDGEROW, TREE AND ORCHARD PLANTING AT LAND WEST OF GARBROOK, LITTLE TARRINGTON, HEREFORD.</p> <p>For: Mr & Mrs Stock per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184506&search=184506
Reason Application submitted to Committee – Redirection	

Date Received: 10 December 2018 Ward: Backbury Grid Ref: 362470,240868

Expiry Date: 17 April 2019

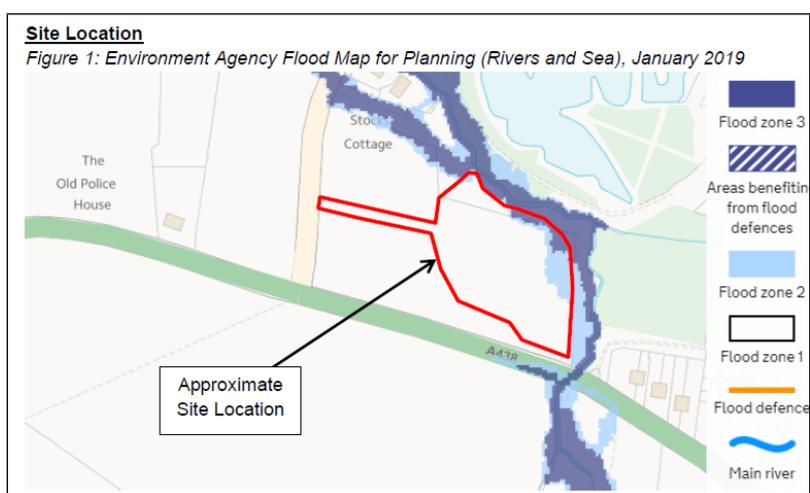
Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 The 1.17 hectare site lies immediately north of the A438 and to the east of Little Tarrington Common Road (unclassified road) and beyond and adjacent to a site granted planning permission for 15 dwellings and 2 live/work units (reference 171777/F, decision dated 3.7.2018). Together the approved site for residential development and the application site consist of a single parcel 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.
- 1.2 To the east of the site, beyond the Gar Brook lies 'Garbrook Estate', which consists of two storey semi-detached, hipped roofed properties facing towards the 'A' road nearest to the application site and further to the east comprising terraced single and two storey dwellings set back from the road and aligned around service road and modest green area. There are two bungalows to the north-west of the site (Millbrook and Stocks Cottage). 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. The Millpond Caravan Park, with its caravan and camping pitches and associated fishing facilities and seasonal shop, lies immediately north and north-east of the site on the opposite side of the brook.

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

- 1.3 Tarrington village, where the church, village hall and public house are situated, lies approximately 300 metres to the west of the site. There is a footway running immediately adjacent to the northern edge of the A438 carriageway between the application site and Tarrington.
- 1.4 The site comprises the eastern part of the field and as outlined in red includes the approved access to serve the extant permission for development of the western portion of the site. The site area is irregular in shape, but is broadly rectangular. Levels fall from the roadside, within the site towards the northern boundaries by approximately 1 metre (AOD 70.50 – 69.50 and remain relatively level from east to west. The site is not subject to any national or local landscape or ecological designations. It is primarily located in the low risk Flood Zone 1, but with part of the north and northeastern section falling within Flood Zones 2 and marginally in Flood Zone 3, associated with the brook. There are no designated or non-designated heritage assets on or adjoining the site.



- 1.5 Outline planning permission is sought for ten dwellings, which would include two affordable units and two self-build plots, along with associated access, footpath links, sustainable drainage and planting. Initially submitted with access and layout to be considered at this outline stage, this has subsequently been amended to include access only. The amended layout plan is for illustrative purposes only. The proposal is described as 'phase 2' and as per the applicants' submission would be developed in conjunction with the extant permission – phase 1 (reference: 171777/F). The amended plans also include the highway improvements approved for the extant permission (detailed in paragraph 1.7 of this report). Matters of layout, scale, appearance and landscaping are therefore reserved for future consideration.
- 1.6 The extant permission comprises 15 dwellings and 2 live/work units in the western portion of the field, but as originally submitted the application site encompassed the entire field and 25 units were proposed (21 dwellings and 4 live/work units). The respective site layout plans were included in the Committee Report for that application (171777/F) and are provided below for clarity, along with the amended 'illustrative' layout for this proposal for 10 dwellings.



171777/F – originally proposed (superseded) layout
(25 units – 21 dwellings & 4 live/work units)

171777/F – approved amended layout
(17 units – 15 dwellings & 2 live/work units)



184506/0 - Amended 'illustrative' layout proposed (10 dwellings)

- 1.7 As per the approved scheme a new vehicular access is proposed off the unclassified Little Tarrington Common Road, some 65 metres from its junction with the 'A road, which would be widened up to the new access into the site to accommodate two clear lanes and a new footpath link on the eastern side. The proposed estate road would be aligned west-east and would pass through 'phase 1' to serve the proposed development. The new access would therefore serve a total of 27 dwellings (of which 2 are live/work units). A new footpath is also proposed broadly parallel with the A438, to the north of the roadside hedgerow and footway, to provide an off-road route through to the bus-stops that lie adjacent the Garbrook Estate. The illustrative layout plan also includes a pedestrian link from the service road at the south eastern corner of the site to connect to the footway.

1.8 The housing mix proposed would comprise:

Market housing = 2 x 3 bed units and 4 x 4+ bed units

Affordable Home ownership = 2 x 2 bed units

Self builds = 2 x 3 bed units

Total = 2 x 2 bed units, 4 x 3 bed units and 4 x 4= bed units

1.9 The Planning, Design and Access Statement explains that the concept of the layout and distribution of the housing is modelled on housing typically found on common land. This is expounded with reference to a proposed informal track with dwellings sited, orientated and designed to reflect a piecemeal and ad hoc pattern of development. Whilst only indicative, the submitted elevations are stated to demonstrate an adoption of rural vernacular principles and it is advised that a palette of materials would complement those approved for 'phase 1'. It continues that the scheme would be set in a strong landscape framework evolved from the approved site to the west. Although landscaping and layout are both reserved matters the application states that extensive new native tree planting alongside the stream, heritage orchards, hedgerow planting and informal grassed common land are to be provided.

1.10 It is explained in the Planning, Design and Access Statement that the site was promoted for development through the draft Tarrington Neighbourhood Development Plan 'call for sites' consultation (January 2018 – after the Planning and Regulatory Committee resolution to grant permission subject to the applicant entering into a s106 and imposition of conditions for 171777/F in November 2017). Specific reference is made to policies in the draft Tarrington Neighbourhood Development Plan (dTNDP), which it states is viewable on the Parish Council's website, including one titled 'land at Stocks Field' for 'around ten dwellings' (an allocation) and inclusion of the site in the Little Tarrington settlement boundary. The Planning, Design and Access Statement acknowledges that the draft TNDP would be subject to two further stages of consultation, but states that it is a well considered document that would provide for sustainable growth.

1.11 In terms of drainage, foul water would connect to the mains, whilst surface water would discharge to an enlarged attenuation basin to the northwest of the site, shared with Phase 1, with a regulated discharge to the Gar Brook.

1.12 The application was supported by an Ecological Assessment Report (amended), Planning, Design and Access Statement, Flood Risk Assessment and Drainage Strategy (amended), draft Heads of Terms, Landscape and Visual Appraisal and supplementary information in respect of the residential/dwelling units.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS) 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

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 National Planning Policy Framework (NPPF) 2019

Section 1 - Introduction

Section 2 - Achieving Sustainable Development

Section 4 – Decision-Making

Section 5 - Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and Enhancing the Natural Environment

2.3 National Planning Policy Guidance

2.4 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 received for Regulation 14 consultation.

3. Planning History

3.1 171777/F - Proposed mixed use development comprising 15 dwellings including 5 affordable, 2 live work units and associated roads and footpaths, junction improvements, sustainable drainage, informal public open space, hedgerow and tree planting – approved (with conditions and subject to a s106 agreement) 3.7.2018.

Land north of School Lane, Tarrington

3.2 Reference is made to this site in the context that work commissioned as evidence base for the draft TNDP (with the objective of identifying potential housing sites), identified this land as suitable for development.

171165/O – Site for the erection of up to 15 dwellings with all matters bar access reserved - Refused 30th June 2017

181943 – Outline planning application for up to 9 dwellings. All matters reserved apart from access – underdetermined.

4. Consultation Summary

The scheme has been amended and the representations received in relation to both are reported below.

Statutory Consultations

4.1 Environment Agency

We have no objection to the proposed development, as submitted, and would recommend the following comments and conditions be applied to any permission granted. For information we previously provided comment on the first phase of the development, to the west of the site (your ref: P171777/F).

Flood Risk: As stated on the previous application, 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).

Flood Risk Assessment (FRA): Hydraulic modelling has been undertaken by Hydro-Logic in support of the proposed development. On the previous application we had outlined our concerns regarding blockage scenarios along with local concerns in relation to historic flooding event in 2007 which indicated flooding was more in line with our Flood Map for Planning.

As requested by the Environment Agency at that time (appendix I – June 2017) Hydro-Logic services have undertaken additional modelling of the Gar Brook and the FRA now includes additional blockage scenarios of 50% and 80% on the downstream culvert in both the 100yr plus 35% and 70% events which accounts for climate change in line with current Environment Agency guidance.

The blockage scenarios do show an increase in flooding to an area downstream of this site including locations identified in historic photographs. However, modelling confirms that flooding is not expected to occur on site in these situations which is acceptable. We are satisfied that the modelling shows the development falls outside the 1 in 1000 year outline i.e. Flood zone 1 and that the site is developable.

Section 4.2.2 of the updated FRA also confirms that finished floor levels will be set no lower than 70.19mAOD which meets the criteria for being a minimum of 600mm above the adjacent 100 year plus climate change (35%) modelled level. Again, given we support the updated modelling, we would have no objections to these levels.

In addition to the above, the FRA also offers further detail (section 3.6.1 on Historic Flooding) in response to the issues raised by concerned residents as part of the Neighbourhood Development Plan/this planning application which we also feel is beneficial.

Whilst there have been improvements to the culvert upstream of the site on the A438, as highlighted in section 3.6.1 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 developments proposals.

Condition: Finished floor levels shall be set no lower than 70.19mAOD (600mm above the 100 year plus 35% climate change flood level) as highlighted in Section 4.2.2 of Hydro-logic Services' FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) unless otherwise agreed in writing by the LPA.

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

Condition: Prior to the first occupation of the development, the flood alleviation channel outlined in section 4.2 of Hydro-Logic Services' FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) must be in place and operational unless otherwise agreed in writing by the LPA.

Reason: To reduce flood risk to the development

Note: Figure 2-5 of the submitted FRA indicates that the 'left bank' of the Gar Brook, on the development side, is supported by a gabion basket structure. There may be benefit in replacing this with a more sustainable and natural revetment solution such as rock armour. However it is noted that the Gar Brook is designated as Ordinary Watercourse and, as such, falls under the remit of Herefordshire Council as the Lead Local Flood Authority (LLFA). We would therefore recommend you seek the views of your internal drainage colleagues on this element of the development along with other matters within their remit i.e. management of surface water.

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>

4.1.2 **Environment Agency– additional comment**

Condition to be amended to read:

Condition: Finished floor levels for the buildings hereby approved shall be either 600mm above the 1:100 year plus 35% climate change flood level at the nearest model node elevation or 300mm above existing ground levels, whichever is the higher.

Reason: To protect the development from flooding including the impacts of climate change so as to comply with the requirements of Policy SD3 of the Herefordshire Local Plan – Core Strategy.

4.2 **Welsh Water**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have reviewed the information submitted as part of this application and note the intention is to drain foul water to the mains sewer and utilise SUDS to dispose for surface water. We have no objections to the drainage principles, 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.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.3 Natural England

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 statutorily protected sites or landscapes. Natural England's advice on other natural environment issues is set out below.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

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

Internal Council Consultations

4.4 Transportation Manager

Having reviewed the information provided the local highway authority has no objection to the proposals.

Whilst it is recognised that it is outside of the red line it would be beneficial for a footway spur to be included at the location shown by the red dotted line below.



The internal layout should be designed in accordance with Herefordshire Council's Highway Design Guide for New Developments. Given the number of dwellings it would be desirable for the highway to be adopted.

Informatives: I35

4.4.1 Transportation Manager – amended plans

The local highway authority (LHA) consider the access proposals acceptable for the proposed additional development, therefore the LHA has no objection to the proposed scheme.

4.5 Waste Management

Approve with conditions

Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin. The area is accessed currently by an 18 tonne refuse collection vehicle (RCV). In order for the RCV to travel the road in the development it would need to be constructed to adoptable standard.

The maximum distance between the collection point of the bins and where the vehicle can safely access is 25 metres. Collection points (an area of hardstanding where bins can be placed on collection day) need to be provided for any properties located over 25metres from where the vehicle can access e.g. plots located along shared private drives. All collection points must be within 25 metres of where the RCV can access, in accordance with 'Guidance Notes for storage and collection of domestic refuse and recycling'

http://www.herefordshire.gov.uk/downloads/file/2883/guidance_notes_for_storage_and_collection_of_domestic_refuse_and_recycling

Collection points needed (e.g. an area of hard standing where the residents can place bins on collection day) for all plots located over a 25 metre distance from where the RCV can safely access.

4.6 Service Manager Built and Natural Environment (Landscape)

Further information required

Designations/Constraints

- Bridge Coppice (Ancient and semi-natural woodland), adjacent east boundary.
- Priority Habitat Inventory (Deciduous woodland), adjacent north-east boundary.
- PROW TR6 at corner of A438 and U66205

Relevant Policy

NPPF

- Chapter 12 127 and 130
- Chapter 15 170a and b

Core Strategy

- LD1, LD2, LD3 and SS6

Landscape

Setting:

Read with figure 1:

- The site is located on the margin between a woodland and open field.
- Hedgerows surrounding the site to the south and west.
- The topography of the site and surrounding area is relatively flat.

Landscape Character Type:

- Herefordshire Landscape Character Assessment (updated 2009) identifies this landscape as Principal Settled Farmland, with key characteristics:
 - Agricultural landscape with dispersed scattered farms and hamlets, relic commons and a network of small winding lanes and a matrix of hedged fields.
 - Tree cover is largely hedgerow trees, groups of trees around dwellings and trees along stream sides.
 - Domestic character in terms of the scale of the field pattern and nature and density of settlements.



Figure 1: Recent aerial photograph of the site and context

Historic References:

- Observing historic map data, circa 1843-1893 (Figure 2), with a recent aerial photograph (Figure 1), shows:
 - Field patterns structure is reasonably consistent, however the open field of the site was original divided into two smaller fields (presumably hedgerows).
 - Occurrence of a number dwellings and settlements has been the most significant change.
 - The planting of pines in the middle of the field appear at odds to the original open field layout.

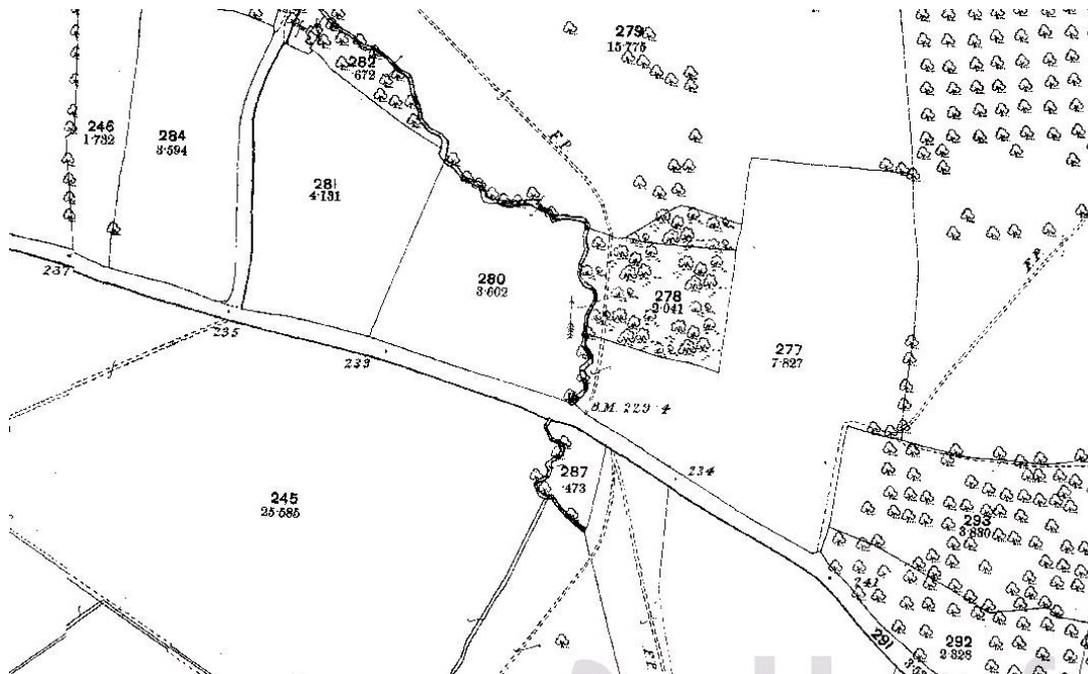


Figure 2: Historic map, circa 1843-1893

Impacts:

- Dwellings clearly visible from corner of A438 and U66205 (link to PROW TR6).
- Change to landscape character.
- Potential impact on tree roots along woodland edge
- Light pollution.

Summary & Recommendations:

Access

Increased vehicle load and its potential impacts will require input from the transport consultant. In term of landscape and its relationship with the road, the site is relatively flat, so there would be only minor earthworks and there is no impact on existing trees.

Layout

Refer to figure 3 with mark-ups:

- Isolated dwelling seems at odds to the rest of the development. Relocate to form a consistent settlement pattern.
- Affordable dwellings are in close proximity to A438. Draw these dwellings further into site to assist in mitigating noise and pollution pressure from the busy A438 road.
- Make enhancement to the existing woodland character, instead of the proposed orchard plantation.
- Reinforce hedgerow landscape character (typically straight and geometric) in stronger manner than proposed (i.e. wiggly wavy approach).

Overall:

- Layout/ orientation of dwellings should be considered in reference to the ordered orientation (farmstead group of building character) of the previously approved scheme (171777). Such as variety of building heights and maintain similar façade treatments.



Figure 3: Recommendations

4.6.1 Service Manager Built and Natural Environment (Landscape) – amended details

I have seen the amended drawing: Amended Proposed Site Plan, dated 4.3.19, ref: LT-PA-2697P2-03a

The layout of the dwellings sits well with the 'common' approach (allowing all dwellings to have an interaction with a central landscape).

From a landscape perspective, this scheme offers the opportunity to create a unique setting. The 'common' if fringed with specimen trees (i.e. oaks); mixed with informal treed clusters and amenity (such as seating and informal play), would provide a leisure and recreation amenity not only for the development, but also for the wider community.

The proposal aims to grow native species that is a positive direction for future detailed applications.

For the river margin and damp areas, consider specifying Black Poplar (*Populus nigra*), that according to the Forestry Commission is the most endangered native timber tree in Britain. This would add a positive contribution to the Herefordshire landscape. (Note, use local provenance specimens and contact the Herefordshire Wildlife Trust or local tree warden for guidance).

4.7 Service Manager Built and Natural Environment (Ecology)

It is noted that both the Original May 2017 ecology report submitted against adjacent application 171777 and the 'revised' ecology report dated December 2018 are basically identical and both use the same wording for the majority of the report including Para 5.2 relating to the summary of proposed ecological enhancement proposals – somewhat of a conflict?

This application is an erosion of the Habitats that were utilised as Biodiversity Nett Gain/Mitigation in the previous adjacent application 171777 as quoted in the ecology report paragraph 5.2 – 5.2.2 (May 2017)– so to ensure this current application offers appropriate Biodiversity mitigation, compensation and nett gain for both developments all remaining greenspace as proposed on plans now submitted should be legally recorded as protected semi-natural and natural open space with an appropriate restoration, creation and ongoing management plan developed such as to secure this site from any further development of any kind. This plan should include 'full details of the proposed 'fixed' habitat enhancements such as bird boxes, bat roosting features, bee boxes and hedgehog homes as proposed in the Ecology Report – as this ecology report has already been 'used' in application 171777 the count of these features starts again from ZERO as relates to this new application and the same proportion and number of enhancements are still expected in this development.

To ensure no further erosion of habitats and local biodiversity value through development of this whole site this legally binding allocation of land should be proposed and approved at this outline stage and legally secured as part of any planning consent given such as to comply with NPPF, NERC Act, Core Strategy LD1-3.

Subject to this being secured the following comments apply

Nature Conservation – Ecology Protection

The ecological protection and working methods scheme as recommended in the ecology report by Ecology Services dated May 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006

4.8 Service Manager Built and Natural Environment (Archaeology)

The proposed development site is significantly separated and distinct from the historic core of Tarrington. Accordingly, the impact of the development on the designated heritage assets within the village (e.g. the church etc.) would be minimal.

There is also no reason to believe that other features of interest would be harmfully affected, or that there is likely to be any below – ground interest of substance here.

Therefore, I have no objections, and no further comment to make.

4.9 Service Manager Built and Natural Environment (Historic Building)

Recommendations:

No objections on grounds of built heritage. The proposals would not harm the setting of nearby Heritage Assets and as such accord with policy LD4 of the adopted Hereford Core Strategy.

Background to Recommendations:

600m to the SW of the site lies the Church of St Phillip & St James, listed at grade 2* ref 1302745. This building has strong communal significance stemming from its continued strong links with the community over several centuries, the building has clear architectural significance and the tower is something which acts as a marker on for the village whilst approaching from the E & W, Historically the building dates from the C12 with a multi-layered bibliography of the place recorded in the stonework and fittings of the building highlighting the impact of most centuries since.

There are several other listed buildings within Tarrington and in the environs of the site. It is felt that the nature and siting of these buildings means that their setting would not be affected by the proposals.

The setting of a heritage asset is defined within the NPPF as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*. Historic England’s GPA guide 2 on the setting of heritage assets outlines that in decision making those aspects of the setting of an asset which contribute to its significance (importance and meaning) should be taken into account. As such it is not just the experience of the asset which is considered but more so those aspects of the setting which contribute to its significance.

The tower of the building is viewed from several points in the surrounding rural landscape, something which signals the location of the village and relates to the architectural and communal value of the building. This is an aspect of the setting of the building which contributes to its significance. It is not felt that the proposed development would dilute the agrarian nature of the wider setting to such a degree that this element of significance would be harmed.

The Churchyard and immediate setting of the building is surprisingly enclosed with narrow glimpses of the surrounding countryside through vegetation and gaps between housing. It is possible, with effort, to understand the wider agricultural context of the church within the landscape, however it is not felt that there is a strong link between this experience and the understanding of the significance of the building.

4.10 Land Drainage

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

- Application for Planning Permission;
- Location Plan (Ref: LT-PA-2697P2-01);
- Flood Risk Assessment (Ref: K0790 Rep. 2(Rev. 4));
- Proposed Development, Phase 2 (Ref: LT-PA-2697P2-02);
- Site Layout Plan (Ref: LT-PA-2697P2-04);
- Site Layout Plan (Ref: LT-PA-2697P2-03).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), January 2019



Overview of the Proposal

The proposals are considered as 'phase 2' for this development site. The proposals are for 10 dwellings, 2 affordable homes and 2 self-build plots and associated access road.

The site covers an area of approx. 1.17ha and is currently a Greenfield site. The Gar Brook runs along the eastern boundary of the proposed development site.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is predominantly located within the low risk Flood Zone 1. However, the northern and eastern boundaries of the site are shown to be located in the high risk Flood Zones 3 and medium risk Flood Zone 2 associated with the adjacent ordinary watercourse. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding; Flood Zone 2 comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding; and Flood Zone 3 comprises land assessed as having greater than a 1 in 100 annual probability of river flooding.

The Gar Brook discharges to the River Frome located approximately 1.7km to the north-west of the site. High water levels within the River Frome may cause water in the Gar Brook to back up and lead to localised flooding. The EA's Flood Map for Planning also indicates that the culvert beneath the railway to the north of the site may restrict the flow of flood waters.

Due to the close proximity to Flood Zone 2 and 3, a Flood Risk Assessment (FRA) has been prepared in accordance with the NPPF to support the planning application.

The FRA demonstrates that the site is not at risk of flooding in the 1 in 100 year + 70% climate change and the 1 in 1000 year fluvial events. In addition to this, 50% and 80% blockage scenarios have been modelled which demonstrates that the flows would remain in bank (in the Gar Brook).

Finished floor level of 70.197m AOD is recommended for the site (this is 600mm above the 1 in 100 year + 35% cc event). This was requested by the Environment Agency. This should be approved by the Environment Agency.

It has been recommended in the FRA that a flood alleviation channel is constructed parallel to the A438 to ensure any runoff from the road is directed back into the Gar Brook. This prevents the need for any flow paths on the site.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is at low risk of flooding except near the watercourse located to the north and east of the site where the surface water flood risk is high. These risks should be considered within the FRA but it is likely that these will be mitigated through the management of identified fluvial flood risks.

Surface Water Drainage

The current proposals for surface water runoff have been designed to accommodate phase 1 and 2 of this development site (5500m² impermeable area total). This is proposed to be via an attenuation pond (with basal area of 550m², depth of 0.6m and additional 0.3m depth to the emergency overflow weir). This maximum water level for the 1 in 100 year + 40% cc event has been calculated to be 0.589m. The outflow from this attenuation basin will be controlled via a hydrobrake (73mm) to 2l/s for all return periods at 0m invert level.

An 'ornamental pond' is proposed upstream of the attenuation basin (the ornamental pond is to be located to the southwest of the attenuation basin). This will only serve phase 1. It has been assumed that the ornamental pond will be full at the start of a rainstorm. Phase 2 is proposed to be collected via a piped network and discharge directly into the attenuation basin.

It has been stated that 'the responsibility of managing and maintaining the SuDS features on site would either be with a management company or if adopted, with Herefordshire Council'. This must be clarified.

Foul Water Drainage

The Applicant is proposing a connection onto the mains public sewer.

There is a foul public sewer (rising main) adjacent to the site. It has been stated that Welsh Water were approached during pre-application discussions. Welsh Water have not objected to the disposal of foul water into the mains sewer in principle. It is assumed that the connection will be onto a gravity fed section of the mains sewer.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

Clarification in regards to the proposals for responsibility and maintenance of the surface water drainage system.

It should be noted that do not object to the drainage layout proposals for phase 2 only.

4.10.1 Land Drainage – additional comments

In 2018, gabion baskets were installed (on the Gar Brook as mentioned) to prevent the erosion of the watercourse. The Applicant obtained Ordinary Watercourse Flood Defence Consent (reference 18-05) for these works from Herefordshire Council. We considered all options and regarded gabion baskets as a sustainable solution, thus the condition as suggested by the EA below, does not need to be added.

4.11 Public Rights of Way Officer
No objection.

4.12 Open Space Planning Officer
No objection

Open Space requirements:

Core Strategy OS1 (Requirement for open space, sport and recreation facilities) and OS2 (Meeting open space and recreation needs)

In accordance with policy requirements open space is sought from all new residential development and considered on a site by site basis. On site provision is proposed and given the location and size of development only informal POS and informal play would be required. Planning policy does not necessitate any public open space to be provided within a development of 10 or less but when considered alongside the development approved under planning application 171777/F for 15 houses which this site lies adjacent to, this proposal for an additional 10 houses would bring the total to 25.

On-Site Provision

Although two individual stand-alone developments, the two developments have been designed as one to reflect the traditional agricultural landscape, common land and settlement patterns in the area. The design layout of the housing of the approved scheme is that of a traditional farmstead around a courtyard open space and the design of this development reflects a more dispersed arrangement along a lane across common land. Both schemes are set within a connected landscape framework which includes well connected opens spaces of orchards, woodland planting and SuDs basins to be used for informal recreation. This proposal includes an area of public open space of approximately 4200sq m centrally located to be used as informal recreation and kick about which if approved will be potentially used by the residents of both schemes. This provision is way in excess of policy standards for an additional 10 houses on this site.

In accordance with policy standard requirements policy requirements for an additional 10 houses at an occupancy rate of 2.3 (23) would require the following as a minimum.

- POS: 0.009ha (90sq m) @0.4ha per 1000 population
 - Informal Children's Play 0.013ha (130sq m) @ 0.55ha per 1000 population of informal play space
- Total 0.022ha (220sq m)

SUDS 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. The Council's SuDS Handbook 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.

Maintenance: It is noted that the open space is to be adopted and maintained by a management company.

4.13 Strategic Housing

I refer to the above planning application and can confirm that the applicant is providing a mix of tenures and unit sizes that will meet the need of the area.

With regards to the low cost market units I would look for a discount value of 40% to be secure through S106 with local connection to Tarrington in the first instance.

4.14 Environmental Health Manager (noise)

My comments are with regard to potential noise and nuisance issues that might arise from development. In the light of the amended outline application which removes layout and supplies only an indicative layout I have reviewed my earlier comments and comment as follows:

Elements of the proposed development in this outline planning application could to some extent be impacted by road traffic noise from the A438. I am of the opinion, however, that these could be overcome if the acoustic environment is taken into account in the design and layout of the site.

I therefore do not object to this proposal in principle but do recommend a condition:

The reserved matters application, submitted pursuant to Condition 1 shall be accompanied by a noise risk assessment and where necessary an Acoustic Design Statement for the proposed dwellings in accordance with Stage 1 and Stage 2 of the ProPG* guidance. The objective is to ensure that the layout and design of the site takes into account the acoustic environment of the site and the maximum internal and external desirable noise levels according to BS8233 are achieved wherever possible. Proposed noise attenuation measures are to be described in full.

- ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health

Reason: To ensure that the potential noise impacts of the SRN on the residents of the proposed development are sufficiently mitigated having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy.

5. Representations

The submission has been amended and the representations received in relation to both are reported below.

5.1 Tarrington Parish Council

The Parish Council OBJECT to this planning application. They wish for the main housing growth to be in the core of Tarrington village, and believe that to develop this site further would be over development and detrimental to the landscape and also lead to future ribbon development along the A438.

5.2 Tarrington Parish Council - amended plans

At an Extraordinary Meeting of Tarrington Parish Council on Tuesday 19th March, members considered the revised planning application P184506/O and resolved to reiterate their previous OBJECTION because, in line with policies in the emerging Neighbourhood Plan for Tarrington, the parish council supports main housing growth in the core of Tarrington village and believes that to develop this site further would be over development and detrimental to the landscape as well as leading to future ribbon development along the A438.

- 5.3 31 representations were received in response to the original submission. Of these 8 were objections, 21 supported the proposal and 2 raised general comments. In summary these raised the following points:

Objection

Principle

- Conflicts with CS policies – not within or adjacent to a settlement boundary
- This phase plus the approved would equal 27 houses – more than the original scheme submitted under reference 171777/F (which was for 21)
- More suitable areas are available in Tarrington itself
- Committee Report for 171777/F (paras 6.27-6.32) states that the reduced scheme mitigates, to a certain extent, the recognised visual and environmental impact on the open countryside by reserving an area of open space (some 700m²) and landscaping to the eastern portion of the site – now to be sacrificed?
- Committee Report for 171777/F states development was only acceptable due to reduced size and scope.
- For this application to be supported the extant permission would need to be re-examined.
- Much of the support for this application is from those live closer to the site subject to an application for housing in School Road
- Currently no NDP, planning consultant has submitted various drafts, where this site has ranged from unsuitable to ‘around 6’.
- No weight can be given to the draft NDP at this time
- Parish Council has asked the planning consultant to remove this site from the settlement boundary to reflect their objection to it and documented preferences for the village
- Pin map exercises, open days and questionnaires have resulted in more support for School Road site (181943/O) than the application site
- Situation has been clouded by several revisions by Herefordshire Council to its CS
- Would not address Tarrington’s housing requirements in any way

Flood risk/drainage

- Land floods – partly in flood Zones 2 and 3
- Gar brook flooded the A438, Stocks Field and Little Tarrington Common Road in 2007 – not due to block culverts, but volume of water
- Event is more likely to be a 1 in 20 year occurrence than 1 in 100 year as stated in reports
- Local evidence of flooding
- Taking climate change into account do not believe flooding in the future can be ruled out
- Ongoing pollution issue in Gar brook (unresolved with the EA and WW since 2015) – grey, foul smelling waste entering the water course just below the main road culvert

Traffic

- Increased traffic - further 60 cars (not mentioned in reports) on lane and using junction with A road – these are unsuitable for such an increase
- Resulting health and safety and congestion
- Conflict with caravan park traffic – particularly in the summer months
- No proposal to reduce the speed limit along the frontage (30 or 40 mph)
- No nearby amenities so residents would drive everywhere
- Footpath to the village is narrow and dangerous – surprised approval was given for 171777/F on this point – implore Committee to look at this significant constraint themselves
- Parish Council commissioned TRO report has not recommended a reduction in the speed limit along the site’s frontage – adding to dangers

Amenity

- Local services would be put under pressure
- Harmful to relationship between Tarrington and Little Tarrington
- Harm to fishing lake and caravan business, due to proximity of housing and during construction (due to dust, noise etc.)
- Loss of view to Seager Hill from caravan site, with unspoilt countryside views replaced by a building site and then a housing estate
- If occupancy of caravan site reduces there may be redundancies
- Disturbance to use of fishing lake and wildlife (including wild ducks, water fowl and golden plover)
- Site should remain as open countryside for benefit of wildlife and residents
- The combined phases of development would result in ribbon development, unsuitable for this village and open countryside
- An overall site for 27 dwellings is too large a scale of housing development for its location
- 171777/F was partly passed because of the landscaping that now is proposed to be built on
- Adverse visual impact on this traditional hay meadow
- Harmful to nearby ancient and designated woodland
- Devastating affect on local landscape
- Views from the curtilage of the churchyard (a scheduled ancient monument) will be damaged
- Spoils views of the countryside (from caravan park)
- Light pollution – contrary to dark skies initiatives
- Peoples' exposure to pollution should be reduced, so to allow dwellings in such proximity to the road may be judged harshly in the future

Support

Principle:

- Well thought out, low density, sustainable scheme
- Improvement on superseded original plans for 171777/F
- Complements approved scheme, creating a cohesive mixed housing design, sensitive to its location
- Site is next to one supported by Parish Council
- Residents have been consulted, kept informed of plans and issues raised have been responded to (unlike application at School Road)
- Would benefit many – welcome housing stock for village, includes 2 affordable units (requested by residents on the original NDP questionnaire, but not actually required under CS policy for this number of dwellings) and 2 self builds, which is a community benefit not addressed on other sites
- Other sites could not bring forward affordable units, due to their size
- Would house increased population for County and Parish, needed to support public services and local facilities
- In conformity with the draft NDP (September 2018) produced by the Parish Council's planning consultant – yet to be tested by formal consultation, but reflects consensus of opinion
- Conforms with draft NDP (September 2018) policy TAR9
- Accords with the CS
- Provides the remaining housing quota to meet growth needed
- Accords with the original draft NDP (not the adopted Parish Council version) and should satisfy government requirements for housing growth
- In the interests of local democracy and common sense this application should be supported

Amenity

- Development of the site helps the village to retain some element of its rural character and protect heritage assets
- Helps to unite Little Tarrington/Garbrook and Tarrington and improves perceived relationship within the parish
- No adverse heritage, landscape or access impacts (unlike application at School Road)
- Reserved matters scheme should match the random nature of many buildings in the Parish
- Green and informal open space retained for recreation
- Ecology greatly enhanced and safeguarded
- Well designed landscaping measures – native trees, hedgerows, orchard planting and sustainable drainage
- Planting can filter views from the caravan site
- Construction noise will be no louder than the trains that pass all day

Traffic/connectivity

- Safe access proposed
- Widening of Tarrington Common Road is of benefit to those using the caravan park as they have to use pull ins for passing
- Any new housing in Tarrington will result in extra traffic on the A438, so no reason to refuse
- Good accessibility from the main road to the village and to bus stop (Ledbury to Hereford – 1 hourly service) for pedestrians
- Distance to bus stop is shorter than from School Road to the bus stop outside the public house (and is safer because there are footpaths)
- Would not result in excess traffic through the village and alongside pub and spoil natural beauty and rural lanes, compared to other applications for Tarrington
- Consideration should be given to improving the footpath from the site to Tarrington and extending the speed restriction along the A438 to Garbrook
- Parish Council has approved plans for reduction in speed limit between Tarrington and Garbrook

Flood Risk/drainage

- Flood analysis is impressive – help to remove worries based on historical experiences
- Meets drainage requirements of EA and WW
- All recommendations for drainage, flood protection etc. should be accorded with – site would be a perfect addition to the village

Other

- Question need for housing, against locals wishes and without sufficient jobs etc.

General Comments

- Level access storage large enough for one bike per bed space should be provided per unit
- A power point should be included to enable charging of electric cycles and mobility scooters to reduce car dependency
- Affordable units indicated do not include cycle storage facilities contrary to policy
- Parish Council ‘closed down’ the NDP Steering Group and took it over themselves – since then community involvement has not been possible, except statements by the public at the commencement of PC meetings
- When there was a full steering group all meetings relating to the NDP were held in public and had participation.
- Many of the objections raised were covered by the applicants’ agent’s responses at the Parish Council meeting

5.4 Following receipt of amended plans (and deletion of 'layout' as a matter for consideration at this stage) 16 representations were received, 1 objection and 15 in support. In summary these raise the following points:

Objection

- Approved scheme (171777/F) was only successful after being reduced in scale – as per Committee Report
- Grant of this scheme would be in breach of conditions for the extant permission
- Phase 2 development has been objected to by the Parish Council, who represent the views of the vast majority of the village – notice will be sent by the Parish Council clerk
- Tarrington NDP (demonstrated to be a community led project) and the Planning Consultant's reports do not support or mention the site
- The draft NDP is shortly to reach Regulation 14 stage – delay is only due to the Hereford elections
- Site at School Road (181943/O) is preferred
- Site is not within or adjacent to a settlement, so breaches CS policy
- Should be refused due to proximity to flood zones 2 and 3
- Adverse impact of light pollution
- Existing footway along the A438 remains dangerous and narrow
- Harmful impact on natural habitat of the ancient woodland
- Adverse affect on views from the SAM (stone cross in the churchyard) and the church (Grade II* listed)
- Harmful to relationship between Tarrington and Little Tarrington, through ribbon development, which the draft NDP opposes
- Affect on traffic flow on A438, putting pressure on Hereford business's needing to move goods in and out of the county

Support

- Scheme provides 2 more affordable (site as whole provides for 7) – compelling reason in support of this scheme
- Fulfils/makes significant contribution to the parish's quota for new housing
- Good mix of housing – will bring young families to Tarrington
- Right site in terms of access, sustainability, landscape, heritage and drainage
- Logical development with the previous approval for the site
- Application was made in full knowledge of and in open consultation with local residents every step of the way – this approach is appreciated by the community
- Takes account of community needs and benefits it as a whole
- Would be an asset
- Excellent and well thought out - designed to blend into the area in terms of design and landscape
- Central open green area is a good idea
- Supported by the Parish Councillor representing Garbrook
- Creates a community at Garbrook
- Re-iterate previous support
- Opportunity to extend 30mph speed limit and upgrade the footpath to the village
- Improvement to the A438 junction benefits the Mill Pond business
- Great to see Environment Agency and land drainage comments
- Accords with the September 2018 draft NDP
- Support site - How else can people of Tarrington get through to our Parish, who ignore us and push for a site that keeps being refused permission – one was under the impression that the Parish Council was here for the people of the Parish
- Application is supported by environment agency, land drainage, landscape, waste management, no objection from open space planning officer, transportation and housing and has huge support from Tarrington resident's - huge objection from Parish Council here to work on behalf of residents!
- Widespread support in the village for this application

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184506&search=184506

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

Policy context and Principle of Development

- 6.1 Section 38 (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 adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. The site falls within the Tarrington Neighbourhood Area (designated on 20.11.2013) and the neighbourhood plan is at drafting stage. It is noted that the Tarrington Parish Council website includes a consultation draft TNDP (February 2019), which excludes the site from the 'Little Tarrington' settlement boundary and neither includes a specific policy relating to its residential development or allocates it for such. However, the Plan is at drafting stage and has not been submitted to the Local Planning Authority for Regulation 14 consultation. The weight to be afforded to 'emerging' plans is set out in paragraph 48 of the NPPF and this states as follows:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*
- 6.3 Taking the criteria set out in paragraph 48 of the NPPF in turn:
- a) the Tarrington NDP is at drafting stage and has not been submitted to the Local Planning Authority for Regulation 14 consultation.
 - b) at this stage the Council has not had sight of any representations received during the draft plan consultation undertaken by the Parish Council and no consultation beyond this (i.e. regulation 14 stage) has been undertaken. Therefore the decision makers are unable to evaluate the extent of any unsolved objections.
 - c) the Strategic Planning team have not yet reviewed the draft plan and so it has not been established if it is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

In conclusion, taking criteria a)-c) of paragraph 48 of the NPPF into account, it is considered that at this pre- Regulation 14 stage no weight can be attributed to the draft Tarrington NDP.

- 6.4 In the current context of a housing land supply shortfall (published position of 4.55 years – April 2018), the lack of 5-year supply renders the policies which are most important for determining the application ‘out of date’ (as per NPPF para 11d footnote 7). Although the most important policies for determining the application are to be considered to be ‘out of date’, this does not mean that no weight can be afforded to them. As established in caselaw (Richborough Estates – Court of Appeal decision), the matter of weight is for the decision-maker to determine having regard to all material considerations. In practice it means that proposals for new housing must be considered in the context of the positive presumption in favour of sustainable development and the ‘titled’ planning balance, as set out in paragraph 11dii) of the NPPF, unless policies in the NPPF that protect areas or assets of particular importance provide clear reasons for refusing the development (para 11di)). This ‘titled’ planning balance requires granting planning 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.
- 6.5 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 insofar as housing delivery is concerned and SS3 setting out the measures that might be promoted where housing completions are below the required level.
- 6.6 With regards housing delivery in the rural areas outside of Hereford and the market towns, the CS promotes sustainable growth through policy RA2. This states that to maintain and strengthen locally sustainable communities sustainable housing growth will be supported in or adjacent to the settlements identified at figures 4.14 and 4.15. Tarrington is listed in figure 4.14, as one of the settlements in the Hereford Housing Market Area (HMA), that will be the main focus of proportionate housing development and Little Tarrington is included in figure 4.15 – Other settlements where proportionate housing is appropriate. The indicative minimum target for growth in the Hereford HMA is 18%. Flexibility is given to those parishes with more than one RA2 settlement within their parish to distribute the growth between those settlements within their neighbourhood development plan (NDP). 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. CS policy RA2 sets out detailed criteria against which housing proposals will be considered. In the first instance, the site should be within or adjacent to the settlement. Until settlement boundaries are defined, either in a Neighbourhood Development Plan or the Rural Areas Sites Allocation DPD, any application is to be considered against its relationship to the main built up form of the settlement (policy RA2 post text, para 4.8.23).
- 6.7 The site subject to this application is clearly not within Tarrington, which lies to the west and is focussed round the A438 and the unclassified road to the east of the public house and the church accessed off it. Whilst predominantly ribbon development continues along the A438 in an easterly direction towards the application site it stops well short of it, with the last property in the village, known as ‘Myrtles’, some 400 metres distant from the site with intervening fields and the lane to Little Tarrington. The only dwelling presently between ‘Myrtles’ and the application site is the detached ‘Old Police House’. Considering the site’s relationship to the main built up form of Little Tarrington, it is considered that this lies to the north of the site and comprises development that fronts onto the Little Tarrington Common Road, as well as the large farmstead at Little Tarrington Farm. The application site is physically disconnected from this by the railway line and is visually distinct from it. The nearest existing built form lies to the east and comprises 21 dwellings at ‘Garbrook’, but this is not a listed settlement in figures 4.14 or 4.15 of the CS. The approved and extant permission for ‘phase 1’ would comprise a built form that the scheme would be read in conjunction with, indeed this is as it is planned to be. Nevertheless, it is not a main built up form of a listed settlement. On this basis the scheme conflicts with the locational requirement of CS policy RA2. The weight to be afforded to this element of the policy is considered in the succeeding sections of this report.

- 6.8 The numerous local representations to this application acknowledge that the site has fallen both within and outside of the settlement boundary for Little Tarrington, in the pre-regulation 14 drafted TNDPs. Both objectors and supporters of this application use these documents to reinforce their respective stances. However, it is essential in appraising this application, to note that neither of these drafted TNDPs have been submitted to the Local Planning Authority for Regulation 14 consultation. As such, in accordance with paragraph 48 of the NPPF, for the purposes of determining planning applications they carry no material weight at this time.
- 6.9 As noted in the earlier Committee Report for 171777/F (November 2017) one of the factors in determining weight for the 'out of date' Development Plan policies cited in the Richborough decision 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. 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 have been and are being progressed county-wide on this basis.
- 6.10 In the case of Tarrington Parish, as already noted, there is no made or draft NDP at a sufficiently advanced stage where weight can be given to it for determining planning applications. From the representations received it is apparent that there is disagreement on where housing growth should be allocated in the Parish. This demonstrates a lack of clarity as to how the existing residual minimum requirement (16 dwellings as at April 2018) will be met and thus how even the minimum proportionate growth for housing land supply at the parish level will be addressed. As set out at paragraph 3.2 of this report, the only large-scale sites for residential development to have come forward as formal applications in the parish during the plan period are the adjacent site for 15 dwellings and 2 live/work units (171777/F) which was approved and two applications at a site to the north of School Road, Tarrington, the first of which for 15 dwellings was refused (171195/O) and the subsequent submission (181943/O) reduced to 'up to 9 dwellings' remains underdetermined whilst the applicant reviews the proposed density and pedestrian connectivity.
- 6.11 Accordingly, it is considered that at the parish level there is uncertainty as to how the indicative minimum growth target will be met. In these circumstances it is considered that CS 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 qualitative 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.
- 6.12 It is considered that CS Policies LD1, LD2, LD3, LD4, MT1, SD1-4 all attract full weight, because in NPPF paragraph 11 d (footnote 7) terms they are not policies '*which are most important for determining the application*', as the proposal relates to principle and access, and also as these policies are in compliance with the objectives of the NPPF. It is clear, however, that in the final balancing exercise, decision-makers must have the context afforded by footnote 7 of NPPF (paragraph 11d) in mind.

Main issues

- 6.13 This is an application in outline form, unlike the extant permission (171777/F), which was a full application. It therefore only seeks to establish the principle of residential development for ten dwellings and the access thereto. Access, as set out in the NPPG, means - *the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment*

of access and circulation routes and how these fit into the surrounding access network. 'Layout', is now a reserved matter, to enable a degree of flexibility to ensure the Environmental Health Manager's comments can be addressed. However, the amended plan, which is 'illustrative' provides an example of how the intended development around 'common' land could be achieved. Layout means - *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.* With this in mind, the application is to be considered against its compliance with policy in respect of the principle and access.

6.14 Having regard to the development plan and material considerations, including those raised in the consultation responses received, it is considered that the key issues to be taken into account in determining the acceptability of the application in respect of the principle and access are as follows:-

- Its effect on the character and appearance of the surrounding area;
- Its effect on the hydrological conditions of the local area with particular regard to flood risk;
- Its effect on the safe operation of the highway network and accessibility to sustainable modes of transport;
- The impact on heritage assets
- The amenity of existing and future residents

Impact on the character and appearance of the area

6.15 The site lies adjacent to one with an extant full permission for 15 dwellings and 2 live/work units (171777/F). This application refers to that development as being Phase 1 and the current application, being considered for determination now, is Phase 2. The assessment of the landscape and visual amenity impact in the Committee Report of Phase 1 concluded that there would be a degree of harm due to the development of a greenfield site. It concluded that this would be moderated to a degree by the amended scheme and landscaping proposals, which demonstrated that the character of the landscape had positively influenced the design, scale and nature of the development, if not the site selection itself. This harm was then factored into the planning balance, in the overall conclusion of the report.

6.16 This proposal is for development of part of the land left undeveloped in the extant permission, and moreover on which the originally submitted and then superseded plans had proposed residential development of (as per the extract plans copied at paragraph 1.6 of this report). Nevertheless, this application differs to that superseded original scheme, which was not determined, and adopts an alternative approach to the layout, albeit one which is now for 'illustrative' purposes only.

6.17 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. CS 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. CS Policy RA2, which operates as the principal policy against which rural housing proposals within or adjoining main villages will be assessed, 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.*" This requirement of CS policy RA2 is underpinned by policy LD1, which requires 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. 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 The NPPF is also relevant and section 15, which deals with conserving and enhancing the natural environment, includes the following requirements, amongst others:

planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes
- recognising the intrinsic character and beauty of the countryside
- minimising impacts on and providing net gains for biodiversity

These requirements should be appraised in the context that the site is not formally designated for its scenic quality and is not, in the view of officers, a valued landscape in planning policy terms, although its local value to residents and visitors is understood. It forms part of the local rural landscape and development of this greenfield site will inevitably have a pronounced and irreversible effect on landscape character and views into and across the site.

- 6.19 CS policy RA2 includes listed criteria for the assessment of applications within or adjacent to settlements. Although the site is neither, given the greatly reduced weight that can be given to this element of the policy, and the implications derived from the housing land supply shortfall in the application of the 'tilted' planning balance, it remains relevant to appraise the scheme against these criteria. These are:

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.

2. their locations make best and full use of suitable brownfield sites wherever possible;

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and

4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

And finally the policy states that 'Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.'

- 6.20 CS Policy LD1, which as above, should attain full weight, upholds the same principles as RA2(1), with the first bullet to LD1 requiring that development proposals 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.

- 6.21 The applicant's LVIA refers to the previous document submitted with the extant permission. The previous appraisal acknowledged that the development would result in a degree of loss of openness, but considered that it would fit within the existing pattern of the dispersed Tarrington/Little Tarrington/Garbrook and the landscape infrastructure proposed would both help it assimilate into the landscape and benefit the fabric of the local landscape. The degree of harm was considered to be between major-moderate on the landscape of the site itself and negligible on the wider area. The Council's Landscape Officer did not concur with that assessment, with the degree of harm being the matter in dispute. In reaching a conclusion on this matter the report for 171777/F states that although accepting that the approach to landscaping had been carefully considered, it is obvious that relatively large-scale development upon a green field would have landscape effects. Comparing such development to the current appearance of the site, it is not unreasonable to consider these effects to be negative. The report concludes that harm would result, but was moderated to a degree by the amended scheme, which reflected the rural character of the site, attempted to create a 'sense of place' and through the landscaping proposals. These landscape proposals included planting that would be retained in this scheme, but also a significant open space that now would be partly developed under this proposal.
- 6.22 It should be borne in mind that this is an outline application, with the layout now being a reserved matter. Notwithstanding this, the illustrative scheme provides a visual of how the site has the capacity to deliver 10 dwellings. It is considered that this demonstrates that this can be achieved in a manner that reflects its context, including the extant permission to the west which at this juncture provides the immediate setting of the proposed development. The illustrative plan establishes that the site can accommodate the proposed development with the landscape and approved built form positively influencing the nature of such a development and making a positive contribution. The Landscape Officer's comments (at paragraph 4.6.1) endorse this assessment and only make recommendations for the reserved matters scheme rather than objecting to the principle. Natural England also considers that the proposed development would not have a significant adverse impact on statutorily protected sites or landscapes.
- 6.23 The illustrative layout shows that the development of 10 dwellings would not have to be of a typical ribbon development layout. This addresses objectors' concerns in respect of the potential for coalescence between Garbrook and Tarrington, along with the other undeveloped parcels of land between the site and the edge of Tarrington village.
- 6.24 The report for the extant permission (171777/F) clearly identified harm to the landscape, resulting from the development of this greenfield site outside of settlement and not adjacent to a main built up area. The degree of harm was considered to be lessened because it was not in a valued landscape, although this does not diminish its local worth, and mitigated by the carefully designed scheme. These principles equally apply to this application and in addition the context set by the extant permission is a material consideration. It is considered that as for Phase 1, this second phase, whilst recognising that it is in outline form, similarly seeks to sensitively respond to its environment. Whilst as concluded before (report for 171777/F) development of the field would be intrinsically harmful, the illustrative layout shows careful attention to how it would ameliorate this impact to some degree. This should be factored into the weighing up of all material consideration when determining this application. It is therefore considered to be reasonable and necessary in planning terms to ensure that any reserved matters scheme is in substantial accordance with the amended illustrative plan. Similarly matters of scale, appearance and landscaping must also pay at least equal attention to the site's context.
- 6.25 It is recognised that the scheme proposes development on land left undeveloped under Phase 1. That, by itself, does not render this application in conflict with the assessment and grant of permission for phase 1. The assessment of phase 1 noted 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*' (paragraph 6.30 of the Committee Report), but

this does not preclude development. Rather the cumulative impact of the two phases should be assessed in reaching a decision on the acceptability of the scheme proposed. Given that the first phase provides a 'farmstead complex arrangement', the proposed illustrative layout complements this, rather than repeating it as per the originally submitted scheme for phase 1 (171777/F). Although when taken together the two phases would result in two more units than the superseded scheme for phase 1, the combined layout, as demonstrated by the illustrative layout, would not have the same visual impact. Consequently, they are not directly comparable, and the superseded original submission for the extant permission is not a factor to be given significant weight.

- 6.26 Similarly to the extant permission (171777/F) this proposal does not comprise the redevelopment of a brownfield site (or previously developed land). This gives rise to some potential conflict with the principles of CS policy RA2 (2), but no evidence has been put forward that there are available brownfield sites within the Parish.
- 6.27 Turning to criteria 4 of the CS policy RA2, which generate the size, type, tenure and range of housing to reflect local need. The scheme proposes a mix of two, three and four bed units, including two affordable units and the Strategic Housing Officer has confirmed that this meets the needs of the area.
- 6.28 Overall on the first main issue, Officers are of the view that there would be a degree of harm to landscape character and visual amenity, but this could be moderated by a layout scheme broadly in accordance with the amended illustrative plan and appropriate scale, appearance and landscaping proposals at reserved matters stage(s). There is no reason to conclude that this would not be achievable. This assessment must be taken into account in the consideration of benefits and adverse impacts (the 'planning balance') and this is carried out later in this report.

Effect on the hydrological conditions of the local area with particular regard to flood risk

- 6.29 The site lies predominantly in Flood Zone 1, the lowest risk of flooding, and where CS policy SD3 and the NPPF steer new development to through a sequential approach. The eastern and northeastern parts of the site fall within the flood zones 2 and 3 associated with the adjacent ordinary water course (Gar Brook), based on the Environment Agency's Flood Map for Planning (Rivers and Sea) January 2019. The application has been accompanied by a site specific Flood Risk Assessment, which includes modelling as requested previously to assess the outcome in hydrological terms if culverts downstream were obstructed. This confirms that even in blockage scenarios flooding of the site is not expected to occur. The amended illustrative layout shows that all 10 dwellings could be sited within flood zone 1.
- 6.30 Surface water run off is proposed to be piped directly to an attenuation pond (enlarged pond compared to Phase 1 permission to accommodate the additional run off for the increased impermeable area), with outflow to be controlled by a hydrobrake. Foul drainage is to the sequentially preferred option of a mains connection and Welsh Water has no objection to this.
- 6.31 Both the Environment Agency and the Council's Land Drainage Officer have raised no objections to the scheme, subject to conditions. The Land Drainage Officer has also confirmed that the gabion baskets referred to by the Environment Agency were installed to prevent the erosion of the watercourse, with Ordinary Watercourse Flood Defence Consent being obtained for these works from the Council. The Environment Agency are satisfied that the site is developable, but set floor level requirements for the dwellings and provision of the flood alleviation channel, both of which are reasonable, necessary and relevant to the development proposed. The Land Drainage Officer seeks clarification, through a condition, for the responsibility and maintenance of the surface water drainage. The concerns of local residents, recalling flooding of the site and nearby area are understood, but on the basis of a detailed FRA, modelled to take account of potential obstructions, with no objections from either the Environment Agency or Land Drainage, there is no technical justification to refuse permission

on flood risk or drainage grounds. The proposal accords with the requirements of CS Policy SD3 and NPPF guidance.

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

- 6.32 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 respect the character of the surrounding area including its landscape character...”

- 6.33 The CS policy is consistent with the NPPF, which requires safe and suitable access for all users and the promotion of sustainable transport modes given the type of development and its location (paragraph 108), whilst recognising at paragraph 103 that *‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’*
- 6.34 The Transportation Manager has no objection to the scheme on highway safety or capacity grounds, which is the same conclusion for the extant permission (Phase 1) and has taken that into account in the assessment. An extra 10 dwellings would increase the use of the junction between the A438 and Little Tarrington Common Road, which may in turn result in longer waits to exit this junction, but that would not equate to a severe residual cumulative impact on the network, such that it would warrant refusal as set out in paragraph 109 of the NPPF. Objectors highlight capacity concerns for the A438 and the implications for business users. The Transportation Manager does not concur and it is noted that wherever the proportionate growth for the village is sited the access would ultimately be via the A438, such that this is not an exclusive consideration to this application.
- 6.35 The limited local services and employment opportunities expressed by some objectors as reasons to refuse this application are acknowledged, however Tarrington is identified in the CS as a settlement where the main focus of proportionate housing growth will take place. Supporters of the proposal consider that the regular bus service (hourly) weighs in favour of the scheme, particularly given that pedestrian access to the bus stop at Garbrook is closer than some parts of the main built up area are to the bus stop outside the public house. There is an existing footway on the north side of the A438 linking to both the bus-stop at Garbrook and Tarrington, which is considered suitable for gaining access to the services available in these locations. As for the phase 1 scheme, the proposal also promotes an internal footpath for occupants through the site, which would provide a link between the junction of the A438 and Little Tarrington Common Road and the site’s south-eastern corner near to Garbrook.
- 6.36 The scheme also incorporates a footway on the east side of Little Tarrington Common Road, which would be of benefit to both future occupiers of the proposed dwellings and existing residents and those staying at the caravan and camping site. Phase 1 included the intention 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 allows. Although the Transportation Manager has not requested such improvements, if provided they would be beneficial to both existing and future residents and can be afforded weight in the determination of this application. As suggested by some objectors there are likely to be some land ownership issues that limit, to some degree, the extent of the improvements, but nonetheless there is some

scope within highway land to achieve an enhancement of the footway. This can be controlled by condition and as part of any section 278 works.

- 6.37 The scheme is clearly capable of providing sufficient off road parking and secure and covered storage for cycles and this can be addressed through the reserved matters application(s) for layout, scale and appearance and conditions attached to an outline planning permission.
- 6.38 To conclude on this issue, it is considered that the proposal would be served by a safe access for all, would not have a harmful impact on the network's capacity and provides proportionate connectivity to the available village amenities and bus service for its rural location. It therefore accords with both CS and NPPF requirements.

The impact on heritage assets

- 6.39 There are no heritage assets, designated or non-designated, within or neighbouring the site. Nevertheless, in assessing the impact of development on the setting of heritage assets it is not only those that are adjacent to the site that should be considered. The relationship between a site and the heritage asset(s) should be appraised rather than merely the distance between them. That said in order for harm to setting to be evidenced, it is necessary for more than the development to simply be visible from the asset. The Glossary (Annex 2) of the NPPF confirms that the setting comprises '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'
- 6.40 Some of the objections to the proposal assert the view that it would have a harmful impact on views from designated heritage assets, specifically referencing the Church of St Phillip & St James in Tarrington (Grade II* listed) and a churchyard cross within the grounds – approximately 10 metres to the southeast of the south porch (Grade II listed and a Scheduled Ancient Monument). There are also two other individually Grade II listed structures (monuments) in the church grounds.
- 6.41 It is a statutory duty under section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In practice this means that when undertaking a planning balance the weight afforded to preserving the building, its setting or features of special architectural or historic interest is greater than that given to the other considerations, because they do not have a similar statutory duty requiring special attention to be given to them. In addition CS policy LD4 requires developments to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance. When assessing the impact of a development on the significance of a designated heritage asset the NPPF (paragraph 193) confirms that great weight should be given to the asset's conservation, irrespective of the degree of harm identified. If harm is identified depending on its severity, either substantial/total loss of significance or less than substantial, paragraphs 195 and 196 set out the criteria for assessment.
- 6.42 The church and its grounds lie approximately 600 metres, as the crow flies, to the southwest of the application site. The Conservation Manager (Historic Buildings and Archaeology) has assessed the proposal and concludes that by virtue of the nature and siting of heritage assets their setting would not be affected by the proposals. In policy terminology this means that their setting would be conserved and therefore complies with both the statutory duty and CS policy LD4. In the absence of harm there is no need to weigh this consideration in the planning balance.

The amenity of existing and future residents

- 6.43 CS policy SD1 requires development to safeguard the residential amenity of existing and proposed residents. The NPPF at paragraphs 117 and 127f) states that developments should promote effective use of land in meeting the need for homes, while ensuring safe and healthy living conditions, create safe, inclusive and accessible places that promote health and well being, with a high standard of amenity for existing and future users.
- 6.44 Firstly, with regards the existing residents, including occupiers of the caravan park, it is considered that due to the distance separation, levels and density proposed that these would be safeguarded. The owners of the Millpond Camping and Caravan Site's comments are noted, however neither a residential development of 10 dwellings, nor the combination of the two schemes resulting in a total of 27 units, introduce an incompatible use in to this location. The caravan and camping site is already bounded to the south by existing dwellings at Garbrook. During periods when trees and hedgerows are in leaf, the presence of the camping and caravan site are barely discernible, such that their amenity would be safeguarded.
- 6.45 Turning to the living conditions of future occupiers of the proposed dwellings, the Environmental Health Manager initially raised concerns regarding the proximity of the two roadside dwellings (annotated as the affordable units) to the highway and the potential for noise disturbance. The amended 'illustrative' layout has re-orientated the units, so that only one would be near to the road and with its side elevation facing towards it. On this basis the Environmental Health Manager considers that a condition would ensure proportionate control over this issue and a noise assessment should inform the layout and appearance of any future reserved matters scheme, hence the removal of the 'layout' from this outline application to enable any requisite amendments to satisfy the conclusion of the noise assessment.
- 6.46 It is considered that the site has capacity to ensure that the living conditions of existing and future occupiers have a high standard of amenity. The inclusion of a large area of open space provides for a safe, inclusive and accessible environment, promoting health and wellbeing. Subject to a reserved matters scheme that ensures privacy between units, the proposal can achieve a quality environment and complies with CS policy SD1 and the NPPF's requirements.

Other matters

- 6.47 Affordable housing and financial contributions are not required for the proposal as it falls below the threshold for such (11 dwellings or more). Nevertheless, the submission proposes two affordable, low cost market tenure dwellings, both two bedroomed and as per the illustrative layout and these would comprise a pair of semi-detached units towards the southeastern corner of the site. Although not a planning policy requirement the provision of these affordable units weighs in favour of the scheme.
- 6.48 In cases where no financial contributions are payable a condition can be imposed to require the applicant to enter in to a section 106 to provide the affordable housing. This approach is considered appropriate.
- 6.49 With regards open space provision, despite reducing the area previously shown to be undeveloped under the extant permission, this application retains well in excess of that required for the extant permission and this proposal, as confirmed by the Open Space Planning Officer. There is therefore no conflict with the proposed and approved schemes in this respect.
- 6.50 The Ecologist's concerns are noted, given that the biodiversity enhancement for the extant permission utilises the application site. Likewise for the open space, although reducing the area available for biodiversity enhancement the proposed scheme does not encroach on the

approved woodland planting and wildflower meadow and would still enable net gains, in addition to that approved previously. This can be conditioned.

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. Presently, after accounting for existing completions/commitments there is a residual requirement for 16 dwellings. This scheme would provide 10 units, so still leaving 6 dwellings to satisfy the minimum proportionate growth target for the plan period.
- 7.2 The draft Tarrington NDP is not sufficiently advanced at this time to enable weight to be afforded to it for the purposes of the determination of this planning application. It is clear from the representations received, both to the original scheme and the revised one, that locally there remains ongoing disagreement about where proportionate growth within the Parish should be located. This continues to support the approach that the locational requirements of CS policy RA2, to only allow development within or adjacent to the main built up area, should be given significantly reduced weight.
- 7.3 In the circumstances where a five year housing land supply cannot be demonstrated, as is the case here (published figure of 4.55 years April 2018), the NPPF states that the policies which are most important for determining the application are to be considered as being 'out of date' (paragraph 11d) footnote 7 of the NPPF). As a direct consequence paragraph 11d) stipulates that in decision-taking this means '*granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,*
- when assessed against the policies in this Framework taken as a whole.'*
- 'Assets' includes designated heritage assets and the policies are as referred to in the NPPF and not the Development Plan (footnote 6).
- 7.4 With regards paragraph 11d) i, and as per the Conservation Manager's (Landscape, Historic Buildings and Archaeology) and Natural England's comments, there are no policies in the NPPF that protect areas or assets of particular importance in this case and thus there is no clear reason for refusing the development proposed. As a result it is necessary to turn to ii – the familiar 'tilted planning balance' test from the first NPPF.
- 7.5 The NPPF supports growth, but it is fundamental that this is 'sustainable'. Sustainability is assessed under three headings, titled economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the objectives).
- 7.6 The construction of ten dwellings would contribute to the housing supply and the local economy through the employment of trades and purchase of materials and the New Homes Bonus. In both economic and social terms these additional dwellings would increase the residents in the area, which can provide a critical mass of population to help sustain the village's services (public house, church, village hall, seasonal shop at the caravan and camping site and the bus service). The inclusion of two affordable units also makes a positive contribution to the social objective, through the provision of inclusive communities. These units, being offered for low cost market tenure and comprising 2 bed units, are not required by policy, but are considered to

be a positive aspect of the scheme and which should be taken into account in the planning balance. The conflict between local residents and the Parish Council on whether this is the right site for development to meet proportionate growth requirements are suggestive that to those that oppose the scheme there may be some tension with the social objective. NDPs are the mechanism to set out policies/allocations at the local level, but in this case the dTNDP is not sufficiently advanced to be taken into account for planning application decision making at this time. As a result it is considered that an assessment under the social and economic objectives overall is a positive contribution and weighs heavily in the schemes favour.

- 7.7 In environmental terms, as set out earlier the development of the greenfield site would result in harm. This is however reduced, due to the indicative scheme showing a layout that responds to the context and would positively contribute to the area. Any forthcoming reserved matters scheme (layout, scale, appearance and landscaping) would equally have to demonstrate this. There is no substantive reason that this policy compliance is unachievable. It is therefore considered that the harm to landscape character and visual amenity should only attract moderate weight in the overall balance.
- 7.8 The site's location, access (vehicular and pedestrian) and illustrative layout show the ability to promote access to village facilities and sustainable modes of transport. Despite not being within or adjacent to a main built up area, the site's location does not diminish its ability to comply with CS policy MT1 and the requirements of the NPPF to provide opportunities to maximise sustainable transport solutions, mindful of its rural location. This sets it aside from many schemes for development out of the main built up area of a settlement. This consideration weighs in favour of the scheme.
- 7.9 In undertaking the planning balance, the site's accessibility and positive contribution to both the quantum and range of housing (including two affordable units) in the village and countywide clearly weigh in its favour. In addition, there is the ability for a reserved matters scheme to create bio-diversity enhancements by comparison to the current position and some improvements to the existing footway from the unclassified road to the village. These factors weigh in favour of the scheme. There is also an absence of harm in other areas e.g. flooding, highways and heritage assets. Counter to this, firstly there is the conflict with the locational requirements of CS policy RA2, and secondly the identified negative impact on landscape and visual amenity. With regards the first of these only limited weight can be given, due to the 'out of date' nature of this aspect of the policy, which is most important for determining the principle of residential development of the site due to the countywide housing land supply deficit. This is further compounded by the lack of surety in an NDP with sufficient weight, that at a local level the lack of housing land supply is being actively addressed. In addition, whilst outside of and not adjacent to a main built up area of the settlement, the scheme demonstrates in illustrative terms that it can accommodate ten dwellings and associated infrastructure in a manner that sympathetically reflects its context. In respect of the second matter, the adverse landscape and visual impact, weighs against the scheme, but the harm is able to be reduced, as demonstrated by the amended illustrative layout, and be in compliance with the qualitative aspects of relevant policies.
- 7.10 Overall it is considered that the identified harms are of insufficient gravity to both significantly and demonstrably outweigh the noted benefits. As a result the proposal represents sustainable development, when considered under the three overarching and interdependent objectives and is therefore acceptable. It is recommended that permission is granted.

RECOMMENDATION

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

- 1. C02 Time limit for submission of reserved matters (outline permission)**

2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters (layout, scale, appearance and landscaping)**
4. **C05 Plans and particulars of reserved matters (layout, scale, appearance and landscaping)**
5. **C06 – Development in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission (approved drawings: LT-PA2697P2-01a, LT-PA-2697P2-02a, LT-PA-2697P2-03a, LT-PA2697P2-05, LT-PA-2697-08A)**
6. **The reserved matters shall be in substantial accordance with the submitted ‘Proposed development at Little Tarrington – Phase 2’ drawing LT-PA-2697P2-03a**

Reason: To ensure the development reflects its context, so as to comply with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. **Development shall be carried out in accordance with the Site Plan phasing drawing (LT-2697P2-02), other than where stipulated by other conditions of this permission, and meaning that none of the dwellings approved for phase 2 shall be commenced until development has commenced for Phase 1 and the access and attenuation basin provided as per the approved drawings and subject to conditions of this permission.**

Reason: To ensure that the development is carried out comprehensively so as to ensure it reflects its context, so as to comply with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **The reserved matters application, submitted pursuant to Condition 1 shall be accompanied by a noise risk assessment and where necessary an Acoustic Design Statement for the proposed dwellings in accordance with Stage 1 and Stage 2 of the ProPG* guidance. The objective is to ensure that the layout and design of the site takes into account the acoustic environment of the site and the maximum internal and external desirable noise levels according to BS8233 are achieved wherever possible. Proposed noise attenuation measures are to be described in full.**

(ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health)

Reason: To ensure that the potential noise impacts of the SRN (Strategic Road Network) on the residents of the proposed development are sufficiently mitigated having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

9. **The reserved matters application submitted pursuant to Condition 1 shall comprise; either the housing mix set out in in this outline permission or in general accord with the Council’s Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).**

Reason: To define the terms of the permission and to comply with Policies RA2 and

H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-commencement conditions

10. The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement shall include:

- I. The numbers, type, tenure and location on the site of the affordable housing provision to be made;
- II. The arrangements to ensure such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- III. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to provide affordable housing, which is a benefit given significant weight in the planning balance, in accordance with Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. The development hereby permitted shall not commence until the local planning authority has approved in writing a Management Company Plan that sets out the long term management and maintenance of the Open Space, landscaping and biodiversity enhancement (other than in privately owned domestic gardens); the establishment of a Management Company; the freehold transfer of the Open Space to the Management Company and the recovery by that Management Company of service charge contributions from the owners of the Open Market Units towards the upkeep and permanent maintenance of the Open Space. The approved Management Company Plan shall be implemented prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that the open space, landscaping and biodiversity enhancement is retained and properly managed as benefit of the scheme and in accordance with policies OS1, OS2, LD1, LD2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 3 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 65 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a construction access specification, which has first been submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12. Prior to first occupation of any of the approved dwellings the construction of the access shall be completed in accordance with a final specification, which has first been submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Development shall not begin in relation to any of the specified off-site highway works until details of the works to the public carriageway U66205, as per Drawing LT-PA-2697-08A, have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

15. Details of the footway improvement works (on highway land only) to the north side of A438 between the unclassified road (U66205) and Tarrington village to the west, including a timetable for when these will take place, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the scheme has been completed in accordance with the approved details.

Reason: To provide enhanced pedestrian connectivity for the occupants of the dwellings hereby approved and existing residents, which is a benefit of the scheme taken into account in the planning balance and having regard to the guiding principles of sustainable development contained within Policies SS4 and MT1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

16. No development shall take place, with the exception of the formation of the access and visibility splays pursuant to conditions 11 and 12 of this permission, until clarification of the responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. This shall be in accordance with the details agreed in the section 106 agreement for phase 1 (171777/F).

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

17. With the exception of the formation of the vehicular access and visibility splays pursuant to conditions 11 and 12 of this permission, no other work shall commence until a detailed habitat enhancement scheme based on the recommendations in the Ecology Report by Ecology Services dated December 2018 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.

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

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

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

Reason: To safeguard the Gar Brook from any disturbance, disruption or accidental pollution during the construction phase, to safeguard existing habitats and protected species and to safeguard the wider environment in accordance with policies SS6, RA6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

Pre-occupancy or other stage conditions

19. Prior to first occupation of any of the new dwellings evidence (such as photos/signed Ecological Clerk of Works completion statement) of ‘fixed’ habitat enhancements (such as bird boxes, bat boxes, bee boxes and hedgehog homes) included within gardens and the open space approved under this decision notice should be submitted to and approved in writing by the local planning authority; and shall be maintained thereafter as approved unless otherwise agreed in writing by the local planning authority. External habitat boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006. Dark Skies Guidance Defra/NPPF 2013 (2018).

20. Prior to the first occupation of the development, the flood alleviation channel outlined in section 4.2 of Hydro-Logic Services’ FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) must be in place and operational unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce flood risk to the approved dwellings and as to comply with

Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

22. Prior to the first occupation of each of the dwellings hereby permitted covered and secure cycle parking facilities shall be provided within its curtilage and in accordance with a detailed scheme for such that has first been submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be maintained for such use.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. Prior to the first occupation of any of the dwellings hereby approved details for the storage and collection of waste and recycling bins shall be submitted to and approved in writing by the Local Planning Authority and provided in accordance with the approved details. Thereafter those areas shall be retained for their approved use.

Reason: To ensure that there is adequate provision for storage and collection of waste and recycling bins and to conform with the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy.

24. The ecological protection and working methods scheme as recommended in the ecology report by Ecology Services dated December 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006

25. CE6 – Efficient use of water

Compliance conditions

26. 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, in accordance with Policy SD3 of the Herefordshire Local Plan –

Core Strategy and the National Planning Policy Framework.

27. Finished floor levels for the buildings hereby approved shall be either 600mm above the 1:100 year plus 35% climate change flood level at the nearest model node elevation or 300mm above existing ground levels, whichever is the higher.

Reason: To protect the development from flooding including the impacts of climate change so as to comply with the requirements of Policy SD3 of the Herefordshire Local Plan – Core Strategy.

28. C97 – landscaping scheme (pursuant to condition 3 – implementation)

INFORMATIVES:

1. IP2 - Application Approved Following Revisions
2. I35 - Highways Design Guide and Specification
3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
5. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
6. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public).

Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

7. This planning permission is pursuant to the conditional requirement (condition 9) to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990.

8. **Welsh Water Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number (PLA0039235) in all communications and correspondence.

9. **Environment Agency advisory note re: pollution**

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>

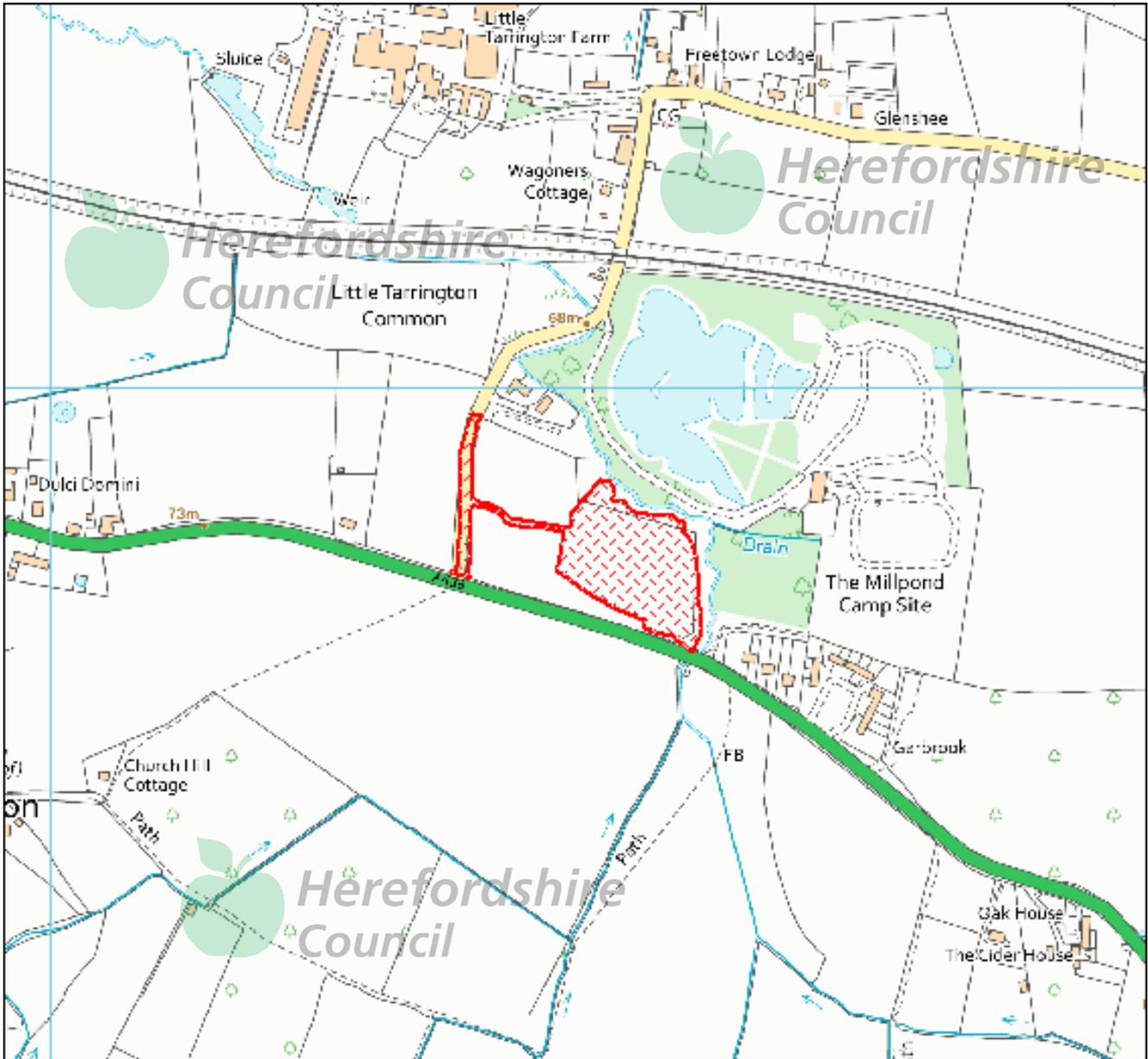
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 184506

SITE ADDRESS : LAND WEST OF GARBROOK, LITTLE TARRINGTON, HEREFORD

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