

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 APRIL 2023
TITLE OF REPORT:	181943 - OUTLINE PLANNING APPLICATION FOR UP TO 6 DWELLINGS. ALL MATTERS RESERVED APART FROM ACCESS. AT LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE For: Tatintune Ltd per Mrs Kate Girling, Canalside House, Brewery Lane, Skipton, BD23 1DR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181943&search-term=181943
Reason Application submitted to Committee – Re-direction	

Date Received: 23 May 2018

Ward: Backbury

Grid Ref: 361681,240701

Expiry Date: 1 November 2021

Local Member: Cllr John Hardwick

1. SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms an irregular shaped parcel of pasture land and sits the north of Old School Lane within the village of Tarrington – a village with development concentrated around the junction of School Road and the A438, 7½-miles west of Ledbury and 8-miles east of Hereford. It forms part of a larger parcel of land within the applicant's ownership. The southern boundary is defined by overgrown hedgerow and highway verge (with ditch) adjacent the unclassified road known as School Lane. Beyond on the opposite side of the carriageway is the Grade II-listed Tarrington Court. Public footpath TR3 runs north from Old School Lane within the retained parcel (just to the west of the application site), cresting the ridge before descending to the A438 Hereford – Ledbury road, to the north. The eastern portion of the site descends sharply towards the brook, which is in open channel. A TPO covers certain trees within the corridor. On the eastern side of the brook is the relatively recent development Church View. The Church of St Philip and St James (Grade II*-listed) is located on raised ground further to the east. There are views of the church from the public footpath TR3 and parts of the application site itself; particularly within the southern portion. The Grade II-listed Old Rectory lies a short distance southeast of the church. The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC).
- 1.2 This application is made in outline with all matters reserved bar access, and seeks planning permission for the erection of up to 6no. dwellings. It should be noted that the number of dwellings has been revised down throughout the course of the application. The submitted proposed site plan has been updated to reflect this, although it is purely indicative at this stage. A single point of access would be taken off School Road. The existing PROW would be retained and surfaced between School Road and the A438, with tarmac to a width of 1.5-metres, with an access link indicated from the proposed residential development. The application suggests a mix of housing with 2no. 5-bedroom, 2no. 4-bedroom and 2no. 3-bedroom dwellings proposed.

2. POLICY

2.1 Herefordshire Local Plan – 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 2021

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision-making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well-designed places
Chapter 15	-	Conserving and enhancing the natural environment
Chapter 16	-	Conserving and enhancing the historic environment

2.3 Tarrington Neighbourhood Development Plan

TAR1	-	Sustainable Tarrington
TAR2	-	Natural environment
TAR3	-	Historic environment
TAR4	-	Building design
TAR5	-	Housing delivery
TAR6	-	Settlement boundaries
TAR7	-	Housing size, type and tenure
TAR8	-	Land at School Road, Tarrington
TAR12	-	Transport
TAR14	-	Green infrastructure

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan

policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies of the NPPF are considered to accord with the NPPF and therefore can be considered up to date.

3. PLANNING HISTORY

- 3.1 171165/O - Site to erect up to 15 dwellings. All matters reserved apart from access. Refused (30 June 2017)

4. CONSULTATIONS

Statutory Consultee Responses

- 4.1 Natural England – comment; -

- 4.1.1 28/2/23 – No objection, Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured.

Further advice on mitigation; -

This proposal drains to the River Lugg Site of Special Scientific Interest (SSSI), which is a part of the River Wye Special Area of Conservation (SAC). The River Lugg part of the SAC is exceeding the phosphate limits set for its favourable condition.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The application states that the proposed development will be made nutrient neutral by purchasing credits to a constructed wetland installed at the Luston Wastewater Treatment Works. This constructed wetland has all the necessary permissions in place and has been agreed with Natural England.

The Local Authority has undertaken an appropriate assessment, which concludes that with the purchase of credits to this constructed wetland scheme, the proposal will not result in adverse effects on the integrity of the River Wye SAC. As the competent authority for the Habitat Regulations Assessment, it is Herefordshire Council's responsibility to ensure that the nutrient neutrality calculations are correct.

Natural England agrees that with the appropriate nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. The proposed nutrient neutrality mitigation measures must be secured as a part of the planning permission.

Other matters; -

Natural England's advice on this planning application is limited to the Habitats Regulations Assessment and the proposed nutrient neutrality. The Local Authority should satisfy itself that there are no other impacts on the natural environment, and reconsult Natural England if necessary.

- 4.2 Dŵr Cymru Welsh Water – comment; -

26/9/18 - We note that the application amends the previous to reduce the number of units from 15 to 9 and therefore we reiterate the comments made in our previous letter dated 15/06/2018.

15/6/18 - 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 with particular focus on the Flood Risk Assessment reference C-05818-C dated January 2017. We acknowledge that formal percolation tests have not been undertaken on site, however the proposal intends to mimic greenfield run off rate and discharge into the adjacent brook.

We also note that the foul proposal intends to utilise a pumping station and connect south east into School Lane. The topography would suggest that a gravity solution may be possible into a manhole chamber at the junction of Church View and School Road. We would encourage that this option is explored and discussed further with our engineers as part of the Adoption Agreement.

Notwithstanding the above we have no objection to the principles of the drainage and request that if you are minded to grant planning permission 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.

Internal Consultee Responses

- 4.3 Principal Natural Environment Officer (Landscape) – comment; -
4/1/23 - The current proposal for up to 6 dwellings, located in the south east corner of the site is acceptable in landscape terms. This is in accordance with Core Strategy Policy LD1.

I note, however, that this is an outline application and I do not endorse the proposed layout or large scale of the proposed dwellings. These should be completely reconsidered at reserved matters stage. For example, as shown, the road dominates and creates too much hard surfacing, the boundary planting is limited and doesn't reflect the contours, a mix of building size and footprint would better reflect the character of the village. At reserved matters stage the following information would be required:

Landscape led masterplan

Provide a scheme that takes into consideration context, solar gain orientation and pedestrian connectivity, with a strong emphasis on creating a green and healthy environment (amenity, biodiversity, recreation and leisure). Successful streets and housing are those associated with trees. The development should take into account climate resilience, aim to be carbon neutral and provide biodiversity net gain. Consider incorporation of food growing into existing and new developments, through the creation of roof gardens and / or growing spaces, increasing community food growing through allotment provision or edible landscapes. The landscape design should be fit for purpose and fit for place and enhance green and blue infrastructure.

Tree and hedgerow survey

Provide a topographical survey, arboricultural method statement and relevant documentation as per BS5837:2012 'Trees in relation to design, demolition and construction – recommendations'. This should clearly identify all existing trees and hedgerows and then show those that are to be retained and protected and any that are to be removed. Retaining trees on site will help to promote viable habitats and enriched places to live. It will also help to identify requirements for proposed trees and hedgerows.

Groundworks

For all sloping sites a topographical survey should be provided, together with existing and proposed levels. Site sections should demonstrate how new development will work with the existing landscape sensitively, so that the terrain can appear natural. Any cut and fill earthworks should be marked on the plan. Where possible avoid the use of retaining walls and utilise gentle slopes where vegetation will establish and contribute to green infrastructure (usually 1:3 or more). If retaining walls are used, consider a material that is fitting with the vernacular of the region and the new development.

Landscape scheme

Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. This should include:

- Provide hard landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with existing and proposed levels. Indicate external paving, lighting, fencing, walls and other external elements. Provide a written specification of materials (type, sizes and colours).
- Provide a soft landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with trees, planting and seeding areas set out. Provide a written specification setting out species, size, quantity, density and cultivation details.

Landscape management and maintenance

Landscape management is the care of land to ensure that landscapes can fulfil needs and aspirations in an effective and sustainable manner for present and future communities of users. Identification of who is responsible for the long term landscape management is important, particularly for areas of public open space or communal use. A schedule of landscape maintenance for a period of 10 years shall be submitted to ensure the future establishment of the overall landscape scheme.

Drainage and water management

Provide a proposal that integrates water management, landscape amenity and useable open space, such as ponds, attenuation basins and swales (refer to Sustainable Drainage Systems (SuDS) Handbook www.herefordshire.gov.uk for guidance). Consideration could be given to water butts and rain gardens to capture roof water and hard surface runoff. Specify porous pavements to reduce road storm water runoff.

Material and colour design

Provide as part of the design and access statement, the external material and colour selection strategy. Utilise the local reference, Malvern Hills Areas of Outstanding Natural Beauty, Guidance on the Selection and Use of Colour.

www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/guidance_on_colour_use_screen-1.pdf

Lighting

Design of external lighting and lighting spill should take account of the relevant dark skies in and around Herefordshire, as well as the visual effect on countryside character, visual impacts and urban village settings. The design of any lighting infrastructure should be co-ordinated with the wider scheme in order to integrate with the new palette of materials.

- 4.3.1 7/5/19 - Further to my conversation with the case officer I would recommend the developer realign the hedgerow to create a single line native hedgerow, in-keeping with traditional hedgerow planting and add a number of native hedgerow trees to filter views of the proposed hedgerow.
- 4.3.2 23/11/18 – I have seen the amended plans, I am disappointed to see that the recommendations I have made in terms of landscape have not been introduced into the scheme:
- A linear hedgerow boundary to the north of the development to resemble a field boundary.

- Orchard planting within the gap to the north of the development.

These recommendations would reinforce the landscape character and reduce adverse visual effects, creating a high quality scheme which will assist in its assimilation into the surrounding landscape and village of Tarrington.

- 4.3.3 11/9/18 - I have seen the amended plans and note that the scheme has now been reduced to 9 units upon this site, resulting in built form being brought back off the northern section of the site; from a landscape perspective this is welcomed.

My only comment in respect of what is now proposed is in relation to the treatment of the northern site boundary. Its current layout is rather awkward and could become visually prominent from the nearby PROW. I would recommend two courses of action; either the introduction of a landscape buffer to reduce any harmful visual effects; this might take the form of orchard planting or alternatively the revision of the boundary line in order that a hedgerow could be planted to resemble the form of a linear field boundary.

- 4.3.4 12/7/18 - I have seen the indicative layout and read the Landscape and Visual Impact Assessment dated March 2018. The proposed layout does not appear to differ substantially from the previous application P171165/O having made extensive comments as part of the landscape consultation I would therefore refer the case officer to my earlier comments.

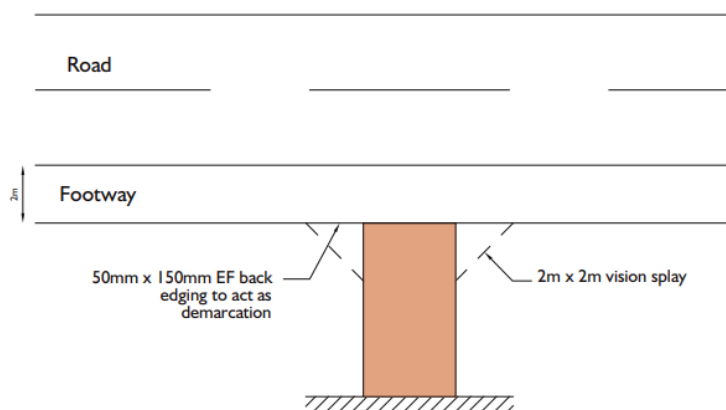
4.4 Transportation Manager – comment;

- 4.4.1 22/2/21 - Conditions: CAP (2.4m x 43m at vehicular access, 2m x 2m and 65m inter-visibility at PROW access onto A438), CAE, CAJ, CAP (PROW and footway works along A438), CAT, CB2

Informatives: I11, I06, I09, I45, I08, I07, I05, I43, I51, I35

4.4.2 15/1/21 –

- The 2m x 2m pedestrian vision splays are incorrectly drawn, one should be on each side of the path rather than the centre of the path, please see extract from our Highway Design Guide below (it is shown on a driveway but it is the same arrangement as a footpath).



- As shown for the uncontrolled crossing point a visibility splay should be provided where the footpath emerges onto the A438 to ensure that pedestrians who don't use the designated crossing location still have adequate visibility.
- A connection from the proposed development to the PROW is welcomed, however, in order for the footpath connection to be adopted by the LHA it has to connect onto an adopted road, not a private drive. In addition, the link would be better placed along the northern boundary of plot 2 because then residents would not have to walk south to join the link only to head back north along the PROW.

- The LHA confirm that it is acceptable for the PRoW to have a tarmac surface and a width of 1.5 and that the LHA would look to adopt the PRoW (subject to technical approval).
- As this is an outline application and the layout is a reserved matter the LHA has not commented on the internal layout. However, it should be noted for the reserved matters application that the LHA would not adopt a road with vertical features such as speed cushions etc. or surfaces such as block paving.

4.4.3 19/8/20 - The plan provided highlights that the PROW is proposed to be of hoggin construction/surface. The local highway authority would prefer the path to be of a tarmac construction. This would enable the LHA to adopt the path and formally add it to its list of streets which would result in the LHA maintaining the path rather than the landowner.

In addition, visibility splays (2m x 43m) should be demonstrated where the path meets the A438 to ensure appropriate visibility for pedestrians. A gate that enables access for all users, including those in a wheelchair/mobility scooter, should be placed where the PROW meets the A438 and School Road.

It is also noted that there is no direct connection from the development site to the PROW, this should be provided to enable a safe and convenient route for the residents.

With regards to the query about the gap between adopted highway land and the wall at the back of the existing footway along the A438, it would appear that this is just down to inaccuracies associated with OS mapping. The extent of the adopted highway does extend to the back of the existing footway so any improvements/upgrades would be within highway land rather than third party land.

4.4.4 26/4/19 - It is noted that the applicants have had discussions regarding upgrading the PRoW to the west of the site to include a Hoggin surface. Further details regarding these proposals are required before the local highway authority is able to comment further.

4.4.5 4/12/18 - Further to our response dated 16/11/18 the local highway authority has no further comments to make in relation to the most recent landscape plan.

4.4.6 25/7/18 -
Traffic Generation

The Transport Statement (TS) associated with this development demonstrates trip generation analysis. The document shows that the trip generation associated with this development is likely to be around 8 two-way trips in the AM and the same in the PM. Therefore, it is not considered that this level of development will have a significant impact upon the public highway but due to the available widths, parked cars and poor forward visibility, without the appropriate level of mitigation. This is a concern.

Site Location and Access

The existing site takes access from the 30mph single-track school road. This is the only access road to the site. The nearest principle road is the A438. The observed traffic flow and speeds on this road are low, the 85th percentile speeds shown in the TS are 18.5mph and 22.9mph. There is no public footway at school road. The proposal sets out the provision of several measures for pedestrian facilities as part of the development. However, these works will be off site. Therefore, the works will be subject to a section 278 agreement. A PROW also runs adjacent to the site, providing a secondary pedestrian route.

Visibility

43m of visibility is achievable in both directions at the main site access. This is appropriate to the standards set out in Manual for Streets 2. This visibility is more than satisfactory for the 85th percentile speeds set out in the TS.

Drainage

The developer should ensure that no surface water runs off on to the public highway because of this development.

Waste Collection

Further details of the waste collection areas should be provided by the applicant.

Proposed Improvements

The drawings do not address the previous concerns as set by Adrian Smith

Conclusion

The transportation department has objects to this application, based on the following:

The concerns on the pedestrian access and the conflict with parked vehicles that led to the transport officer recommending a refusal in the previous application for this site (171165) have not been adequately addressed in the revised plans.

4.5 Principal Natural Environment Officer (Ecology) – comment; -

4.5.1 24/3/23 - The supplied updated Preliminary Ecological Assessment (August 2022) and Reptile Survey report (October 2022) both by Focus Ecology refer.

These identify that there is a small population of Slow Worm on the wider development site area but that with relevant risk avoidance measures and appropriate management of retained areas of land there is no identified detrimental effect on the maintenance of the populations of Slow Worm (or any other Protected Species) at a favourable conservation status in their natural range.

As identified in the supplied reports further ecological advice and support may be required by the applicant and their contractors to ensure future development and construction operations do not breach national regulation and legislation and the statutory protection of all wildlife they secure. This higher statutory legislation and regulation is over and above any planning considerations or regulation. This applies in particular if development operations are delayed and the opportunistic and highly mobile nature of wildlife will need to be considered.

To secure best practice relevant at the time planning permission is being determined a condition to secure relevant ecological methods as detailed in the supplied ecology reports is requested.

Ecological Protection

The ecological protection and working methods scheme as detailed in the preliminary ecological appraisal (August 2022) and Reptile Survey Report (October 2022) by Focus Ecology shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

As this is an outline permission it is appropriate to request that final details of proposed 'hard' biodiversity net gain enhancements are secured by condition and be based on final layout and details approved for actual construction. A relevant condition is suggested.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species present at the site. A condition to ensure all external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice is requested. Any street lighting required should be compliant with all best practice guidance and council guidance and only consist of direction, 'warm' LED luminaires with a multi-stage dimming system compatible with existing council street lighting.

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

4.5.2 28/2/23 – HRA completed. This is accessible on the Herefordshire Council website via the following link; -
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181943

4.5.3 21/11/18 - Previous comments and suggested Biodiversity Enhancement Condition are still relevant.

I note that the landscaping plan appears to indicate the inclusion of thorny species in hedgerow planting adjacent to pavements/footways – this is contrary to Para 2.14 'landscape' the Council's Highways and new development design guide https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development . The landscaping plan should be reviewed against this document and any relevant amendments made and requisite management plans supplied.

4.5.4 4/10/18 - All previously relevant comments as regards foul water. Surface water and ecology working methods are still applicable and the Condition request for 'hard' biodiversity enhancements is still appropriate

4.5.5 11/7/18 - It is noted that Foul Water will be managed through connection to the local mains sewer system and this has been accepted as possible and acceptable by Welsh Water. Surface Water will be managed through onsite SuDS with final discharge to local watercourse as required. Based on these methodologies being secured as part of approved plans there are no identified Likely Significant Effects on any SSSI or SAC.

The PEA by Focus Ecology is noted and appears relevant and appropriate. Based on the PEA recommendations a fully detailed and comprehensive Ecological Mitigation and Enhancement Strategy should be requested for approval as a Reserved Matter –this should include all general ecological working methods as well as specific details for Dormice and Great Crested Newts. Full details and locations of all ‘hard’ biodiversity enhancements should be supplied.

Nature Conservation – Enhancement

Prior to commencement of the development, a Ecological Mitigation and Enhancement Strategy as outlined in the recommendations in the ecological report by Focus Ecology dated February 2017 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. The scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority

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

Green Infrastructure proposals should be fully detailed including full species/variety lists with rootstock information where relevant. The majority of trees and shrubs should be native species unless an occasional specimen ‘exotic’ is appropriate. In line with HC Highway Design Guide NO thorny or spikey species should be planted within 3m of any highway, footway, cycleway or public right of way.

Any undersowing or seeding of open space should wherever possible incorporate appropriate native wildflower seed. All planting and seeding should be accompanied by a thorough 5 year establishment and replacement plan. As part of the s.106 agreement for the in perpetuity management of the public openspace/amenity areas a detailed 20 year (minimum period) management plan should be supplied for approval. The applicant should take in to account when developing their management plan for the landscaping and green space (as should be required to be supplied at Reserved Matters and through s.106) the more specialised and labour intensive management that a new orchard, especially a Traditional ‘standard’ Orchard requires and that the plan for this area should include a work and pruning schedule for at least 20 years to ensure the ‘standard’ trees are managed to full establishment and tree structural development. The under-seeding/planting/management of the orchard floor and ground flora is as important as the trees to local wildlife and this should be carefully planned and fully detailed as part of Reserved Matters (s.106) submissions. If the Orchard is to be managed by the local community the provision of appropriate tools, equipment, PPE, Insurance cover and assistance with utilising the produce; along with regular training sessions (in perpetuity to allow for changes in volunteers) led by professional/highly experienced orchardists; MUST be included as part of the proposed management scheme and funding for it identified. If commercial management of the orchard is proposed then consideration of fruit types and varieties to support commercial management must be undertaken and a long term commercial management agreement required to be in place through a s.106 agreement in order to secure the in perpetuity management of the Orchard area.

4.6 Principal Building Conservation Officer – comment;

4.6.1 9/2/23 - The application has been amended since its original submission, and I am providing comments on the latest amended plans Revision B – 08.08.2022, my comments are in respect of setting of heritage matters only.

I duly note the comments made by Matthew Knight on 22 June and 02 August 2018 in respect of the initial proposal for up to 15 dwellings, and his concerns referenced in that response.

I duly acknowledge the subsequent amended proposal as identified in the subsequent site plan (unnumbered) from September 2018 and the subsequent response from Matthew Knight on 13 September 2018 for a proposal of 9 houses and the removal of his previous objection. However I duly note that given the nature of the site the preference for a full application to have been submitted and that if approved the Reserved Matters application should consider the form, layout and characteristics of buildings within the village and wider area, and a heritage statement would be required as identified by the built heritage officer in the pre-planning application advice dated 23 January 2015.

The amended plan from September 2018, for which no built heritage objections were raised was for 9 dwelling units centred around a spine road.

The current proposal is for 6 houses in approximately the same location as the previous plan. However I note the previous concerns raised by the built heritage officer on 22 June 2018 in respect of the initial proposal for the development of the entire site and in particular the upper parts of the site and particularly the housing the NE of the site.

Whilst the current proposal is for 6 houses at the lower roadside section of the site, it is not readily apparent from the revised plan the intention for the remainder of the site. The access road appears to end with what appears to be the potential/ intention to extend into the area previously applied for and subsequently deleted from this application. The concerns raised previously by built heritage officers in respect of the development in the NE of the site is duly noted and acknowledged, and as such concern remains in that the proposed layout suggests that this is merely part one of a larger phase of development. Whilst duly noting the amended site plan Revision B – 08.08.2022, and the reduction in numbers to 6 there does not appear to be a corresponding site location plan with the application site edged red indicating the reduction in the site to be developed. As such clarification is sought that if this application is approved that the original site edged red on the original location plan would also be approved? It is also noted that the site edged red exceeds the allocated site within the Tarrington Village Neighbourhood Development Plan and as such the rationale for an access road to land not allocated for housing given Policy TAR6 and TAR8 of the Tarrington NDP is not readily understood at this point given the reduction in numbers to 6 houses as per the NDP.

I would have to refer to the concerns previously issued by built heritage in respect of the development of the NE of the site as the latest plan suggests a subsequent extension into the north of the site. Noting the road layout proposed I would have to maintain concerns previously raised, however not to the 6 houses themselves, but merely the uncertainty in respect of the Northern section of the site.

However I can confirm that there is no objection to the 6 houses in themselves as indicated on Revision B – 08.08.2022, which could be designed in a manner that would not affect the setting of heritage assets. Whilst acknowledging that this is an outline application with all matters reserved, I would at this point comment that any subsequent Reserved Matters application would need to consider the form, layout and characteristics of buildings within the village and wider area, and in that regard it appears that the rear of plots 6 and 5 would face School Road, which is not characteristic of the village which have development fronting the road. It is requested that the design, materials, size, scale and layout of the village is taken into due regard when producing the reserved matters application.

With the ambiguity in respect of the northern section of the site I am unable to support the application at this time. However, further clarification in terms of the remainder of the site could allay those concerns, in respect of the northern section of the site, an amended landscaping plan

to replace the Landscaping Master Plan drawing number 1470 L 1 B to reflect the current scheme and the reduction in houses shown and a landscaping plan reflecting these changes. Ideally the area to the north not being built upon could be orchard planting which would be appropriate especially as it is noted that the traditional orchard indicated on Landscaping Master Plan drawing number 1470 L 1 B is actually outside the application site as indicated on the submitted location plan, ideally it would be within the application site edged red.

I would be grateful if consideration could be given to the amended landscaping plan to reflect the reduction in the size of the development, and clarification in respect of the use of the northern section of the site, and I look forward to amended plans in due course.

4.6.2 2/8/18 – Recommend refusal / request further information In their current form the application submission documents illustrate less than substantial harm to the setting of heritage assets. The layout of buildings on the site combined with topography means that these would detract from the setting of listed buildings near by. Policy 196 of the NPPF would apply. Attention is drawn to policy 193. Following the Historic England GPA 3 on setting we would request amendments to the layout and heights of the buildings to the NE of the site to mitigate against harm to the setting of heritage assets. We would ask that the height of this row of buildings is reduced in scale and height or preferably removed. The orientation of the building diagonally across the slope also would form a visual distraction from the setting of the Farmhouse to the NE.

The proposals are for a housing development of 15 homes on a site in the centre of Tarrington. The development is on the E side of the field with a landscaped area to the W.

These comments relate only to listed buildings and historic areas, for advice on buried archaeology or Scheduled Ancient Monuments please contact the Councils Planning Archaeologist, Julian Cotton.

The site is not a Conservation Area, however there are a substantive number of listed buildings to the W, S & E of the site:

- Stables formerly to E of Stoke Edith House, Grade 2, C18
- Stoke Edith Park, Grade 2 Registered Park & Garden. (400m to W)
- Lays Farm Various Grade 2 buildings including Hop Kilns, Barns & Diary (250m to W)
- Barn, Cider House & Stables N of The Vine, Grade 2 (70m to W)
- Barn, Stables and Outbuildings to Brook House, Grade 2 (20m to N)
- Barn & Cider House to NW of Swan House, Grade 2 (15m to E)
- The Old Rectory, Grade 2 (110m to E)
- The Church of St Phillip and St James, Grade 2* (125m to E) C12 origins.
- The Foley Arms, The Willows, Foley Cottage & The Forge, all Grade 2 (>100m to N)
- Tarrington Court, C16/17 Timber Frame House, Grade 2 with separately listed Cider House &
- Hop Kilns,
- Swan House & Shire Cottage, Grade 2, (70m to SE)

The topography of the site is such at it slopes downwards to the N & E. Pre-application advice on the site has been given, ref 150130. The topography, the inter-visibility of Listed Buildings, the separation the site forms between groups of buildings and the prominence of the Church Tower were all noted as key considerations and it was noted that the setting of the Church and other listed buildings would be compromised if the site was to be developed.

The height of proposed buildings on the site and their roofscape would alter the nature of views from the village and buildings within it.

Whilst views out from the adjacent listed buildings are limited, either because of intervening buildings or landscaping or because buildings are orientated to be 'internal';" This doesn't take into account the potential inter-visibility of assets and the site and each other, and the appreciation of the listed buildings as groups forming a cohesive character which is intrinsic to their setting and significance.

Whilst care has been taken to avoid development on the upper parts of the slope to the W, allowing a green buffer to the W, the development would still have an impact upon the appreciation of Heritage Assets, as the roof slopes and upper sections of the properties would be visible from the village, altering its intrinsic character as a place with views out to undeveloped land above the settlement. This would be particularly noticeable to the NE of the site. However it should also be noted that as an Outline application it is not possible to fully determine the potential impact of proposals.

The housing to the NE of the site is potentially problematic, it is felt that there would less than substantial harm to the setting of the Barn, Stables and Outbuildings to Brook House as the intervening vegetation is a narrow band and in winter would not form a visual barrier. It is noted that Brook House, a later building, is not separately listed. These buildings are considered to have moderate/low level of significance and the contribution of the wider agrarian landscape is a minor aspect which contributes to that significance.. Whilst the proposed site itself as an area of open space, formerly an orchard and it contributes to the setting of the buildings, there is no evidence that the use of the proposed site is directly linked to the former function of these listed buildings at Brook House. Therefore it is felt that the harm caused by the buildings to the those aspects of the setting which contribute to the setting is at the lower end of less than substantial. It is noted that cases such as Barnwell Wind Farm highlight the requirement to give great weight to the conservation of heritage assets, however in this case it is felt that by following the methodology within the Historic England GPA no 3 on setting, that this harm can be mitigated by reducing the height of the buildings proposed and their orientation to avoid the awkward relationship to slope aspect.

As an outline application in a rural area, there is the opportunity for either a more in depth application or any reserved matters application to respond to the character and local distinctiveness of Tarrington, with the aim further reinforcing this distinctiveness. This should not preclude a contemporary approach to context, something which is encouraged. The design of the proposed dwellings should respond to the local character by not just adapting the form and layout etc to the landscape, and orientation, but also by looking at the materiality of local buildings and other characteristics such as span/depth, solid to void ratio etc. There would be a preference for a full rather than outline application and we would recommend that pre-application discussions should be entered into before the submission of any revised application.

- 4.6.3 22/6/18 - Request further information: In their current form the application submission documents illustrate less than substantial harm to the setting of heritage assets. The layout of buildings on the site combined with topography means that these would detract from the setting of listed buildings near by. Following the Historic England GPA 3 on setting we would request amendments to the layout and heights of the buildings to the NE of the site to mitigate against harm to the setting of heritage assets. We would ask that the height of this row of buildings is reduced and that they are re-orientated to respond to topography to avoid the slightly unresolved stepped terrace which runs at an angle to the slope.

The proposals are for a housing development of 15 homes on a site in the centre of Tarrington. The development is on the E side of the field with a landscaped area to the W.

These comments relate only to listed buildings and historic areas, for advice on buried archaeology or Scheduled Ancient Monuments please contact the Councils Planning Archaeologist, Julian Cotton.

The site isn't a Conservation Area, however there are a substantive number of listed buildings to the W, S & E of the site:

- Stables formerly to E of Stoke Edith House, Grade 2, C18
- Stoke Edith Park, Grade 2 Registered Park & Garden. (400m to W)
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- Tarrington Court, C16/17 Timber Frame House, Grade 2 with separately listed Cider House &
- Hop Kilns,
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The topography of the site is such at it slopes downwards to the N & E. Pre-application advice on the site has been given, ref 150130. The topography, the inter-visibility of Listed Buildings, the separation the site forms between groups of buildings and the prominence of the Church Tower were all noted as key considerations and it was noted that the setting of the Church and other listed buildings would be compromised if the site was to be developed.

The height of proposed buildings on the site and their roofscape would alter the nature of views from the village and buildings within it.

Whilst views out from the adjacent listed buildings are limited, either because of intervening buildings or landscaping or because buildings are orientated to be 'internal';" This doesn't take into account the potential inter-visibility of assets and the site and each other, and the appreciation of the listed buildings as groups forming a cohesive character which is intrinsic to their setting and significance.

Whilst care has been taken to avoid development on the upper parts of the slope to the W, allowing a green buffer to the W, the development would still have an impact upon the appreciation of Heritage Assets, as the roof slopes and upper sections of the properties would be visible from the village, altering its intrinsic character as a place with views out to undeveloped land above the settlement. This would be particularly noticeable to the NE of the site. However it should also be noted that as an Outline application it is not possible to fully determine the potential impact of proposals.

The housing to the NE of the site is potentially problematic, it is felt that there would less than substantial harm to the setting of the Barn, Stables and Outbuildings to Brook House as the intervening vegetation is a narrow band and in winter would not form a visual barrier. It is noted that Brook House, a later building, is not separately listed. These buildings are considered to have moderate/low level of significance and the contribution of the wider agrarian landscape is a minor aspect which contributes to that significance.. Whilst the proposed site itself as an area of open space, formerly an orchard and it contributes to the setting of the buildings, there is no evidence that the use of the proposed site is directly linked to the former function of these listed buildings at Brook House. Therefore it is felt that the harm caused by the buildings to the those aspects of the setting which contribute to the setting is at the lower end of less than substantial. It is noted that cases such as Barnwell Wind Farm highlight the requirement to give great weight to the conservation of heritage assets, however in this case it is felt that by following the methodology within the Historic England GPA no 3 on setting, that this harm can be mitigated by reducing the height of the buildings proposed and their orientation to avoid the awkward relationship to slope aspect.

As an outline application in a rural area, there is the opportunity for either a more in depth application or any reserved matters application to respond to the character and local distinctiveness of Tarrington, further reinforcing this. This should not preclude a contemporary approach to context, something which is encouraged. The design of the proposed dwellings should respond to the local character by not just adapting the form and layout etc to the landscape, and orientation, but also by looking at the materiality of local buildings and other characteristics such as span/depth, solid to void ratio etc.

4.7 Principal Natural Environment Officer (Trees) - comment;

4.7.1 15/01/19 - Previous comments regarding the need for a method statement where the attenuation pond has potential to put constraints on the protected trees still stands but can be supplied at reserved matters.

The available ground at the north of the site can now be used for planting, the Landscape officer has suggested an orchard and I am not adverse to this but I would also consider planting a mix of native woodland species.

Providing a form of tree planting will soften the impact of the development and make it more compliant with policies LD1, LD2 & LD3 of the Herefordshire Core Strategy.

4.7.2 28/9/18 - The reduction in the size of the site removes the concerns I previously raised regarding the trees at the northern end of the site.

There is still the potential that the attenuation pond will encroach slightly into the Root Protection Area of the trees on the eastern boundary. The finer details of the positioning and size can be dealt with at reserved matters.

The tree planting which was proposed at the west side of the boundary now seems to have been disregarded, are there any plans to plant an orchard or other types of tree planting?

4.7.3 15/6/22 - Having read the comments submitted by my predecessor I am in agreement with his request for more information regarding the topography:

“The topography of the site is varied and to be able to assess the viability of the scheme, I will require additional information regarding the levels as existing and once completed (especially close to existing trees).”

I have some reservations regarding the 4 units at the north of the site, they have a north facing aspect and would look towards a hedge/copse consisting of maturing trees. I would suggest that avoidance be given to developing so close this corner of the site and reduce the amount of units to 2.

The proposed buffer planting in this corner is also going to cause annoyance with the inevitable increased size and shading provided by the trees.

I also reiterate the comments made by my predecessor:

“Lockhart Garratt’s arb Impact plan (D16-2959) indicates that the main conflicts from the development will be to moderate quality G10 (proposed attenuation pond and pump station to be constructed in close proximity) and the construction of a garage within the root protection area (RPA) of moderate quality T11. These impacts could be managed through working methodology (AMS) and site supervision (project Arboriculturist) but it is unclear to the extent of level change required to allow these features to be implemented.”

The trees which the attenuation pond will be in close proximity to are protected by Tree Preservation Order 296/A1 therefore their protection is important.

I notice on the Arboricultural Impact Assessment - 16-2863 5491 D01 that the attenuation pond slightly pinches into the RPAs of some the trees. Therefore, I assume it would be straightforward to slightly move the location of the pond or reduce it is size to avoid the RPAs.

Finally, I am not in total agreement with the proposed orchard at the west of the site. If this is going to be harvested commercially then I would not have any objections. If however it is for the benefit of the community then I would suggest that part of the site is used as an orchard but a large proportion could be used to create a small woodland comprising of a mix largely native species and a smaller percentage of exotic species or possible varieties of natives.

4.8 Open Spaces Planning Officer – comment;

4.8.1 2/10/18 - Open Space Requirements: Core Strategy Policies OS1 and OS2: Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards.

It is noted that this proposal is for 9 houses. This is below the threshold for an off-site contribution in accordance with the SPD on Planning Obligations.

On Site POS/Orchard/Pond: It is noted that the proposed site plan includes a large area for POS.

It is noted that the proposed site plan includes incidental areas of green space (badged as POS), a fairly large orchard area and a pond, which might be an existing pond or one to be provided as part of SuDs. Any proposed open water on residential development sites should be designed with health and safety in mind.

Future management: any on site provision, including the pond, orchard and POS and any associated infrastructure will require suitable management and maintenance arrangements in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use

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

4.8.2 14/618 - Open Space Requirements: Core Strategy Policies OS1 and OS2: Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community. In this instance the following evidence bases apply.

- Herefordshire Play Facilities Study 2012 and Investment Plan 2018

Off-Site Children's Play Contribution: In accordance with the SPD on Planning Obligations an off-site contribution would be sought from market housing only as follows:

- 2 bed: £965
- 3 bed: £1640
- 4+ bed: £2219

The contribution would be used in accordance with the Play Facilities Investment Plan which includes 2 play areas in Tarrington. The nearest play area is located at the Lady Emily Community

Village Hall and is the larger of the 2 play areas providing a medium sized play areas for both infants and juniors set within a recreation/amenity green space. It is within reasonable access from the proposed site both being accessed off School Road, although it is noted that there is not a footpath link along all of the road between these points. It provides wooden play equipment and although still in reasonable condition it is an aging site with only a few years useful life left and would benefit from additional investment. It is owned and managed by the Village Hall Committee. It would be worth consulting the Village Hall Committee to establish their priorities for improvements.

On Site POS/Orchard/Pond: For a site of 15 houses the policy requirement for POS would be very small and offer little recreation value and not normally supported on-site. It is noted that the proposed site plan includes incidental areas of green space (badged as POS), a fairly large orchard area and a pond, which might be an existing pond or one to be provided as part of SuDs. Any proposed open water on residential development sites should be designed with health and safety in mind.

Future management: any on site provision, including the pond, orchard and POS and any associated infrastructure will require suitable management and maintenance arrangements in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use

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

4.9 Housing – comment;

4.9.1 2/10/18 - Further to my comments on 4th July 2018, due to a reduction in the number of units on this site, there is no longer a requirement to provide affordable housing. However, I would advise that my comments in relation to the open market stand.

4.9.2 5/7/18 - There is a requirement for the applicant to provide 35% affordable housing which equates to 5 units which has been evidenced in this application. I would look for the units to be intermediate tenure.

I appreciate that this is an outline application with the mix to be agreed at reserved matters stage, however, Policy H3 ensures that there is an appropriate range and mix of housing that will contribute to the creation of balanced and inclusive communities, by providing housing to meet the needs of all households including the elderly, young families and single people and by ensuring that housing is capable of being adapted for people in the community. This is a requirement for both the open market and affordable housing.

To give an indication of an appropriate mix, below is a breakdown of unit requirements for this site.

Open Market	Affordable Housing
5% 1 beds	33% 1 bed
22.9% 2 beds	37% 2 beds
54.5% 3 beds	26.9% 3 beds
17.5% 4+ beds	

In order for me to support this application and I would look for a condition which would ensure that any reserved matters submitted would reflect the above mix with a S106 to ensure local connection for the affordable housing.

4.10 Minerals and Waste – comment;

4.10.1 12/9/18 - No further comments to add.

4.10.2 18/6/18 Thank you for consulting me on the above application. I can confirm that there are no known minerals on the site and therefore no conflict with policy M5 of the HUDP.

4.11 HC Waste and Recycling – comment;

4.11.1 20/6/18 - Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling" for advice with regards to Waste Management arrangements for households.

4.12 Public Rights of Way – comment;

4.12.1 5/1/21 - It is our understanding that Herefordshire Council Highways will adopt the public right of way if it is tarmacked, and will then be responsible for its maintenance (as opposed to PROW). If this is the case, we have no objection.

4.12.2 31/5/18 - Public footpath TR3 would not appear to be affected by the development. No objection.

4.13 HC Education – comment;

4.13.1 26/5/18 - The educational facilities provided for this development site are Ashperton Primary School and John Masefield High School

Ashperton Primary School has a planned admission number of 25. As at the schools Spring census 2018:-

7 year groups are at or over capacity- YR=28, Y1=30, Y2=30, Y3=26, Y4=30, Y5=28, Y6= 30

John Masefield Secondary School has a planned admission number of 150. As at the schools Spring census 2018:-

3 year groups are at or over capacity- Y7=152, Y8=163, Y9=177

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Masefield High School that we would otherwise be able to do.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	SEN	Total
2+bedroom apartment	£117	£1,084	£1,036	£87	£89	£2,413
2/3 bedroom house or bungalow	£244	£1,899	£1,949	£87	£138	£4,317
4+ bedroom house or bungalow	£360	£3,111	£4,002	£87	£247	£7,807

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

5. REPRESENTATIONS

5.1 Tarrington Parish Council – comment

5.1.1 18/1/23 - Tarrington Parish Council at their meeting on Monday the 9th January 2023 resolved to support this amended application but ask for clarification on who will be responsible for the maintenance of the open spaces, the trees, hedges and vegetation shown on the Site Plan, Revision B 08.08.2022. Members also asked for clarification on the future ownership of what could be considered communal assets.

5.1.2 12/1/21 - The parish council welcomes the plans to improve the PROW surface, enabling access for all users. The parish council would like to consider the detailed design of the path (material, proximity to the hedge etc) when available.

5.1.3 12/6/18 - The Parish Council support this application but would like clarification on, firstly the future ownership and responsibility of ongoing maintenance of all the boundary hedges, and secondly, the flood risk from existing drainage and run-off and with increased hard standing the increased flood risk - whether the applicant is intending to channel into existing ditches or use an attenuation pond is unclear.

5.2 Public comments; The application has been subject to numerous rounds of consultation reflecting the successive revisions of the application. The comments can be summarised as follows with reference to the respective rounds of consultation – and the nature of the development consulted on.

5.2.1 5/1/23 (Outline planning application for up to 6 dwellings. All matters reserved apart from access) **Note** – this is the revised scheme currently under consideration.

19 comments objecting; -

- Existing flooding issues
- The stream adjacent to the site cannot accommodate existing flows and floods on a regular basis
- Sewage system does not have sufficient capacity to accommodate the proposed development
- Attenuation basin proposed is insufficient
- School road is not capable of absorbing the traffic impacts of development – no footpath and verges are uneven / unsuitable for pedestrians
- Traffic survey that took place in 2018 should be disregarded as was undertaken during heavy snow and the device was damaged by snow plough.
- Pedestrian refuge areas would not be of any benefit
- Tarmacked footpath is uncharacteristically suburban and would not solve any pedestrian issues – pedestrians would continue to use School Road.
- Footpath should not be within the site
- NDP process was not properly followed with the requisite local consultation
- Tarrington has met its housing targets – there is no demand for further housing.
- No affordable housing proposed, as identified as a request of local residents.
- Houses would be too large and not sympathetic to the open rural character of the site.
- Size of the site should be that as indicated within the NDP (0.44ha and not 0.66)
- Noise impact from the pump which would be close to residential properties.
- Adverse impact on tourism
- No consideration to address the risk of increased traffic to cyclists
- Proposal would not accord with Policy TAR7 of the NDP in terms of the type and mix of housing proposed.

5.2.2 19/1/21 (Outline planning application for up to 9 dwellings. All matters reserved apart from access (amended site location plan / improvements to PROW))

13 comments objecting; -

- Additional traffic will be created from the development – roads are unsuitable for further development
- Increased risk of flooding
- Existing sewerage system is unable to accommodate the proposed development (lack of capacity)
- Tarrington has already achieved required housing numbers and does not need further housing development
- Development out of character and would harm setting of listed buildings
- Adverse impact on tourism
- Tarmacking of the footpath would be out of keeping
- Tarmacking the footpath could compromise the agricultural viability of the land
- Tarmacking of footpath could increase surface water runoff and lead to increased flooding around the A438 Tarrington Arms junction.
- Improved footpath would not improve connectivity
- Site should not include footpath
- Pedestrian refuge area is not realistic and would not improve pedestrian safety

1 comment neither in support or objecting; -

- Improvement of the dangerous access from the footpath to the A438 is welcomed
- Concerns about increased traffic and impact on the A438 Tarrington Arms junction remains.
- Additional sites which are seeing new housing in Tarrington are less problematic

5.2.3 20/11/18 (Outline planning application for up to 9 dwellings. All matters reserved apart from access (amended landscaping masterplan))

18 comments objecting; -

- Amended landscaping plan delineates the area to the north, suggesting the developer will apply to build additional houses here in the future.
- The northern part of the field, because of its topography cannot be developed without affecting the setting of listed building houses.
- The northern part of the field should be used for open-space or, as an orchard.
- 6 homes is the maximum that should be built in the southeastern corner of the site, as indicated in the formation of the Tarrington NDP.
- Additional traffic will be created from the development – roads are unsuitable for further development
- Tarrington does not benefit from a doctors surgery, schools or shops.
- Application form has not been amended – still refers to 15 houses.
- No consultation has taken place with the local residents.
- Lack of footpath access to the main road
- Provision of pedestrian refuge details highlights the unsuitability of the road.
- Vehicles parking on road make it in effect single carriageway through the centre of the village.

8 comments in support; -

- Development would provide houses in an appropriate location.
- Located within walking distance of village hall, church and pub.
- Disappointed that so few dwellings are proposed when more could be accommodated

- Views of the village have been comprehensively recorded throughout the NDP process.

5.2.4 11/9/18 (Outline planning application for up to 9 dwellings. All matters reserved apart from access)

28 comments objecting; -

- The northeast portion of land could still be developed, resulting in a cumulative total of 15.
- Supporting documents still refer to 15 dwellings – this could just form ‘Phase 1’?
- Proposal does not demonstrate the local highway network can absorb the traffic impacts of the development
- Houses should be built off the main road – similar to Bartrestree and Lugwardine.
- The scheme does not have respect / is not sympathetic to the areas sensitive landscape character
- Built form is still far too north not to have landscape / heritage impact
- Site is only capable of accommodating 6 houses – a sensible quantum.
- Permission has already been granted for 17 houses on field adjacent to A438
- Does not address how DCWW Tarrington Wastewater Treatment Works has capacity to serve the development.
- Surface water from development would end up in Tarrington Brook, increasing the risk of flooding when also taking account of impacts of climate change.
- Drainage features too close to the neighbouring residential properties.
- Developer has not consulted with the local community.
- Positioning of sewage pumping station could have adverse impact on residential amenity through noise.
- Housing is not affordable – removed from the scheme.
- Reduced scale of development would still generate considerable risk to other road users which would discourage active travel / cycling (LACF)

1 comment neither in support or objecting; -

- Pattern of development is preferable to ribbon – which would move the centre of the village.
- Unfortunate there is no opportunity to build affordable homes.

7 comments in support; -

- Small number of houses next to a fairly recent estate
- Would be away from the main road
- Would provide family homes within the local community
- Villages considered this is the most appropriate site for development
- Tarrington NDP has been a community-led process
- Site is within the centre of the village and adjacent to its main built up farm

5.2.5 30/5/18 (Outline planning application for up to 15 dwellings. All matters reserved apart from access)

41 comments objecting; -

- Traffic report appears inaccurate with regards to traffic movements along School Lane – it was undertaken during heavy snow.
- Flooding – surface water and from the stream / Tarrington Brook.
- Ground conditions are such whereby infiltration techniques would not be viable
- Insufficient infrastructure (schools, roads, post office, doctor, shops, swifts, swallows).
- Sewage system not capable of accommodating further development (DCWW Treatment Works)
- Road through the village is too narrow to accommodate the development.

- Junction with A438 is dangerous
- School Lane used by large agricultural vehicles as well as local residents exercising / for amenity
- Insufficient parking within the development would exacerbate the existing serious issue of parking in the village
- Public transport is limited and does not offer flexible journey options
- Vehicle speeds and nature of roads are not conducive to cycling
- Impact on wildlife (buzzards, owls, foxes, great crested newts)
- 15 houses is too many; 5 would be more preferable.
- Site is very prominent
- Inappropriate density – would create a suburban form of development
- Adverse impact on the setting of Grade II-listed buildings (Brook House).
- Unacceptable negative impact on landscape character – supported by professional and independent Landscape Report.
- Development should be reduced and focused to the southeastern corner of the site.
- Views of residents ignored by the Parish Council and the developer.
- Potential for noise from drainage pumping systems
- Drawings do not show secure covered cycling parking (LACF)
- Increased vehicle movements would discourage active travel (LACF)
- Application does not meaningfully or substantially address the previous reasons for refusal.

1 comment neither in support or objecting; -

- Given the objection to the application – why are the Parish Council not taking a proactive approach in supporting the views of the village?

6 comments in support; -

- Proposal accords with the Tarrington NDP
- Houses would provide a good mix
- Enhance the character of the area
- The only site which the 2009 and 2015 SHLAA has recognised as being suitable
- Is well accessed by road and public rights of way.
- Would bolster local service provision – i.e local public house.
- Would be no loss to Grade 1 agricultural land.

The full comments are accessible on the Herefordshire Council website via the following link;

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181943&search-term=181943

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

Principle

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 and the Tarrington Neighbourhood Development Plan (Tarrington NDP) which was adopted on 14 April 2022, following a successful referendum. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 6.4 At Policy RA1 of the Core Strategy, growth targets are set for each of Herefordshire’s Housing Market Areas (HMA) in order to provide a minimum of 5,300 new dwellings over the plan period to 2031. It emphasises that new dwellings will be broadly distributed across the county’s rural areas. On the basis that different areas within the county have differing housing needs, constraints and requirements, the indicative housing growth target varies between HMAs. Tarrington is located within the Hereford HMA which has a growth target of 18%, equating to 1,870 new dwellings. For Tarrington, this translates to 41 new dwellings and it is of importance to attribute weight to the fact that these targets are not minimums, and should not act as a ceiling to which further sustainable housing growth should be precluded. As of April 2022, taking account of existing commitments and the site allocation within the Tarrington NDP, this totals 45 dwellings.
- 6.5 Policy RA2 of the Core Strategy states that in order to maintain and strengthen locally sustainable communities within Herefordshire’s rural areas, sustainable housing growth will be supported in or adjacent to recognised identified settlements. This is to enable development which would bolster existing service provision and improve facilities and infrastructure, meeting the needs of local communities. Tarrington is named as a rural settlement which will be the main focus of proportionate housing growth within the Hereford HMA. As prescribed by the aforementioned policy, Neighbourhood Development Plans (NDPs) will serve to allocate land for new housing, or otherwise demonstrate delivery in order to provide the requisite levels of housing to meet the set targets for housing growth across Herefordshire.
- 6.6 Policy TAR5 of the Tarrington NDP states that new housing will be provided to meet the minimum growth target as set out within Policy RA1 as referenced above. It states that further housing will be delivered through inter alia, allocating land for housing development at School Road, Tarrington. As well as this, a settlement boundary is provided for Tarrington to define the planned limits of the village. Policy TAR6 of the Tarrington NDP requires that new housing and other development which is within the boundary will be supported – where it is in accordance with the plan’s other policies. This corroborates, as required, with the expectations of Policy RA2 of the Core Strategy, which sets out that new housing development shall be located within, or adjacent to the main built-up part of the settlement.
- 6.7 Policy TAR8 of the Tarrington NDP sets out that Land at School Road, Tarrington is allocated for housing development. The preamble advises that the site has capacity for around six dwellings although this is not prescribed within the policy. Policy TAR8 continues to underline that proposals which meet site-specific requirements will be supported. The application site comprises the entirety of the area as indicated within the policies map, but it also includes the Public Right of Way TR3 from its junction with School Road north to the A438. That said, the extent of proposed housing would be contained within the allocation.

- 6.8 In terms of the site-specific requirements of Policy TAR8 of the Tarrington NDP, this application is made in outline with all matters reserved except access. Although, during the course of the application, varying layouts have been supplied which have sought to indicate how the site could be developed – when having regard to the sites constraints through suggestive layouts and landscaping, it should be stressed that these are purely illustrative. The proposal demonstrates the means of access, with the acceptability of this discussed in the following sections however, the details of the scheme in terms of layout, scale, appearance and landscaping would be considered through the submission of any forthcoming reserved matters application.
- 6.9 The application proposes the erection of ‘up-to’ six dwellings. This has been revised down from the maximum of fifteen previously proposed but the description of development allows for flexibility for fewer dwellings to be developed – should site specific constraints (or other reasons) prohibit the maximum number coming forward as the reserved matters stage.
- 6.10 At this stage, officers do not have any concerns about the capability of the site to accommodate six dwellings. Indeed, during the course of the application and throughout the preparation of the Tarrington NDP, it has been recognised that the southeastern portion of wider land area owned by the applicant (which now forms the application site corresponding with the allocation) is notably less sensitive with respect to landscape and heritage constraints. It is lower-lying with limited long-distance inter and co-visibility. Any proposed built form would sit contiguous to more recent development which forms Church Close to the immediate east and on the opposite side of Tarrington Brook, responding in a positive manner to the established settlement pattern.
- 6.11 Officers acknowledge some local concern with respect to the process in which the Tarrington NDP has been prepared and later adopted. That said, it is not for the development management process to review or revisit the plan-making stage. Rather, it is to consider and determine planning applications in accordance with development plan, unless material considerations indicate otherwise. The planning-system is plan-led and the development plan comprises the Core Strategy *and* the Tarrington NDP. It is the view of officers that the proposal provides a commensurate level of housing, adjacent to the main built form of Tarrington, a named settlement for growth within the Core Strategy, therefore implying it is *broadly* sustainable. The site is wholly within an allocation for housing considered to have capacity for around six dwellings – as prescribed within the Tarrington NDP.
- 6.12 With the above in mind, the proposal is considered to accord with the requirements of Core Strategy Policy RA2 and Policy TAR8 of the Tarrington NDP.

Housing mix

- 6.13 Policy TAR7 of the Tarrington NDP sets out that proposals for new housing must demonstrate, subject to viability considerations, that they provide dwellings of a type, size and tenure that positively contribute to meeting the latest assessment of housing needs, and include affordable housing in accordance with the requirements of Core Strategy Policy H1. This policy also echoes the expectations that are set out within Policy H3 of the Core Strategy with respect to mix.
- 6.14 In accordance with Policy H1, as the scheme is for less than 10 dwellings, it is not possible to secure on-site affordable housing or otherwise, contributions for off-site provision.
- 6.15 The latest assessment of housing needs is set out within the Herefordshire Housing Market Area Needs Assessment 2021 (HMANA). The site lies within the Hereford Rural HMA whereby the following housing mix by tenure size is recommended;
- 5% 1-bedroom
 - 20% 2-bedroom
 - 50% 3-bedroom

- 25% 4+-bedroom

6.16 The application at this stage proposes 2no. 5-bedroom, 2no. 4-bedroom and 2no. 2- bedroom dwellings. Officers would note that the mix is at present disproportionately skewed towards larger properties. However, to ensure accordance with Policy TAR7 which is informed by the latest HMANA, a condition is recommended which ensures that the final housing mix when submitted as part of any forthcoming reserved matters application is appropriate. This should include either 1no. or 2no. 2-bedroom dwellings, 3no. 3-bedroom dwellings and 1no. or 2no. 4+-bedroom dwellings.

Siting, scale and design

6.17 Policy SD1 of the Council's Core Strategy states that development should create safe, sustainable, well integrated environments for all members of the community. Development should make efficient use of land and taking into account the local context. Policy TAR8 of the Tarrington NDP states that residential development on the School Road site will be supported where the materials are specified which reflect the local character and vernacular, including the appropriate use of stone, timber and brick. Within the Tarrington NDP, further prescriptive building design requirements are set out within Policy TAR4.

6.18 These prevailing policy requirements echo the principles relating to good design as set out within the NPPF, namely at Paragraph 130.

6.19 This application is made in outline and therefore, except for access, all matters are reserved for future consideration. This would include the scale, layout, appearance and landscaping, as defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Successive and revised indicative site layouts have been submitted throughout the application process, contextualising how residential development could come forward on the site with respect to the proposed location of the singular vehicular access off School Road.

6.20 The description of development is for 'up-to six' dwellings and this provides sufficient flexibility in the operative part of the permission to allow numbers to be reasonably revised down, if necessary, to ensure that the detailed reserved matters scheme meets all policy requirements, in terms of the design and overall layout of the site. This would also relate to the size of the units to meet housing needs, as above stipulated.

6.21 It is considered that at this stage, there is no reason or evidence which suggests that a development of up-to six dwellings would be difficult to accommodate in a fully policy compliant manner. The application has already been successively revised to reduce the quantum of housing proposed, reflecting on the sites constraints. Any forthcoming reserved matters application would need to continue to take account of these constraints and policy requirements in a positive manner, reflecting the sites edge of settlement and rural context in order to maintain local distinctiveness.

Landscape impact

6.22 Noting the expectations of Policy LD1 of the Core Strategy, Policy TAR8 of the Tarrington NDP states that the development of the School Lane site shall provide hedgerows to the western and northern boundaries of the site to protect the rural character of the site. It also requires the provision of a buffer zone within the east of the site to serve to protect the brook and bankside habitat and enable sustainable drainage.

Policy TAR2 of the Tarrington NDP, inter alia, requires that development should ensure that proposals respect the prevailing landscape character, including associated important views, trees, and hedgerows and local features of interest.

- 6.23 Policy TAR4 of the Tarrington NDP also states that development should retain existing features. provide for new landscaping which is in keeping with the prevailing landscape character in order to integrate new buildings into their surroundings and to support green infrastructure and the Herefordshire ecological network.
- 6.24 Tarrington is not subject to any special or nationally recognised landscape designations. That said, the application site is open pasture bounded by development but nonetheless a site that has a greater relationship to the rural landscape – especially further to the north and west. It is undeveloped but there is inter-visibility with development adjoining, namely Church Close.
- 6.25 The topography of the site which features a dome/crest to the northwest of the site and area proposed for residential development affords views down into adjoining orchard and the rear of the Brook House complex and longer distances across the the floor of the valley drained by the River Frome.
- 6.26 As set out, Public Right of Way TR3 runs parallel to the west of the area proposed for housing and is across land within the applicants ownership but also forming part of the application site in this instance. From the footpath, Church View is visible, as well as the church tower.
- 6.27 The application has been significantly revised throughout its course. Fundamentally, the quantum of development has been reduced down to a maximum of six dwellings, contained within the extent of the site allocated within the Tarrington NDP. This is the area to the southeastern corner of the wider land holding, bound to the east by the Tarrington Brook and Church View and to the south by School Road. There are no existing boundary features along the northern and western edge of the area proposed for housing, as it falls within a wider parcel of pasture land and the arbitrary boundary of the allocation has been influenced by the contours of the site.
- 6.28 Critically, the size of the site has been reduced insofar that the amount of proposed built form has retracted in its extent considerably – to accord with the bounds of the allocation. It would focus on land which sits at lower elevation to land to its north and west and would essentially mirror the developed area of Church View to the east. The route of the footpath would sit to the west of the developable area and although the site would be visible from the crest given the dome-form topography, inter and co-visibility from vantage points to the north and indeed from the A438 would be extremely limited.
- 6.29 The revised application, in terms of the reduction in extent of the site and quantum of housing, has had regard to the submitted landscape analysis and the comments made by the Council's Built and Natural Environment Team throughout the course of this application, and indeed the previously refused outline planning application (171165 refers).
- 6.30 In terms of the potential for the development to impact upon trees close to or within the site, those located to the east of the site are protected by a Tree Preservation Order (TPO) 296/A1. An Arboricultural Impact Assessment has been submitted and throughout the course of the application, the Council's Natural and Built Environment Team have advised of concern with respect to potential impact of the proposed attenuation pond on the integrity of these group of trees, to the southeastern corner of the site. It should be noted that this feature lies outwith the red-edge of the application site and shown purely for indicative purposes. Nevertheless, it is advised that any layout considered as part of a forthcoming reserved matters application would need to have regard to the constraints posed by the constraints of adjoining trees. The quantum of development has been notably reduced (mostly recently from up to 9 to up to 6 dwellings) and therefore, with a reduced density and flexibility within the description, an appropriate scheme

which responds affords adequate protection to trees covered by the TPO should be capable of being adequately addressed as part of any forthcoming reserved matters submission.

- 6.31 With the above in mind, this application is made in outline and therefore, critical details relating to the scale, layout, appearance and landscaping of the site would be for consideration as part of any forthcoming reserved matters submission. Although the impact on the wider landscape is considered to be diminished as a result of the reduced quantum of development and extent of the site, careful consideration would be needed to secure a form of development which responds in a positive manner to the site's rural character, specifically with respect to ensuring there would be no harmful urbanisation of School Road.
- 6.32 Having regard to the relevant policies, officers are confident that development of the site should not give rise to any unacceptable adverse impacts in terms of village-scape or harm to the character and appearance of the area and wider landscape, including the views from within and adjoining the site on the Public Right of Way towards the centre of the village. For these reasons the development is found to be in accordance with Core Strategy Policy RAD and LD1, as well as Policy TAR4 and TAR8 of the Tarrington NDP.

Heritage assets

- 6.33 Policy LD4 of the Core Strategy states that development proposals affecting heritage assets and the wider historic environment should protect, conserve and where possible enhance heritage assets and their setting in a manner appropriate to their significance. Inter alia, the policy goes on to state that where opportunities exist, development should contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.
- 6.34 Policy SS6 states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets.
- 6.35 At the local level, Policy TAR8 of the Tarrington NDP states that new housing development at Land at School Road will be supported where inter alia, heritage assets are respected. Policy TAR3 sets out more extensive requirements with respect to the historic environment which largely echoes the tenets of Policy LD4 of the Core Strategy.
- 6.36 The NPPF also sets out extensive guiding principles at Chapter 16 relating to the historic environment.
- 6.37 Statutory duties are also set out under the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 66 (1) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.
- 6.38 The site is located within relative close proximity to a number of designated heritage assets which include the Grade II-listed Old Rectory which sits at lower elevation to the north of the wider parcel, accessed to the west of School Road.
- 6.39 Although the most recent comments from the Built and Natural Environment Team (Building Conservation) share some concern with respect to proposals for the northeast of the site, this is located outwith the red-edge. All housing would be contained within the parcel of land allocated for housing as set out within Policy TAR8 of the Tarrington NDP. Therefore, any further development outside of the red-edge would require the benefit of planning permission and accordingly would need a further planning application to be made.

- 6.40 It is advised that a proposal for six houses in themselves should not solicit any harm to the setting of heritage assets, although this would be for consideration as part of any forthcoming reserved matters application to secure a design in a matter that would not affect their setting. As such, although noting the comments of the built and Natural Environment Team (Building Conservation), the submitted plans and details at this stage are purely indicative.
- 6.41 With the above in mind, officers consider that the development can demonstrate accordance with Policy LD4 of the Core Strategy, Policy TAR3 and TAR8 of the Tarrington NDP, as well as the principles as set out within the NPPF.

Impact on residential amenity

- 6.42 Along with the requirements of Core Strategy Policy SD1 which requires development not to result in any unacceptable impacts on existing or future occupiers, Policy TAR4 of the Tarrington NDP states that in the case for proposals for new housing, development should be sited and designed to avoid adverse impacts on the amenity of future occupants from the operation of existing uses, including agricultural and business operations.
- 6.43 The site is bound by residential properties to the east and southeast (Church View). It is bound to the south by School Road and to the north and west by open-countryside. With the constraints in mind, there would, at this stage, appear no reason as to why a suitably laid out development could not come forward, with appropriate scaled and positioned dwellings that would maintain a satisfactory residential relationship throughout and within the site.
- 6.44 Noting that the site immediately adjoins an established residential area, a safeguarding condition restricting hours of construction, together with requiring details of a construction management plan is requested in the interests of ensuring there would be no adverse impact on residential amenity, in accordance with Core Strategy Policy SD1.
- 6.45 Additionally, some concerns have been raised with respect to noise or potentially smell impact from drainage infrastructure (i.e pumps) associated with methods of dealing with surface and/or foul water. The final details relating to drainage have not yet been agreed and secured, and would be for consideration concurrent to any forthcoming reserved matters application. Therefore, it would be at this stage together with considering the layout of the development where an assessment would be made to determine the acceptability of drainage infrastructure.

Access, highways and connectivity

- 6.46 Policy MT1 of the Core Strategy requires that new development should demonstrate that the local highway network can absorb the traffic impacts of the development, without adversely affecting the safe and efficient flow of traffic on the network, or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from development.
- 6.47 Policy TAR4 of the Tarrington NDP requires, amongst other things, that development is capable of being safely accessed from the local road network without undue environmental impacts which cannot be mitigated and include adequate off-street parking for residents. It goes on to outline that development should also include provision for pedestrians and cyclists to encourage active travel and to enable access to village services including public transport.
- 6.48 Policy TAR8 of the Tarrington NDP states that proposals for housing development within the School Road allocated site should be served via vehicular access taken from School Road. Safe and suitable access for all users should be provided to village facilities and to assist integrated transport for include upgrading of public right of way TR3 to provide access to bus stops on the A438.

- 6.49 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.50 Access is a reserved matter which consideration is requested as part of this outline application. It is defined as '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. (Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) & National Planning Practice Guidance (NPPG)). As stipulated, access includes both vehicular access to the existing road network and connectivity for pedestrians and cyclists.
- 6.51 In accordance with Policy TAR8 of the Tarrington NDP, access to the site would be taken off School Road. The proposal also includes improvements to the public footpath TR3 between School Road and its junction with the A438, along with other off-site highway improvements on the A438 which would include a non-controlled pedestrian crossing (dropped kerb) and extension of footway to connect to the existing westbound bus stop adjacent to the Tarrington Arms. These works would be secured through a Section 278 agreement (Highways Act 1990) following planning permission being granted
- 6.52 Whilst it is acknowledged that there is some local concerns expressed in respect of a lack of services and employment opportunities locally, Tarrington is identified as settlement for growth within the development plan. As such, whilst the quality, frequency and convenience of public transport services may be subject to question, it is not considered that any absence of quality or reasonable provision to mean that housing proposals in rural settlements is unacceptable.
- 6.53 A great deal of local concern also relates to the ability of School Road in accommodating increased traffic generated by the development. Representations have cited poor road conditions, the alignment and width of the carriageway, vehicles parking on the road and the lack of safe and suitable footway provision with the road being used by local residents dog walking and for general amenity.
- 6.54 School Road is taken from the A438 and loops through the village, rejoining to the aforementioned to the west. There are no through routes from School Road; it solely serves Tarrington, Tarrington Common and Alders End.
- 6.55 It is not disputed that the development would lead to an increased amount of traffic. That said, the nature of the development proposed has materially changed from the point of submission and indeed, the refused outline application (171165). The Local Highway Authority (LHA) longstanding concern has related to the potential for conflict between pedestrians and vehicles given the absence of pedestrian infrastructure.
- 6.56 The application is made in outline for up to six dwellings and the LHA note that in terms of traffic generation – the local road network would be capable of accommodating the increased traffic and this was accounting for the previously proposed greater number of dwellings. Notwithstanding concerns with respect to the method in which surveying was undertaken in 2018, the LHA highlight that because of the nature of the road and associate vehicle speeds here along with the achievability of visibility splays onto School Road, the access point is considered acceptable from a highway safety perspective.
- 6.57 As mentioned, the proposal would include the upgrading of the existing public right of way which would see it tarmacked (details to be otherwise agreed) in order to allow it to be adopted by the LHA. This would provide a link from the development to the A438, allowing for pedestrian access to the Tarrington Arms and the bus stop. Off-site works which would be secured by way of a Section 278 agreement would provide pedestrian enhancements at northern end of the public right of way where it meets the A438 – this would include pedestrian visibility splays and a footway linking to the westbound bus stop (see **Figure 1**). This would provide demonstrable safety

enhancements over the current situation. School Road through the village is frequently used by pedestrians and whilst the development could lead to an increase, the improvement of the public footpath should lead to its increased use.

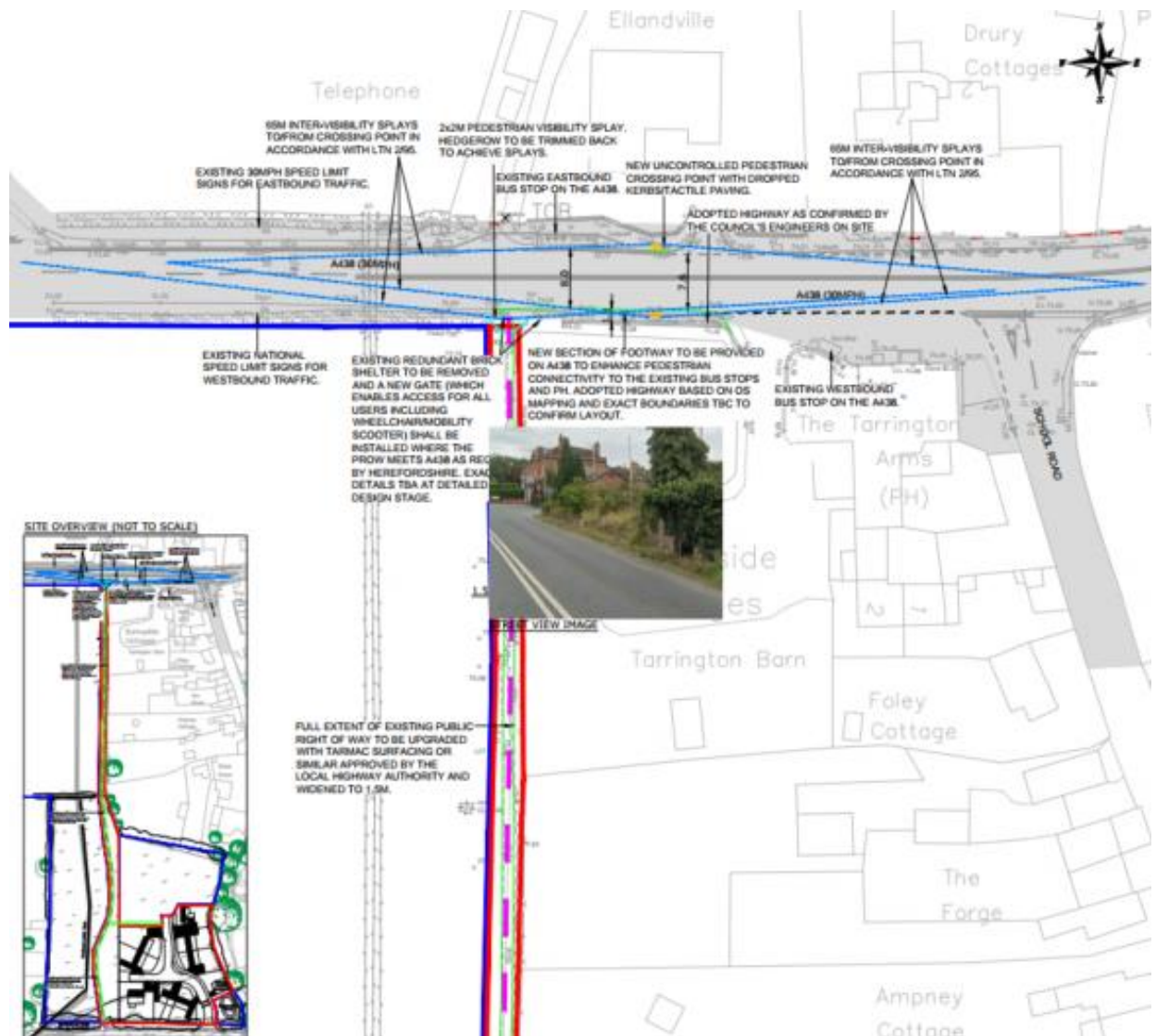


Figure 1 - Proposed Improvement to Existing Public Right of Way

- 6.58 Furthermore, noting the comments received in terms of the development not being conducive to the promotion of active travel, the small-scale nature of the development is such whereby aspirations of radical improvements in context of the sites rurality must be realised. That said, improvements are proposed to the public footpath which would encourage active travel options and further, secure cycle storage details would be secured by way of planning conditions.
- 6.59 In summary, the development is for a relatively small number of houses within a rural settlement. The anticipated traffic generation is judged to be such which could be safely accommodated within the local highway network. The proposal would provide some demonstrable improvements to pedestrian connectivity within the village and it is the view of officers that this would significantly outweigh, and address potential disbenefit relating to any conflict created between pedestrian and vehicles. As such, the proposal is considered to accord with the requirements of Core Strategy Policy MT1, along with Policy TAR4 and TAR8 of the Tarrington NDP. Officers would consider that the development would not result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe and therefore when

attributing weight to Paragraph 111 of the NPPF, the application should not in this case be refused on highways grounds.

Flood risk and drainage

- 6.60 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 6.61 Policy TAR8 of the Tarrington NDP states that new housing development on the allocated site at Land at School Road will be supported where amongst other requirements, provision is made for a buffer zone within the east of the site to protect the brook and enable sustainable drainage.
- 6.62 The application site lies within Flood Zone 1 but the application has been supported by a Flood Risk Assessment (FRA) which considers the risk of flooding from fluvial, pluvial, groundwater, sewers and reservoir sources. The Tarrington Brook flows north along the eastern boundary of the site and is positioned to the eastern end of the rear gardens of dwellings at Church View..
- 6.63 In terms of surface water, although infiltration testing has not been undertaken, it is assumed that infiltration is not viable noting the boggy ground conditions – a view shared by the Land Drainage Team. That said, in accordance with the drainage hierarchy as set out within Policy SD3 of the Core Strategy, infiltration testing should be undertaken as there may be permeable layers beneath the surface. Subject to a groundwater levels being 1-metre below lined infiltration features, a combination of infiltration and attenuation features would be preferable.
- 6.64 However, currently indicatively proposed is an attenuated system which would look to comprise an attenuation pond with controlled discharge to the Tarrington Brook. Whilst in principle this approach is acceptable, further details of its design would be required, although this would need to come after an exploration of infiltration methods. Therefore, it should be noted that the attenuation pond and its location on the submitted plans is wholly indicative.
- 6.65 Officers recommend a condition ensuring the submission of detailed drainage details (including infiltration testing) to be submitted together with any reserved matters submission as the layout (including extent of impermeable areas) and a sustainable surface water drainage strategy are mutually dependent. This would need to include details of ongoing maintenance and management of the surface water drainage strategy.
- 6.66 There is ample flexibility given the reduced quantum and scale of development proposed, together noting the availability of land within the applicants control to offer sufficient levels of comfort that a sustainable surface water drainage strategy can be achieved, which mitigates against any increased risk of flooding on-site or elsewhere. This outline application therefore is considered to be in accordance with Policy SD3 of the Core Strategy, and Policy TAR8 of the Tarrington NDP.
- 6.67 In terms of foul water, a connection to the mains sewer is proposed in accordance with the hierarchy set out within Policy SD4 of the Core Strategy. Details of how the connection would function and be managed, including any requirement for an on-site pumping station should be explored with details to be submitted as part of a full drainage strategy alongside any forthcoming reserved matters application. The positioning of a pumping station as shown on the submitted plans is purely indicative and Welsh Water have previously intimated there is the possibility of achieving a gravity-fed solution. That said, the positioning of any required drainage infrastructure can be considered as part of any forthcoming reserved matters application.

Ecology

- 6.68 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. Policy TAR14 of the Tarrington NDP expects that development will protect and enhance green infrastructure including priority habitats.
- 6.69 The application site comprises a parcel of agricultural land bound by mature, well-established hedgerow boundaries. Some concerns has been raised in local representations received and as required given the previously submitted Ecology details were outdated, an updated Preliminary Ecological Assessment and Reptile Survey report have been submitted. The Built and Natural Environment Team (Ecology) note that there is a small population of Slow Worm on the wider land holding, but that with relevant risk avoidance measures and appropriate management of retained areas of land as secured by safeguarding conditions, there would be no detrimental effect on the maintenance of the populations of Slow Worm or any other protected species.
- 6.70 With additional conditions securing biodiversity enhancement and controlling external illumination – where it is also noted that the upgraded footpath would not be lit, it is not considered that the development of the site for six houses would have any adverse impact on protected species or wider ecological networks. The proposal is therefore considered in accordance with Policy LD2 of the Core Strategy as well as Policy TAR14 of the Tarrington NDP.

Impact on the River Lugg / Wye Special Area of Conservation

- 6.71 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.
- 6.72 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 6.73 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 3.99kg TP/year which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 6.74 The Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 3.99kg TP/year, the Applicant is required to purchase credits to the value of £55,860. This would be secured by a Section 106 legal agreement.
- 6.75 The Council's Built and Natural Environment Team (Ecology) has completed an appropriate assessment. This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposal is compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.

6.76 This assessment has been submitted to Natural England for consideration and a response was received on 28 February 2023 to confirm that the statutory body agreed with the LPA's conclusions. The proposed development would be made nutrient neutral by purchasing credits to a constructed wetland and Natural England agrees that with this nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. They hence offer no objection.

7. CONCLUSION

7.1 The application is assessed with regards to the presumption in favour of sustainable development as set out in the NPPF. This requires that development proposals that accord with an up-to-date development plan be approved without delay. In this case the development plan comprises the Core Strategy and the Tarrington NDP and these can be attributed full weight.

7.2 The current development plan identifies Tarrington as a settlement sustainable for open-market housing growth. The Tarrington NDP defines a settlement boundary for the village through which incorporates this parcel of land and provides it with an allocation judged to have a capacity for around six dwelling, and therefore, the principle of new housing being provided in this location is supported by the development plan. The site is on the edge of an established village which affords reasonable access to a range of service and facilities and as such, is capable of supporting sustainable patterns of development to meet local needs, as envisaged by the development plan and the NPPF.

7.3 The application is made in outline with only access to be determined at this stage. The proposal demonstrates that a means of access commensurate with the scale of development proposed can be provided off the minor road running through the village, and officers judged that the road network can safely absorb the additional vehicular traffic and pedestrian movement generated from the development – aided through the proposed improvements to public right of way TR3 connecting to the A438.

7.4 Although matters of scale, layout, appearance and landscaping are for future consideration as part of any forthcoming reserved matters application, the development of the site would invariably change the character of the village and its setting, but officers are satisfied that a sensitive landscape-led development for up-to six dwellings can come forward which delivers a suitable housing mix and other benefits, without compromising the village's and wider landscape character and setting. Details to secure a sustainable foul and surface water drainage strategy would be submitted alongside any forthcoming reserved matters application.

7.5 The proposal has been assessed with the regards to the Conservation of Habitats Regulations (2017). The Applicant has given an undertaking to purchase Phosphate Credits from the Council and this would provide mitigation with adequate certainty to demonstrate that the proposal would have no adverse effect on the on the integrity of the River Lugg and River Wye SAC (subject to the purchase of these credits being secured by a Section 106 legal agreement). Natural England have advised that they agree with this conclusion and hence have no objection.

7.6 Overall therefore, the development would deliver benefits towards the achievement of the social and economic objectives of sustainable development through the delivery of new housing which would meet identified local needs, the associated contribution this makes to community vitality and wellbeing and expenditure during construction amongst others. Although some limited potential for impact in environmental terms may result (in terms of visual change, specifically), officers are satisfied that this can be appropriately managed to acceptable levels through a sensitive reserved matters submission, noting that new housing on a sustainably located site that has been identified for development through the Tarrington NDP.

7.7 Overall therefore, the scheme does not give rise to any conflict with the development plan and is hence considered to be representative of sustainable development. It is recommended that

outline planning permission be granted accordingly, subject to the purchase of phosphate credits first being secured through a Section 106 agreement.

8. RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement to secure the purchase of the requisite Phosphate Credits to mitigate for the effects of the development upon the River Lugg / River Wye Special Area of Conservation, that outline planning permission be granted subject to the conditions below.

Standard

- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

- 3. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to ensure accordance with Policy RA2, SD1, LD1 of the Herefordshire Local Plan Core Strategy, Policy TAR1, TAR2, TAR3, TAR4, TAR7 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

- 4. The development shall be carried out strictly in accordance with the approved plans and documents except where otherwise stipulated by conditions attached to this permission**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to ensure accordance with Policy RA2, SD1, LD1 of the Herefordshire Local Plan Core Strategy, Policy TAR1, TAR2, TAR3, TAR4, TAR7 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

- 5. The reserved matters submission pursuant to Condition 1 shall include a scheme setting out the number, size and type of open market dwellings to be provided. The scheme shall include a schedule outlining the number of 2, 3 and 4(+) bedroom dwellings to be delivered, with the overall mix being in general accord with the Herefordshire Housing Market Needs Assessment 2021 (or any successor document adopted by the LPA).**

Reason: To define the terms of the permission and to ensure accordance with Policy H3 of the Herefordshire Local Plan – Core Strategy, Policy TA7 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

Pre-commencement

- 6. The reserved matters submission relating to layout submitted pursuant to Condition 3 shall be accompanied by a full foul and surface water drainage strategy which shall include, but not be limited to the following; -**
- i) Submission of infiltration testing to support the proposed surface water drainage arrangements.**
 - ii) Confirmation that an attenuated, offsite surface water discharge could be achieved to Tarrington Brook should infiltration tests fail.**
 - iii) Submission of detailed surface water and foul water drainage design drawings with construction plans, supported by calculations where necessary**
 - iv) Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority**
 - v) Demonstration that appropriate access is available to maintain drainage features, including pumping stations should they be required;**
 - vi) Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company**

The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: To ensure the proposed drainage arrangements conform with Policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy, as well as Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

- 7. Development shall not begin in relation to any of the specified highways works until details have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. This shall include the following**
- Improvement works to PRoW TR3**
 - Uncontrolled A438 pedestrian crossing**
 - Extended footway link from PRoW TR3 to Tarrington Arms bus stop (westbound)**

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, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

8. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan - setting up of access routes away from sensitive receptors.
- Site compound / office locations
- Areas for soil storage
- the methods and materials to be used to ensure that the generation of noise is minimised,
- the choice of plant and equipment to be used,
- regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and good housekeeping and management, to include review of plant and activities to ensure noise minimisation measures are in place and operating,
- public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours,
- provision of noise monitoring during activities likely to affect sensitive receptors, and
- dust minimisation

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and residential amenity and to conform to the requirements of Policy MT1 and SD1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and TAR8 of the Tarrington Development Plan and the National Planning Policy Framework.

9. Prior to the commencement of the development, a scheme of measures for the protection of retained trees and hedgerows (in accordance with BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the commencement of development and remain in place for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development accords with Policy LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy TAR2 and TAR4 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

Pre-occupancy or other stage

10. With the expectation of site clearance and groundworks, no development shall take place until a specification of the construction of the vehicular access is submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

The construction of the vehicular access shall be carried out in accordance with the approved details and shall be completed prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and Policy TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance the requirements of Policy SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

12. Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency

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

Reason: To ensure accordance with Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

14. Prior to the first occupation of any dwelling hereby approved, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the

dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at Paragraph 108 and 110 of the National Planning Policy Framework (2021).

Post occupancy monitoring and management / Compliance Conditions

15. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4-metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43-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, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

16. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

17. No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

18. The ecological protection and working methods scheme as detailed in the preliminary ecological appraisal (August 2022) and Reptile Survey Report

(October 2022) by Focus Ecology shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

19. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy TAR2, TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

INFORMATIVES:

1. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

5. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate 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.
6. 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.
7. 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.
8. 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.
9. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
10. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
11. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

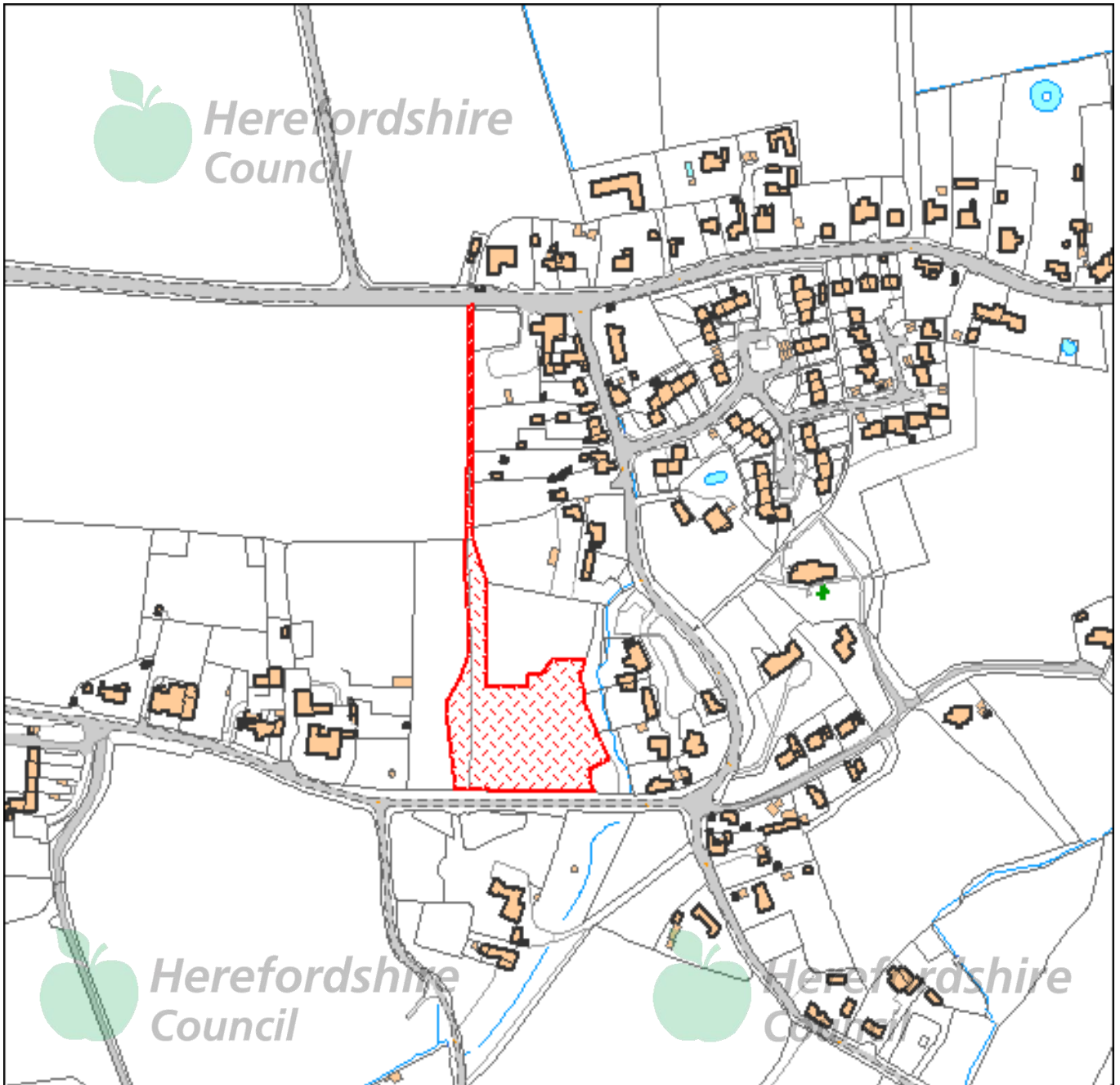
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 181943

SITE ADDRESS : LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON,
HEREFORDSHIRE

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