

# Planning Committee

Date: **Friday, 29th February, 2008**

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Time: **10.00 a.m.**

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Place: **The Council Chamber, Brockington,  
35 Hafod Road, Hereford**

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

*For any further information please contact:*

*Pete Martens, Democratic Services,  
Tel 01432 260248*

**e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)**

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

**1. APOLOGIES FOR ABSENCE**

To receive apologies for absence.

**2. NAMED SUBSTITUTES (IF ANY)**

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest by Members in respect of items on the Agenda.

**GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

**4. MINUTES**

To approve and sign the Minutes of the meeting held on 18 January 2008.

**Pages**

<b>5. CHAIRMAN'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>	13 - 14
To receive the attached report of the Northern Area Planning Sub-Committee meetings held on 16 January and 13 February 2008.	
<b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b>	15 - 16
To receive the attached report of the Central Area Planning Sub-Committee meetings held on 23 January and 20 February 2008.	
<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	17 - 18
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 6 February 2008.	
<b>9. ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT</b>	19 - 78
To consider a Supplementary Planning Document setting out the Council's detailed policies and approach to managing archaeology within the planning process.	
<b>Wards: County-wide</b>	
<b>10. HEREFORDSHIRE SHOP FRONT DESIGN GUIDE</b>	79 - 80
To consider the draft Shop Front Design Guide for consultation with relevant parties.	
(A copy of the design guide is enclosed separately for Members of the Committee)	
<b>Wards: County-wide</b>	
<b>11. PROPOSED CHANGES TO TREE PRESERVATION ORDER PROCEDURES</b>	81 - 84
To consider and respond to Department of Communities and Local Government (CLG) consultation upon proposals to change Tree Preservation Order (TPO) procedures.	
<b>Wards: County-wide</b>	
<b>12. CONSERVATION AREA APPRAISALS FOR KINGTON AND PEMBRIDGE</b>	85 - 152
To consider draft Conservation Area Appraisals for Kington and Pembridge for initial consultation with relevant parties.	
<b>Wards: Kington Town and Pembridge and Lyonshall with Titley</b>	

13.	<p><b>CONSULTATION ON PLANNING APPLICATION REQUIREMENTS</b></p> <p>To note new planning application procedures, confirm the outcome of consultation on the document "Planning Application Requirements (Local) and to approve it for use on a date to be determined.</p> <p><b>Wards: County-wide</b></p>	153 - 156
14.	<p><b>LOCAL GOVERNMENT CALL IN DIRECTIONS CONSULTATION REPORT</b></p> <p>To note the current consultation issued by the Department for Communities and Local Government with regard to the call in procedures in relation to planning applications.</p> <p><b>Wards: County-wide</b></p>	157 - 190
15.	<p><b>DCNW2007/3633/F - CHANGE OF USE FROM AGRICULTURAL LAND TO 6 HOLIDAY LODGES (LODGE STYLE CARAVANS). PARK GATE FARM, LYONSHALL, HEREFORDSHIRE, HR5 3HY</b></p> <p>For: B J Layton &amp; Co, John Lambe Associates, Bryn Cynan Fawr, Pontllyfni, Caernarfon, Gwynedd. LL54 5EE</p> <p>To consider a planning application which has been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations.</p> <p><b>Ward: Pembridge &amp; Lyonshall with Titley</b></p>	191 - 202
16.	<p><b>DCCW2007/3403/F - PROPOSED CONVERSION OF EXISTING STONE BARN AND ATTACHED ANCILLARY BUILDING INTO 2 NO. RESIDENTIAL UNITS AT WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP</b></p> <p>For: Mr. &amp; Mrs. P. Eagling, Woodfields Farm, Tillington Common, Herefordshire, HR4 8LP</p> <p>To consider a planning application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations.</p> <p><b>Ward: Burghill, Holmer &amp; Lyde</b></p>	203 - 208
17.	<p><b>DCSW2007/3515/F - THE ERECTION OF A DETACHED FARM DWELLING WITH GARAGE AND SMALL STORE, UPPER NEWTON FARM, VOWCHURCH, HEREFORD, HR2 0QU</b></p> <p>For: Mr M Powell per Mr D Cave, Sychar Cottage, The Downs, Bromyard, Herefordshire, HR7 4NU</p> <p>To consider a revised planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve the original application contrary to policy and officer recommendations.</p> <p><b>Ward: Golden Valley South</b></p>	209 - 216

18. **DCSE2007/3931/F - INSTALLATION OF SINGLE STOREY STRUCTURE FOR EXTENDED SCHOOLS SERVICES UNIT. JOHN KYRLE HIGH SCHOOL, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AJ** 217 - 222

For: Director of Children Services per Property Services Manager, Herefordshire Council, Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

To consider an application which relates to Council owned property.

**Ward: Ross-on-Wye West**

19. **DATE OF NEXT MEETING**

11 April 2008

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 18th January, 2008 at 10.00 a.m.**

**Present:** Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, RH Smith, AP Taylor, DC Taylor, PJ Watts and JD Woodward

**In attendance:** Councillors H Bramer, PJ Edwards, RC Hunt and JG Jarvis

**74. FORMER COUNCILLOR PG TURPIN**

The Chairman referred to the recent sad loss of former Councillor PG Turpin and those present stood in silent tribute to his memory.

**75. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors PGH Cutter and WJ Walling.

**76. NAMED SUBSTITUTES (IF ANY)**

Councillor R Smith was appointed named substitute for PGH Cutter.

**77. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**78. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 14th December, 2007 be approved as a correct record and signed by the Chairman, subject to the deletion of the declaration of interest by Councillor Mrs J Pemberton in Minute No. 56.

**79. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor RI Matthews to his first meeting since his return to good health.

The outcome of a recent planning appeal in respect of Pennoxstone Court, Kings Caple regarding the erection of polytunnels without planning permission was reported. The main issues were:

- i) The effect of the polytunnels on the natural beauty of the landscape and the countryside of the Wye Valley Area of Outstanding Natural Beauty (AONB)
- ii) The effect of the polytunnels on the setting of the listed Church of St John the Baptist, Kings Caple

- iii) The weight to be attached to the benefits of the polytunnels in terms of the quantity and quality of the soft fruit produced, the contribution made to the rural economy and the substitution of locally grown fruit for imported fruit.

The appeal was dismissed in respect of the larger part of the site and upheld in respect of a relatively small area. A Draft Supplementary Planning Document about the planning aspects of polytunnels would be submitted to the meeting in April, 2008.

**80. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 12th December, 2007 be received and noted.

**81. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 19th December, 2007.

**82. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 9th January, 2008 be received and noted.

**83. PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

The Forward Planning Manager presented the report of the Head of Planning services about the Draft Planning Obligations Supplementary Planning Document (SPD) which had been published for consultation purposes in March 2007. He advised that the document was included within the Council's Local Development Scheme and was being produced as part of Herefordshire's Local Development Framework. It would set out the Council's policy and approach to dealing with planning obligations and securing developer contributions and provide additional information and guidance in support of policies and proposals in the Herefordshire Unitary Development Plan. The SPD was aimed at making clear to all interested parties the Council's policy stance on the subject. Once adopted, it would become a material consideration in the determination of planning applications where contributions were required. The aims of the SPD were to:

- provide as much certainty as possible to landowners, prospective developers and other interested parties;
- ensure a uniform application of policy;
- ensure the process is fair and transparent;
- enable developers to have a 'one stop shop' approach to establishing likely contributions expected; and
- facilitate a speedier response from the authority to development proposals.

The SPD would assist in pre-application discussions and provide a clear and accountable procedure for the way in which planning obligations were negotiated and secured. The Forward Planning Manager and the Team Leader Local Planning outlined the results of the consultation process and explained the modifications proposed to the SPD as a result. They also drew attention to the crucial need for a

Section 106 Monitoring Officer to ensure clarity of documentation, help to audit the arrangements and also to ensure the tracking of obligations so that they were secured and fulfilled. A further role for the Officer would be to co-ordinate the programmes and schemes over a five-year rolling period for which developer contributions would be sought. There was also a need to review the current procedures for agreeing obligations and make appropriate changes to the Scheme of Delegation to Officers.

The Committee considered the proposals and directed a wide-ranging number of questions to the Officers. The Cabinet Member (Environment and Strategic Housing) further explained the views that had been received about the proposals by correspondence and in meetings and said that the next stage would be to report the matter, including the views of the Committee, to Cabinet. He said that the aim was to have flexible arrangements in place which could be adapted as necessary. Councillor RI Matthews asked about the thresholds which had been set in the document, particularly in relation to the requirement that obligations would be sought from all housing schemes. Councillor Matthews was of the view that it was essential to set the threshold at the correct level because it would have a significant impact on the rural social infrastructure, housing and economy. He asked about the impact that the new arrangements would have on the work of the officers and the way in which targets were met. The Development Control Manager explained the likely affects on targets and staffing resources. The Head of Legal and Democratic Services said that appropriate resources would need to be allocated in his department to deal with the legal issues. Councillor Matthews proposed that the threshold for dwellings be raised to six as per the draft considered by the Committee in January 2007. Councillor R Smith thanked the officers for the work, which had been undertaken in developing the proposals and welcomed the provisions for a greater involvement of the parish and town councils. He asked whether the Area Planning Sub-Committees would be involved and the Development Control Manager said that they would be advised about the proposals. The Forward Planning Manager referred to pages 42 and 43 of the report which set out the role of Members and the involvement of the public in the proposals. The Head of Planning services said that the proposals would provide the Council with the opportunity for the development of a rolling programme, with Member and public involvement, to manage plan and monitor the benefits to the community. This would be a considerable improvement in the present piecemeal system which had to be used by the Council. Councillor GFM Dawe noted the proposals in relation to sustainable communities and said that he would welcome a further report on this issue.

## **RESOLVED**

### **THAT**

- (i) the changes to the draft SPD on Planning Obligations be endorsed, to include that the threshold for dwellings be raised to six, and that it be recommended to Cabinet that the amended document be adopted as part of the Council's Local Development Framework; and**
- (ii) the appropriate amendments are made to the Planning Committee Scheme of Delegation to Officers, following which the Supplementary Planning Document be brought into effect.**

**84. DCNC2007/2869/F - PROPOSED 4 NEW HOUSES ON LAND ADJACENT TO 44 VICARAGE STREET, LEOMINSTER, HEREFORDSHIRE**

The Northern Team Leader said that the application had been deferred at the last meeting because of concerns about the requirement for vehicles to pass across a well-used public footpath and the responsibility for its maintenance. He said that the applicants had submitted a detailed schedule of works for the treatment of the public footpath and that the Rights of Way Officer was satisfied with the proposals. The applicants had indicated that provision would be made in the deeds of the new properties requiring the house owners to maintain the track, and not to obstruct or park on the footpath. They had also suggest the erection of s sign to advise that parking was not permitted on the footpath, and proposed the inclusion of a letter in the house information packs to notify the owners that it was an offence to park on a public right of way.

Councillor RC Hunt, a Local Ward Member, still had a number of concerns about the proposals. Notwithstanding the views of the Environment Agency, he said that a previous property on the land had been prone to flooding. He also had reservations about the fact that wildlife had been removed from the site prior to the ecological study having been undertaken and that a false reading had consequently been given. Despite the proposals put forward by the applicants about the path, he felt that it would be difficult to enforce them and that the safety of pedestrians would be compromised on a well-used thoroughfare which because there would be no provision for a separate footpath in the access road.

The Committee discussed the merits of the application and shared the concerns of the Local Ward Member. The Development Control Manager and the Northern Team Leader explained that the concerns could be met by appropriate conditions and informatives and that the application was in accordance with the Council's planning policies. Notwithstanding this, the Committee was not satisfied with the arrangements for vehicular access over a public right of way and decided that the application should be refused.

**RESOLVED**

**That the application be refused because of the proposed method of vehicular access to the site and its likely impact on the public footpath.**

**85. DCNW2007/2653/F - PROPOSED ERECTION OF 6 DWELLING UNITS AND ANCILLARY GARAGES AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT TO METHODIST CHAPEL, HEREFORD ROAD, WEOBLEY, HEREFORDSHIRE**

The Northern Team Leader reported the receipt of further correspondence from the applicants in support of their application. He said that at the previous meeting the Committee had decided to defer the application for further information about affordable housing in Weobley. The Housing Needs and Development Manager said that the Housing Needs Survey published in 2007 had revealed that ten households required affordable rented housing within the village, and that a further three preferred shared ownership accommodation. In addition, Home Point, the affordable housing waiting list, contained twenty-nine households in Weobley, which required affordable housing there. Nineteen of these had a need to move to more suitable accommodation which was affordable and seven of the nineteen were in urgent housing need. She advised that the housing stock in the village had a reasonable turnover but that more than 50% of turnover in the last five years had been in respect of accommodation for those over fifty-five. Of the remaining lettings, only fifteen homes were let to local families.

Councillor JHR Goodwin, the Local Ward Member, noted the views of the officers but reiterated that there was considerable local support for the scheme. He felt that although the proposal did not meet the requirements for affordable housing, there were a number of key factors that needed to be taken into consideration which could meet the requirements of planning policies DR1, H5 and HBA6. Following the rejection of the original application because its access was through Chapel Orchard, the applicants had gone to considerable lengths to prepare a scheme in keeping with the area and its setting near to an ancient monument. A revised access directly from Hereford Road had resulted in less land being available for development and he felt that a higher density would be detrimental to the setting of the site and not be in keeping with the historic village. He said that the village already had a good provision of affordable housing on other sites and questioned the need for more at this location.

The Northern Team Leader reiterated why the proposal did not fulfil the Council's planning policies and said that the scheme needed to be comprised of twelve dwellings, including four affordable. The Forward Planning Manager said that the site had been identified in the UDP for the inclusion of affordable housing and that this had been confirmed by the Planning Inspector at the UDP Inquiry. The Development Control Manager was of the view that a reduction to six units with no affordable housing could not be justified. Any affordable units built in Weobley would be prioritised for local families and this would be secured through a S106 Agreement which would form part of the Planning Permission. Such an agreement would ensure that the properties remained affordable and for local people in perpetuity. There was also the fact that an unwelcome precedent would be set if a developer was allowed to undermine the UDP by halving the number of units to be provided, and excluding any affordable housing.

Having carefully considered all the facts regarding the application, the Committee decided that the application could not be approved because it constituted a serious breach of the Council's planning policies.

## **RESOLVED**

**That planning permission be refused for the following reasons:-**

- 1 The proposed development is of a density of individual housing units that fails to comply with Policies H5 and H15 in the Herefordshire Unitary Development Plan 2007 and guidance as stated in Planning Policy Statement 3: Housing.**
- 2 The complete absence to make provision for affordable housing is contrary to Policies H5 and H9 of the Herefordshire Unitary Development Plan 2007, Regional Planning and Policy Planning Policy Statement 3: Housing.**
- 3 The overall layout, design and scale of the development is such that it does not reinforce the local built character and appearance of the locality, particularly by reason of the scale, mass, materials and design of the proposed new houses. in which the application site is located. Therefore the proposal is contrary to Policies DR1, H15 and HBA6 of the Herefordshire Unitary Development Plan 2007.**

**86. DCSE2007/3140/O - OUTLINE PLANNING APPLICATION FOR THE DEVELOPMENT OF EMPLOYMENT USES INCLUDING B1, B2 AND B8. TOGETHER WITH CHANGE OF USE TO FORM LANDSCAPE BUFFER ZONE AT MODEL FARM, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE,**

The Southern Team Leader provided the Committee with the following updates:-

The final Framework Travel Plan was received from Pinnacle Transportation Limited on behalf of the applicants on 9<sup>th</sup> January 2008.

The Highways Agency have issued a revised TR110 directing that any planning permission which the planning authority may grant shall include the following conditions for the reasons given:

No development within the application area shall be undertaken until the proposed site access shown on drawing number Figure 3.1 Rev A, including any subsequent revisions has been completed to the satisfaction of the Local Planning Authority after consultation with the Highways Agency.

No part of the development shall be occupied until a Travel Plan has been agreed by the developer and the Local Planning Authority in consultation with the Highways Agency (Acting on behalf of the Secretary of State). Such a Travel Plan shall be implemented through delivery mechanisms and approved by the Local Planning Authority in consultation with the Highways Agency.

Reason for the direction given:

To ensure the A40 trunk road continues to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 to protect the interest of road safety on the Trunk Road.

To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to and from the site.

Note to applicant:

The highway proposals associated with this consent involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mr Colin Gimblett of the highways Agency's Area 2 S278 team, at an early stage to discuss the details of the highways agreement, his contact details are as follows, telephone number 0117 372 8239 or Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6HA.

The view of the Officers was that the response from the Highways Agency resolved the outstanding highway matters.

The Southern Team Leader presented the details of the application which had been submitted to the Committee because it involved Council owned land. The Committee welcomed the proposals for the creation of vital additional employment land in the area which would considerably help the local economy, and thanked the Officers for their hard work in arriving at such a satisfactory scheme.



**RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1 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 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.**

- 2 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.**

- 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.**

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance and landscaping, shall be submitted in writing to the local planning authority and shall be carried out as approved.**

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

- 5 Prior to the commencement of the hereby permitted development, full landscape details, including the treatment of the landscape buffer zone, (annotated with a cross hatch on the approved plans), shall be submitted in writing with appropriate scaled plans, to the Local Planning Authority, for written approval. Works shall be carried out in accordance with the approved landscaping plans in the first planting season following the completion of the development or prior to the occupation of the first dwelling, whichever is the sooner, and thereafter maintained as such.**

**Reason: To ensure a satisfactory appearance to the development within the landscape, and safeguard the amenity of future occupiers of the residential development, in accordance with Herefordshire Unitary Development Plan policies S1, S2, DR1, DR2 and DR13.**

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any**

plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.

Reason: In order to protect the visual amenities of the area.

- 7 None of the existing trees and/or hedgerows on the site shall be felled or wilfully damaged or destroyed. The detailed plans to be submitted with the matters reserved in this permission shall show accurately the position, spread and species of each existing tree/hedgerow on the site, how these are to be incorporated into the layout of the development and measures for their protection during the construction period.

Reason: To safeguard the amenity of the area.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 9 H08 (Access closure )

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 10 H30 (Travel plans )

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

- 11 D03 (Site observation - archaeology )

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 12 No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of the Herefordshire Unitary Development Plan 2007.

- 13 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

- 14 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

- 15 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

- 16 No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.**

**Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.**

- 17 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable drainage systems, as detailed within the Flood Risk Assessment dated October 2007, including plan 30802/PDL\_01 Rev A dated October 2007, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.**

**Reason: To prevent the increased risk of flooding and provide water quality benefits and biodiversity enhancements by ensuring the satisfactory means of surface water disposal.**

- 18 Soakaways and other infiltration systems shall only be used in areas on site where they would not present a risk to groundwater, demonstrated through a ground investigation including maximum seasonal height of the water table and the ground permeability. If permitted their location must be approved in writing by the Local Planning Authority. No soakaways shall be constructed such that they penetrate the water table and they shall not in any event exceed 3 metres in depth below existing ground level.**

**Reason: To prevent pollution of controlled waters.**

- 19 Prior to the commencement of development a scheme for the collection and disposal of highway run-off shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be carried out and implemented in accordance with the approved plans.**

**Reason: To prevent pollution of controlled waters.**

- 20 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

- 21 All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 22 No development shall commence on site until a habitat management and enhancement scheme based upon the recommendations in section 5 of the ecologist's report dated September 2007 has been submitted to the Local Planning Authority, in order to protect and enhance the habitats on site for wildlife and biodiversity. The scheme shall include a mitigation strategy for badgers, and be implemented as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within the Unitary Development Plan.

- 23 Prior to commencement of development a biodiversity enhancement scheme for the landscape buffer zone shall be submitted to the Local Planning Authority and shall include an extended Phase 1 survey of the existing habitats and a future management plan. This shall be implemented as approved.

Reason: To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within the Unitary Development Plan.

- 24 If development does not take place before March 2009 update surveys for protected species shall be undertaken prior to development and a report submitted to the Local Planning Authority. A mitigation and compensation strategy should also be submitted if found to be present.

Reason: To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity to meet the requirements of PPS9 Biodiversity and Geological Conservation and the

NERC Act 2006.

- 25 An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reason: To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with UDP policies NC6, NC7, NC8 and NC9 and Planning Policy Statement 9.

**INFORMATIVES:**

- 1 The applicant should be aware that pursuant to section 23 of the Land Drainage Act 1991, the prior consent of the Agency is required for the erection of any mill, dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary water course or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds and consents for such work will not normally be granted except for access crossings.
  - 2 There must be no discharge of foul or contaminated drainage from the site into either groundwater or surface waters, whether direct or via soakaways.
  - 3 Roofwater drainpipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.
  - 4 HN25 - Travel plans
  - 5 In connection with Condition 10, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ
87. **DCNE2007/3731/F CONVERSION OF FORMER STABLES AND STORAGE TO FORM TWO SELF CONTAINED HOLIDAY UNITS, STANLEY HILL COURT, BOSBURY, LEDBURY HR8 1HE.**

The Northern Team Leader presented an application which had been submitted to the Committee because it was from a Member of the Council.

In accordance with the criteria for public speaking and the Council's Planning Code

of Conduct, Dr Swinburne presented her application and then withdrew from the meeting.

**RECOMMENDATION**

**That planning permission be approved subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 3 - H13 (Access, turning area and parking )**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

- 4 - E31 (principal use as holiday accommodation )**

**Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, [due to the relationship and close proximity of the building to the property known as Stanley Hill court in this rural location.**

- 5 - Prior to commencement of development a bat mitigation strategy shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall have been implemented prior to use of the building.**

**Reason: To ensure compliance into policies NC1, NC6 and NC7 of the Unitary Development Plan.**

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

- 2 - N19 - Avoidance of doubt**

**88. DATES OF FORTHCOMING MEETINGS**

29th February, 2008  
11th April, 2008

The meeting ended at 1.40 pm

**CHAIRMAN**

PLANNING COMMITTEE

29 FEBRUARY 2008

**REPORT OF THE NORTHERN AREA PLANNING  
SUB-COMMITTEE**

Meetings held on 16 January and 13 February 2008

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**Membership:**

**Councillor J.W. Hope M.B.E (Chairman)**

**Councillor P.M. Morgan (Vice-Chairman)**

**Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper,  
JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt,  
TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton,  
J Stone, JK Swinburne, PJ Watts**

**PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 13
  - (b) applications refused as recommended - 0
  - (c) applications deferred for further information – 1
  - (d) applications approved or refused against officer recommendation - 0
  - (e) number of public speakers – 0 parish/town council representatives, 1 objector and 7 supporters

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 11 appeals received, 5 dismissed, 1 upheld and 3 withdrawn.

**TREE PRESERVATION ORDERS**

3. The Sub-Committee has confirmed the making of a Tree Preservation Order at Colwall Cricket Ground.

**J.W. HOPE M.B.E  
CHAIRMAN  
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 16 January and 13 February 2008.**





PLANNING COMMITTEE

29 FEBRUARY 2008

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 23 January and 20 February 2008

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### Membership

#### Councillors:

**JE Pemberton (Chairman)**  
**GA Powell (Vice-Chairman)**

**PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.**

### PLANNING APPLICATIONS

1. The Sub-Committee has met twice and dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 7
  - (b) applications refused as recommended - 1
  - (c) applications minded to approve, contrary to recommendation - 1 [referred to Head of Planning Services]
  - (d) applications minded to refuse, contrary to recommendation - 2 [not referred]
  - (e) applications deferred for further information / negotiations - 1
  - (f) site inspections - 2 (1 in advance of Sub-Committee report)
  - (g) number of public speakers - 13 (parish/town council - 3, objectors - 3, supporters - 7)

### PLANNING APPEALS

2. The Sub-Committee received information reports about three appeals that had been received and ten appeals that had been determined (3 upheld, 1 withdrawn, 6 dismissed).

**JE PEMBERTON**  
**CHAIRMAN**  
**CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 23 January and 20 February 2008**



PLANNING COMMITTEE

29 FEBRUARY 2008

**REPORT OF THE SOUTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 6 February 2008.

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**Membership:**

**Councillors: Councillor G Lucas (Chairman)  
Councillors PD Price (Vice-Chairman)**

**CM Bartrum, H. Bramer, PGH Cutter, MJ Fishley, A.E. Gray,  
TW Hunt (Ex-officio), JA Hyde, JG Jarvis, RH Smith, RV Stockton (Ex-  
officio), D.C. Taylor and J.B. Williams**

**PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved - 3
  - (b) applications minded to refuse - 2
  - (c) applications deferred - 1
  - (d) number of public speakers - 5 (2 objectors and 3 supporters)

**PLANNING APPEALS**

2. The Sub-Committee received information reports on 5 appeals determined (2 Dismissed, 1 Upheld, and 2 Withdrawn).

**SUPPLEMENTRY PLANNING DOCUMENT / PLANNING OBLIGATIONS**

3. The Southern Area Planning Sub-Committee recommended that members be consulted regarding Section 106 agreements in their wards in the interim period prior to the SPD being adopted by the Council.

**G. Lucas  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 6 February 2008.**



## **ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT**

**Report By: Conservation Manager**

### **1 Wards Affected**

County-wide

### **2 Purpose**

- 2.1 To receive and agree the draft for consultation of a Supplementary Planning Document setting out the Council's detailed policies and approach to managing archaeology within the planning process.

### **3 Financial Implications**

- 3.1 The cost of printing and publication together with the associated consultation arrangements will be met through existing budgets. In this regard the Conservation Section will liaise with the Forward Planning Section and undertake consultations in accordance with the Statement of Community Involvement.

### **4 Background**

- 4.1 The preparation of an Archaeology and Development Supplementary Planning Document (SPD) is included in the Council's Local Development Scheme (January 2008) and is being produced in accordance with regulations introduced under the Planning and Compulsory Purchase Act 2004. It expands upon a range of archaeology policies set out in Development Plan Documents, most particularly Herefordshire Unitary Development Plan (UDP). The UDP policies are 'saved' as part of the Council's 'Local Development Framework' for a minimum of three years. Policies ARCH1 – 8 in the UDP refer to archaeology matters.
- 4.2 Once adopted the expanded detail in the SPD will be material considerations when determining planning applications.
- 4.3 The aims of the SPD are to:
- Explain and supplement the policies on archaeology and development;
  - Provide greater certainty to developers as to what is expected in situations where archaeological considerations affect development;
  - Make clear that this issue is one that needs to be considered at the outset when preparing proposals for development and should not be an afterthought; and
  - Ensure best treatment, through preservation in situ and/or recording, of the archaeological resource.

4.4 The SPD is drafted in two principle parts:

- Part 1 sets the context in which the guidance is set, explaining the contribution archaeology makes to the culture and distinctiveness of the County; what archaeological remains comprise and their vulnerability; the policy background; and how what is proposed fits into the wider context of heritage protection.
- Part 2 contains detailed guidance and advice for those involved in the planning process.

The document also has a number of appendices containing a range of additional information that users of the SPD may find useful.

4.5 With particular regard to Part 2 the guidance:

- Places emphasis upon early consultation and the carrying out of preliminary assessments to appraise the significance of any likely remains that might be present on any site.
- Advises that sufficient information should be available early in the process to enable the importance of any archaeological remains to be identified prior to determining any planning application. The types of pre-application assessments and evaluations and when they are required are described.
- Describes the process for appraising the significance of archaeological remains and how these should be treated. There will be the presumption that any nationally important remains will be retained 'in situ' while remains of lesser importance should be preserved by record.
- Gives advice upon the options available for preservation in situ of important remains, and when and how these are required.
- Similarly gives advice upon mitigation through investigation and recording for remains of lesser importance.
- Explains the measures available to enhance remains and provide public access.
- Sets out what to do when unexpected discoveries of remains occur and how they should be treated.
- Describes a range of associated matters including certain works where planning permission is not required; archiving material and dealing with community interest in excavations and the information and artefacts found.

4.6 The Council's' Statement of Community Involvement sets out the procedures for public consultation upon SPDs and this will be followed. A Consultation statement and other documents, including a Sustainability Appraisal will accompany the SPD. All comments received through the consultation will be reported to this committee along with any recommended changes.

**RECOMMENDATION**

**THAT Cabinet Member (Environment and Strategic Housing) be recommended to agree the publication of the draft Archaeology and Development SPD for consultation purposes.**

**Background papers**

Local Development Scheme (January 2008)  
Statement of Community Involvement – (March 2007)  
Herefordshire Unitary Development Plan (March 2007)  
Sustainability Scoping Report (December 2007)







HEREFORDSHIRE  
COUNCIL

# **ARCHAEOLOGY AND DEVELOPMENT**

## **SUPPLEMENTARY PLANNING DOCUMENT**

***CONSULTATION DRAFT***

**JANUARY 2008**

## Contents

Foreword	Councillor John Jarvis, Cabinet Member (Environment and Strategic Housing)	
1.	Introduction: Purpose of the Guidance	4
<b>PART 1: ARCHAEOLOGY IN CONTEXT</b>		
2.	The Archaeology of Herefordshire and its Contribution to Society	7
3.	Archaeological Remains and Their Vulnerability	10
4.	The Planning and Historic Environment Policy Background	12
5.	Designated Sites and Other Important Archaeological Sites and Areas	16
<b>PART 2: GUIDANCE FOR APPLICANTS</b>		
6.	The Importance of Early Consultation for Development Proposals	18
7.	Planning Applications and the Provision of Supporting Information	21
8.	Appraising the Significance of Archaeological Remains	24
9.	Advice upon Preservation In Situ,	25
10.	Mitigation by Investigation and Recording	28
11.	Enhancement and Improved Access to Archaeological sites	31
12.	Unexpected Discoveries	33
13.	Development Beyond the Planning System	35
14.	The importance of Archives and Access to Information	37
15.	Communities as Stakeholders	39
<u>Appendix 1: Additional information and guidance:</u>		40
<ul style="list-style-type: none"><li>• I: The Historic Environment Record/HER.</li><li>• II: Hereford Museum and deposition of archives.</li><li>• III: Applications for Scheduled Monument Consent.</li><li>• IV: Cross-compliance and other environmental constraints and consents.</li><li>• V: Hereford City Area of Archaeological Importance.</li><li>• VI: Archaeologically Important Urban Areas: list.</li><li>• VII: Local lists VIII: Burial grounds and human remains.</li><li>• IX: An example of a brief for archaeological investigation.</li><li>• X: Archaeological consultants and contractors.</li><li>• XI: Archaeological importance.</li><li>• XII: Buildings and archaeology.</li></ul>		

- XIII: Scientific monitoring of preservation in situ options.
- XIV: The 'Heritage dividend'.
- XV: The historic imprint and the design of new build.
- XVI: Conservation agenda.
- XVII: Research agenda.
- XVIII: Sources of further information.

Appendix 2: Glossary of terms used 49

Appendix 3: Standard archaeological conditions and their interpretation 53

Appendix 4: Contact information 55

## 1. Introduction: Purpose of the Guidance

- 1.1 Herefordshire's archaeology is extremely important to defining the County's cultural identity and is a significant contributor to its distinctive character<sup>1</sup>. This is not just in relation to Hereford City and the surrounding market towns, but also for its villages and rural landscape. However the *archaeological resource* is finite and irreplaceable: once damaged or destroyed it cannot be remade<sup>2</sup>. For this reason it is vital to ensure that its elements are not lost without good reason, that its most important sites and monuments are protected properly, and that where development is permitted that would affect such assets, appropriate *mitigation* measures are taken.
- 1.2 The cathedral city of Hereford is an important historic settlement to the extent that it is one of only five cities in England in which an *Area of Archaeological Importance* has been designated under the terms of the Ancient Monuments and Archaeological Areas Act 1979<sup>3</sup>. Despite having such nationally recognised important heritage at its core, unlike many Counties the great extent of Herefordshire's *archaeological resource* is not well surveyed or even assessed. This is reflected by the fact that English Heritage has designated just 280 *Scheduled Monuments* across the County's 217,973 hectares<sup>4</sup>.
- 1.3 For this reason it is not always possible to indicate where important *archaeological deposits* may be encountered. Consequently a heavy emphasis has to be placed upon investigating whether any archaeological remains might be present when development is proposed. The pre-application stage is often crucial to determining whether both the principle and detail of any proposal will be acceptable. A heavy emphasis is therefore placed upon early discussion between developer and relevant Council staff<sup>5</sup>.
- 1.4 This Supplementary Planning Document sets out those measures that Herefordshire Council, as Local Planning Authority, will employ where archaeology is considered material to any planning decision. It should be remembered that archaeological issues within the planning system fit into a national statutory framework with, in particular, Government policy defined in PPG16 – Archaeology and Planning<sup>6</sup>.
- 1.5 This document aims to assist all those with an interest in development where the historic environment is affected and where the presence of archaeological deposits or 'historic assets'<sup>7</sup> can constrain or modify development proposals. As such developers and their agents, consultants including archaeological consultants, and those determining planning applications will particularly use it.
- 1.6 The basic approach to addressing archaeological issues will be to follow these steps in the order set out:

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<sup>1</sup> See section 2, below.

<sup>2</sup> See section 4, below. Technical terms appear in italics when first use within this document, and are defined in the Glossary that appears as Appendix 2.

<sup>3</sup> See section 5, below.

<sup>4</sup> 2810 km<sup>2</sup>. Source: Herefordshire Council Information Services fact-sheet, 2001.

<sup>5</sup> See sections 6 and 7, below.

<sup>6</sup> See section 3, below.

<sup>7</sup> This is a term used in *Heritage Protection Reform* to denote historic structures and remains of all kinds.

- Define the nature, extent and significance of any *archaeological deposits* or remains;
- Identify the potential impacts of development upon whatever remains are present;
- Preserve important archaeological sites *in situ*;
- Minimise a proposal's impact on (other) archaeological remains; and
- Record the remains, with the most extensive recording usually being required on sites where the deposits are to be entirely (or mostly) lost.

These processes reflect the way in which archaeological advice is formulated, and are described in greater detail within this document, together with other associated advice and information that it is hoped will prove helpful to applicants for planning permission.

1.1 At the moment a parallel system applies where works, both where requiring planning permission and not as the case might be, is proposed that affects the remains of a designated Scheduled Monument (SM). In such instances application must be made to the Secretary of State for Culture Media and Sport. Some introductory advice on this matter is included in Appendix 1, paragraph III.

1.2 A number of further associated matters are also covered in the appendices. Appendix 1 covers a range of associated subjects. Some of the terminology used within this document can be technical and peculiar to the archaeological profession, so Appendix 2 comprises a glossary to assist with understanding. Meanwhile, contact information for the archaeology, planning and related services is provided in Appendix 3.

1.3 The purpose of this document is to indicate how we expect archaeology to be taken into account when development is proposed. Specifically, the document aims to:

- Explain and supplement the policies on archaeology and development within the Unitary Development Plan and that will form a constituent element of the emerging Local Development Framework for the county.
- Provide greater certainty for developers as to what is expected in situations where archaeological considerations affect development.
- Ensure best treatment (preservation and/or recording) of the archaeological resource.
- Make clear that this issue is one that needs to be considered at the outset of any preparation of proposals for development and certainly not as an afterthought.

The broad approach to the assessment of the impact of development summarised in paragraph 1.6 is paramount to this objective and the following sections describe, in greater detail, the approach that developers should adopt in order to contribute to sustainable development.

- 1.10 Herefordshire Community Strategy is complementary to Herefordshire UDP and this sets out how a range of partnerships can work together to help ensure the overall economic, social and environmental well being of the County. In this regard archaeological matters have formed part of the agenda pursued by the Herefordshire Cultural Consortium. Herefordshire Council has its own Corporate Plan that translates some of the outcomes from the Community Strategy into its own 'priorities'. This SPD will address a number of land use planning issues that link to the Community Strategy guiding principles, in particular to 'protect and improve Herefordshire's distinctive environment' and also a number of the outcomes under the heading of 'safer and stronger communities'.
- 1.11 Herefordshire Council also wishes to promote greater public involvement in the plan making and development control process. It has adopted a Statement of Community Involvement that sets out how this will achieve this. Consultation upon this document will follow the approach set out in that document for supplementary planning documents.
- 1.12 In accordance with Government guidance this SPD has been subject to a Sustainability Appraisal that is published separately. Such an appraisal tests the performance of this document against a series of environmental, social and economic objectives. These were devised as part of the General Scoping Report of the Sustainability appraisal of Herefordshire Local Development Framework which can be found on the Council's website.

## 2. The Archaeology of Herefordshire and its Contribution to Society

- 2.1 Archaeology is a material consideration within the planning process. It is perhaps worth asking at the outset why this should be so. The most immediate answer concerns the value that society places upon its past. To philosophers and historians, it is axiomatic that, as the phrase attributed to the Chinese philosopher Confucius put it as long ago as the fifth century BC, 'study the past, if you would define the future'<sup>8</sup>. The implication in all the eras since that time is that those societies that did not learn the lessons of their history were doomed to repeat its disasters, and to fail to learn from its successes as well as its failures. However, we are not all philosophers, and to practically-minded people, archaeology and the past often seem irrelevant, or at least not centrally important, to their lives. In the following paragraphs we set out as briefly as possible why archaeology is more important to and in today's society than might be suspected, and what particular contribution the archaeology of Herefordshire makes to the quality of people's daily lives, and to the wider picture within Britain and beyond.
- 2.2 Firstly, let us look at the idea that archaeology, through revealing aspects of our past, can tell us something about the present and future. In 2003, at The Leen Farm, Pembridge, in Herefordshire, excavations by the county archaeological service linked with investigations by earth scientists from the University of Wales at Aberystwyth uncovered 'an inconvenient truth': over-intensification of arable farming at a time of dramatic climatic change can adversely affect your health. Around the beginning of the third century AD, during the days of the Roman Empire, rising continental demand for purchase and export of British corn coincided with a downturn in climatic conditions. This latter resulted in dramatic increases in rainfall, in turn leading to pronounced scouring of the river banks that could be dated from samples taken by the Aberystwyth scientists. This also explained why the ditches of the arable fields revealed in the 2003 excavations at The Leen had been re-cut so often at exactly this time: they were being silted up due to the erosion of plough-soil caused by that same heavy rainfall<sup>9</sup>. Turn on any radio or television (or your i-pod) in Britain today, and you don't need ex-Presidential candidate Al Gore to point out for you the parallels with contemporary climate change, however now induced or accelerated.
- 2.3 Secondly, we can enquire directly after people's sense of security and identity in contemporary Britain, and its relation to archaeology and the historic heritage. In one survey of opinion carried out for English Heritage, for instance, it was found that 96% of people think that the historic environment is important to teach them about the past, 88% that it is important in creating jobs and boosting the economy, and 87% that it plays an important part in the cultural life of the country<sup>10</sup>. Here in Herefordshire, the county archaeology service has carried out local surveys of attitudes as part of the series of river valley projects supported by LEADER+ (European Union) and English Heritage that began with a study of the Arrow Valley. The surveys here showed the strength of identification with and attachment to place

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<sup>8</sup> Confucius, 551-479BC. Much of his moral philosophy is contained within the *Lun yu*, or *Analects*, compiled in the second century BC. Sources: Stanford Encyclopedia of Philosophy; Lau, D.C. 1979, *Confucius: the Analects*.

<sup>9</sup> Paul White, 2004: 'The Arrow Valley, Herefordshire: Archaeology, Landscape Change and Conservation'

<sup>10</sup> MORI poll for English Heritage, summer 2000. Sample: 3000 respondents. Source: *Power of Place* (2000)

and the local landscape, and that the contribution that particular monuments make to the character of place was widely appreciated<sup>11</sup>.

2.4 Thirdly, let us look at the cultural life of today's world. It thrives on the production and re-telling of stories and on innovation in art, at all levels and in all spheres. Archaeology is a continual wellspring for stories that can be derived from the narratives of past events, processes and people and that can be used to feed the creative imagination and the performing arts. Meanwhile, the revelation of past productive endeavours through a continual stream of never before seen objects provides constantly renewing inspiration for contemporary arts.

2.5 Fourth, consider archaeology as an activity. Like the BBC, it both entertains and informs. Even before Michael Wood's various *In Search Of...* television series and Channel 4's *Time Team*, archaeological fieldwork and archaeologists at large were seen and portrayed as highly performative. But behind the performance are serious facts, often painstaking scientific inquiry, and of course a mass of informed speculation. Archaeology is both a science and an art, and as such encompasses the fascination of both: sober research and creative interpretation.

2.6 Fifth, archaeology is therefore an important source of material for education, since it implicates not only history and geography, but also the life and experimental sciences, and forensic enquiries, in its activities. It also provides in its fieldwork an 'outdoor laboratory' for the exploration by young minds of their endlessly fascinating environment.

2.7 Sixth, let us consider momentarily some of the things that actually define us as human. One of the most profound of these is our curiosity, while another is our search for novelty. Through its thirst for discovery and synthesis, archaeology satisfies some basic human urges to enquire, to uncover, and to create meaning from the past. Placing as it does our endeavours of today in the perspective of time (and moreover a time-span extending deep into the human past), it provides a positive resource for reflection: archaeology provides us all with a tool for contemplating the future as well as re-visiting the past. It can place the froth of day-to-day events in the present into calmer and often more realistic longer-term perspective.

2.8 Finally, there is again that question of what we do with our cultural and social worlds today, and how we cope with change. Here, archaeology can help us with our contemporary cultural complexity, including migration, cultural or religious minorities, disadvantage, and belonging. Archaeology in England does not just tell us about a white, middle-class Anglo-Saxon sort of history. For instance, there are at least two significant periods of British history when it was immersed in a polyglot and multicultural Imperial world. Archaeology has revealed that under the earlier of these, in the Roman Empire, there were Numidian (Black African) contingents posted on Hadrian's Wall, along with a medley of what we would term today 'East Europeans'. These troops became substantially immersed in local communities. In another instance, during a developer-funded archaeological project at Bath in Somerset, it was discovered that a merchant from Syria visited that city in the fourth century,

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<sup>11</sup> See Paul White, op cit for the Arrow Valley, Paul White 2008 for the Frome Valley, Peter Dorling 2008 for the Lugg Valley.



probably at least in part for medical treatment (we know because the intended cure failed, and he was buried in a cemetery beyond the East Gate). In Herefordshire, not long afterwards, Romanised Britons seemingly with direct contacts with early Byzantium and the eastern Mediterranean nonetheless found ways to make treaties with the incoming newly-Christianised Saxons: and only archaeology can tell us anything intimate about the lives and histories of these two 'competing' Christian communities.

2.9 Is any of this relevant to 'archaeology and development'? The answer is that, it must be, because we have as a society determined that money should be spent (and added to the costs of development) so that these precious insights, and a positive cultural resource, can be 'rescued' from the necessary disturbance of the development and redevelopment that underpins much of our economic well-being. In practice we are not rescuing so much as expending that resource, albeit it in a structured way. Archaeology enriches us all, because its stories are about all of us.

### 3. Archaeological Remains and Their Vulnerability

- 3.1 Archaeological remains comprise the surviving physical traces of human activity from early prehistory right through to the 20<sup>th</sup> century. They are most frequently perceived by the public as comprising upstanding elements such as standing stones, prominent earthworks and the ruined walls of castles and other former buildings. However this is not the full story and there are considerably greater numbers of remains that cannot readily be appreciated because they are buried beneath the ground often without any surface signs of their presence, or are taken for granted since they comprise the fabric of standing structures, often concealed beneath relatively recent reshaping of the buildings concerned.
- 3.2 As noted in section 2 above, for many periods of the past these traces may be the only evidence of human activity and endeavour that survives today. This is especially true of the prehistoric period but in reality many human actions, especially at a local level, have always gone undocumented. Archaeological sites and deposits are of intrinsic importance as a finite and irreplaceable *resource*, therefore, but the historical *information* locked within them comprises more than the sum total of soil, built structures and artefacts contained there. It is the controlled gathering of such information that realises the historical value of the traces and that distinguishes the systematic inquiries of archaeologists from the dabbings of the curious. The information on past lives contained as a passive potential can only be actively unlocked through conduct of specifically archaeological operations comprising painstaking recording and survey, thorough and systematic investigation through excavation, properly advised sampling and scientific examination, and well co-ordinated and thoughtful subsequent archiving, analysis and report writing<sup>12</sup>.
- 3.3 Archaeological features and deposits must also be recognised as a fragile as well as finite resource. Once removed either through development, erosion or excavation they and the information they contain cannot be replaced. Demolition, site preparation (topsoil stripping or levelling), foundations, provision of services and landscaping can all destroy or disrupt archaeological deposits. It is accepted that techniques of investigation, for instance through excavation, are always improving. It is nonetheless a fact therefore that even where careful modern excavation takes place some information will inevitably be lost. Government guidance seeks to address this by seeking to preserve in situ Scheduled Monuments and other sites considered to be of national or regional importance. It also places the responsibility for ensuring best treatment of the *archaeological resource* affected by development squarely with the developer.
- 3.4 Archaeological sites, then, are often made up of a complex series of remains, surviving built fabric, deposits and artefacts that together can be recorded and interpreted to tell the story of human activity at that location. It is also clear however that once those elements of a site are disturbed or damaged the site is irreparably compromised and the ability to interpret and understand what it can contribute to wider historical understanding severely impaired.

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<sup>12</sup> In Herefordshire, investigation and recording to satisfactory standards is secured by requiring all development related work to be carried out by qualified archaeologists. These are defined as Members of the Institute of Field Archaeologists of Associate or Full Member grade, or under their direct supervision, or by IFA Registered Archaeological Organisations, or by organisations registered under the ongoing Herefordshire Archaeology contractors' registration scheme (see appendix 1, part X).

- 3.5 Buried remains may include both already known sites as well as those for which there are presently no records or knowledge. Clues to the survival of remains at any particular location may exist from aerial photographs or from previous ground-based surveys or excavations. In assessments of the potential of such sites, archaeologists may extrapolate from information about nearby sites, often obtained through the process of compiling *desk based assessments*. They may also undertake further non-intrusive studies such as geophysical surveys or they may carry out trial excavations, often known as *archaeological field evaluations*. These kinds of operation are described in detail in section 7, below.
- 3.6 Unsuspected or undetected buried remains may be damaged when any preliminary earthmoving, piling or trenching is undertaken to initiate development. The damage may extend beyond the development area due to subtle changes in ground structure, for example occurring through changes to the water table as the consequence of development. Hence works that affect drainage can have particularly negative implications.
- 3.7 Even where buried remains are known to exist, another concern is maintaining the integrity of the archaeological features where severance from a linked feature or set of features can reduce their value. So a material consideration affecting advice upon the acceptability of a development may be the presence of significant known remains nearby, but not actually within the application area. Moreover, preservation in situ may require recovering features unearthed through the development process in order to protect them<sup>13</sup>.
- 3.8 Visible historic earthworks and structures can provide a tangible link with the past and may be important in their own right as landscape features. Some will contribute to the local interest of an area and may have an economic benefit. Similar issues arise for those remains that are visible in the landscape or that comprise significant standing structures, since in these cases the relation of buried to visible remains is an important consideration. Moreover, the archaeology of the standing fabric is itself often of great significance for the information it can provide on the sequence of building operations and the nature of the structures involved. A further concern can arise in respect of their particular setting. Settings can include principal views to and from the remains or appearance in the whole of the wider landscape. The potential for mitigation may vary according to the particular circumstances. Alternatively it may be possible to enhance the setting through the design and layout of development<sup>14</sup>.

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<sup>13</sup> See section 9, below

<sup>14</sup> See section 11, below and Appendix 1, parts XVI and XVII

## 4. The Planning and Historic Environment Policy Background

4.1 Government guidance for dealing with archaeology in the development planning process is set out in Planning Policy Guidance Note (PPG) 16: Archaeology and Planning (1990), and to a lesser but still significant degree in Planning Policy Guidance Note (PPG) 15: Planning and the Historic Environment. The 'historic environment' comprises archaeological remains and archaeologically significant deposits, both below and above ground (for instance, incorporated within the fabric of standing buildings), historic buildings, and all traces that survive in today's landscape that relate to its inherited form or character. This places a veteran tree, for example, firmly within both a natural and an historic environmental context, since it provides important insights and scientific data relevant to both.

4.2 PPG 16 (Paragraph 6) defines the importance of archaeology as well as offering advice on the handling of planning applications. It specifies that local planning authorities should include policies for the protection, enhancement and preservation of sites of archaeological interest and their settings in their development plans. In introducing the issue, it states:

*Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism.*

4.3 Early consultation is advised to determine whether remains of archaeological importance may affect a development, and to establish how this may be so (paragraphs 19 to 23). The principles of preservation in situ and preservation by record are explained, along with the nature of appropriate conditions or agreements to secure these outcomes (24 to 30). The onus is placed clearly and unequivocally upon the developer to ensure that the development they are proposing to undertake does not lead to the unnecessary or unmitigated loss of remains of archaeological importance. While it makes it clear that planning authorities should not seek funding for archaeological investigations and recording work in exchange for the grant of planning permission, it makes it equally clear that such authorities are entitled to refuse permission for development that does not satisfactorily address archaeological concerns.

4.4 PPG 15 provides parallel guidance for historic buildings and areas to that which PPG 16 provides for archaeology. At various points, it notes the degree to which buildings contain archaeological evidence or stand upon or encompass remains of archaeological importance (for example, paragraph 2.15). It also notes that provisions for recording parallel to those for archaeology may be made (paragraph 3.23). Archaeology is also encompassed within PPG 15 in reference to historic settlements, registered parks and gardens, registered battlefields, and the wider historic landscape, and notes that all these landscape-based designations should be a material consideration.

4.5 Herefordshire Unitary Development Plan (UDP), adopted March 2007, provides the land use framework for the County up to 2011. Its policies that will guide decisions upon individual proposals for development affecting archaeological remains are set out below. These policies are intended primarily to help developers in preparing planning applications. The explanation and guidance set out in this Supplementary Planning Document expand upon these policies. It should be noted that interpretation of the individual policies and explanation of how they are applied in practice is covered in this document in the sections identified after the policy title.

**Policy ARCH1 Archaeological assessments and field evaluations**

*Prior to the determination of applications for development on sites where there is reason to believe there are remains of archaeological importance, an archaeological field evaluation may be required. In addition where proposals are put forward within AIUAs (Archaeologically Important Urban Areas) that may affect the integrity of the historic character of such settlements a historic landscape appraisal will be expected. (A list of AIUAs is provided in Appendix 1).*

**(See sections 6 and 7, below)**

**Policy ARCH2 Foundation design and mitigation for urban sites**

*In Hereford AAI (Area of Archaeological Importance) and the historic market towns of Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye, applicants may be required to submit details of foundation designs and proposals for optimum preservation of archaeological remains and historic urban deposits in situ.*

**(See section 9, below)**

**Policy ARCH3 Scheduled Ancient Monuments**

*Development proposals and works which may adversely affect the integrity, character or setting of Scheduled Ancient Monuments will not be permitted.*

**(See section 5, below)**

#### **Policy ARCH4 Other Sites of National or Regional Importance**

*Planning permission for development which would destroy or seriously damage unscheduled nationally important remains or sites of regional importance, or their character or setting, will not be permitted.*

***(See section 5, below)***

#### **Policy ARCH5 Sites of Lesser or Local Importance**

*Development proposals which adversely affect a site of lesser regional or local importance that is unlikely to merit full preservation in situ will be permitted where the impact on archaeological interests of the site can be shown to have been adequately mitigated.*

***(See section 10, below)***

#### **Policy ARCH6 Recording of archaeological remains**

*Where preservation in situ is not feasible, conditions on planning permissions will be imposed to ensure that, where appropriate, sites of archaeological interest including standing structures are excavated and/or recorded before alteration, demolition, site clearance or development commences, or are alternatively subject to a limited recording action project during development. The results of any*

***(See section 10, below)***

#### **Policy ARCH7 Hereford AAI**

*Within the Hereford Area of Archaeological Importance, development which is likely to affect archaeological remains or their setting will only be permitted where either full preservation in situ can be achieved, or time and resources will be made available for an appropriate level of archaeological investigation, conservation and post excavation work to be carried out.*

***(See Appendix 1, part V, below)***

**Policy ARCH8 Enhancement and improved access to archaeological sites**

*Proposals affecting sites of archaeological interest will be required to show how the interest will be protected and where feasible, can be enhanced. Favourable consideration will be given to the development schemes which emphasise the original form and function of the sites and where appropriate improve public access to them. Such measures will be secured by the use of conditions, planning agreements and management plans.*

**(See section 11, below)**

- 4.6 In combination the UDP policies and this further guidance supports the objectives for the historic environment set out in policy QE5 of the West Midlands Regional Spatial Strategy (June 2004). A further material consideration is the 'Valetta Convention' (European Convention on the Protection of Archaeological Heritage) to which the United Kingdom is a signatory. This emphasises, amongst others, the commitment to the conservation and maintenance of the archaeological heritage, preferably in situ, in particular through the planning system.

## 5. Designated Remains and Other Important Archaeological Sites and Areas

5.1 Since 1882 there has been in existence a nationally co-ordinated system for the delineation of nationally important archaeological sites and monuments. This arose from the first Ancient Monuments Act that established a list or Schedule of such monuments, to be maintained by the Inspectorate of Ancient Monuments based in the Office of Works. This system has undergone many subtle changes since its institution, but perhaps its greatest transformation occurred around twenty-five years ago with, first, the Ancient Monuments and Archaeological Areas Act in 1979, and then the National Heritage Act in 1984. Among other dispositions, the former formalised the processes of designation of monuments, while the latter introduced a system of Consents whereby permission had to be sought from the relevant Secretary of State for a variety of works affecting such monuments (previously, only a notification system was in operation).

5.2 The monument description lies at the core of the definition of any Scheduled Monument<sup>15</sup>. Today, this comprises a statement concerning the physical nature of the monument, and any information that is known about its history and its particular characteristics. The description is supported for monuments that have been designated or reviewed in recent years by a statement of significance, setting out why the monument concerned is considered to be important.

5.3 Since 1979 there has also developed a formal system for establishing whether any particular monument is of sufficient merit to be designated as a Scheduled Monument of national importance. The nine 'scheduling criteria' are as follows: extent of survival; current condition; rarity; representivity (either through diversity or because of one important attribute); period (importance of the period to which the monument relates); fragility; group value (connection to other monuments: spatially, chronologically or thematically); potential (to contribute to our information, understanding and appreciation), and documentation (extent of information available that enhances the monument's significance). The selection of which monuments to schedule then depends upon the 'score' achieved relative to others considered within that type, and to a lesser extent upon the regional pattern of representivity.

5.4 Scheduled Monuments are the most comprehensively protected archaeological remains in England. They are not only protected by the terms of the 1979 Act (which prohibits works such as demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or tipping material onto the monument<sup>16</sup>), but also through the Town and Country Planning Act 1990. Herefordshire Unitary Development Plan policy ARCH3 states there will be a presumption against the granting of planning permission for development that would adversely affect the integrity, character or setting of a Scheduled Monument.

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<sup>15</sup> The term used until recently was Scheduled Ancient Monument (SAM). This has been changed to Scheduled Monument (SM) because it was increasingly the case (for instance with the designation of remains from WWII) that such monuments were not always 'ancient'.

<sup>16</sup> Scheduled Monument Consent (SMC) must be obtained for any such operations, and there is a presumption against granting such permission if it would seriously affect the survival or condition of all or part of the monument. Information produced by English Heritage for owners, occupiers and managers of such monuments is available via <http://www.helm.org.uk/server/show/category.8388> or directly from English Heritage. See Appendix 1, part III.



- 5.5 Although there are as yet no 'local lists' of non-designated but nationally or regionally important sites or monuments, planning policy ARCH4 indicates the way such sites will be regarded. In such cases, locally based documentation, often identified in the County Sites and Monuments Record, and local professional judgement will be adduced in support of advice in respect of specific development proposals.
- 5.6 There are no formal designations of 'landscapes' specifically of archaeological importance in Herefordshire. However, it should be noted that several discrete areas of the landscape have been Registered by English Heritage as parks and gardens of historic significance. As such, they should be treated as a material consideration for applications for planning permission. They are not covered here but within a companion Supplementary Planning Document on *Historic Landscapes*.
- 5.7 There are however some specific areas within the County that are defined as of especial archaeological significance. Primary among these is Hereford City *Area of Archaeological Importance* (AAI). This was designated in 1983 as one of the first such areas to be formally established under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. The area concerned covers the whole of the historic core of Hereford within its Medieval city walls, and extends also to include its erstwhile Medieval suburbs. The reason for this designation was not only the cathedral city status of Hereford, but also for its importance as an archaeologically well-documented pre-(Norman) Conquest Saxon town. The sensitivity of the area within the AAI is such that it is necessary to follow formal procedures separate either from application for planning permission, or applications for Scheduled Monument Consent before embarking on any works involving below-ground disturbance, or dumping or flooding<sup>17</sup>. Moreover, UDP policy ARCH7 stipulates that development within the AAI will only be permitted where either full preservation in situ is achieved, or where adequate mitigation measures are in place.
- 5.8 The Unitary Development Plan also identifies a number of other *Archaeologically Important Urban Areas* (AIUAs) – See Appendix 1, part VI. These are neither as closely defined spatially as the Hereford AAI nor do they require the same procedures in reference to development. They comprise 35 locations where there were urban or quasi-urban settlements (such as prominent markets and/or fairs in Medieval times) that may today be villages or even green-field sites, but where notable concentrations of archaeological remains reflecting their specifically urban history may be present.
- 5.9 Finally, it is important to note that the system for designation and protection of important archaeological remains is changing. This is due to Government-led *Heritage Protection Reform* that aims to provide, among other things, a more streamlined, flexible, and clearer approach to designation by merging the various historic environment designations (Scheduled Monuments, Listed Building, Registered Parks) and simplifying the consent procedures. In future therefore, archaeological remains will at the level of designation at least not be distinguished from other *Historic Assets*. It is proposed that consents for works on 'archaeological' monuments will be issued by local authorities as *Historic Asset Consents*.

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<sup>17</sup> Herefordshire Council is the administering Authority for the AAI on behalf of the Secretary of State for Culture Media and Sport, and Herefordshire Archaeology, the Council's county archaeological service, is the Investigating Authority designated by the Secretary of State in 1999. Guidance on the procedures for Certification and Notification can be obtained from Herefordshire Council, or via the service website at [www.smr.herefordshire.gov.uk](http://www.smr.herefordshire.gov.uk).

## 6. The Importance of Early Consultation for Development Proposals

6.1 Planning Policy Statement 1 on Development and Planning makes it very clear that early consultation with the local planning authority is advisable in respect of any development. PPG 16: Archaeology and Planning (1990) also strongly advises developers to seek early consultation about the archaeological implications of their proposed developments. This is because archaeology is one of the first potential constraints upon development that will have to be dealt with satisfactorily before development can commence.

6.2 PPG 16 (paragraph 19) notes the potential consequences of failure to consult:

*Once detailed designs have been prepared and finance lined up flexibility becomes much more difficult and expensive to achieve. In their own interests, therefore, prospective developers should in all cases include as part of their research into the development potential of a site which they undertake before making a planning application an initial assessment of whether the site is known or likely to contain archaeological remains.*

**6.3 Applicants for planning permission should obtain information about the location of their development at an early stage in their site planning process, in particular by involving the Council's archaeological advisers in pre-application discussions.**

The 'first step' should be to contact one of Herefordshire Council's advisory archaeologists to discover what is known about the location in question and to learn what records are held in the Sites and Monuments Record. The advisory archaeologist may also be able to offer advice upon the potential for the uncovering important remains during development and the potential disruption this could cause. They will advise upon the benefits to be gained from obtaining information about this potential from more purposive searching of records, including those held in other repositories such as the local record office/documentary archives repository, or the National Monuments Record in Swindon<sup>18</sup>. They can also advise upon the desirability of obtaining further information by direct examination of the site.

**6.4 Applicants for planning permission should seek advice upon whether and if so what archaeological works are needed in advance of the submission of any planning application to inform the heritage statement.**

Involving the advisory archaeologists at an early stage can establish the viability or otherwise of development proposals. There may be reasons for refusal of the application due to the presence or proximity of important remains. Even where the importance of archaeological remains is not so great as to lead to the rare circumstance where refusal of the application is advised, early consultation can help in the design of the development if there are major remains that need to be conserved even while development is permitted. Section 7 explains both circumstances in greater detail.

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<sup>18</sup> Sources of further information are detailed in Appendix 4

6.5 Early consultation with advisory archaeologists can even help to reduce costs and problems for the developer by providing information about ground conditions that might not be available through more limited forms of site investigation. Past experience suggests when the advisory archaeologists have recommended preliminary site investigations to gather information for archaeological purposes, these have produced substantial new and unsuspected information about groundwater conditions, contamination sources, and/or presence of relatively recent but hitherto unknown below-ground obstructions deriving from prior but poorly recorded development or maintenance works.

**6.6 Where planning conditions are expected to be imposed requiring a scheme of archaeological works to be undertaken prior to development commencing, applicants for planning permission are advised to discuss these early within the development planning process.**

The discharge of archaeological conditions attached to a planning permission for development will need to occur in most instances before almost any other work is undertaken on the site. It is not sensible, therefore, to be discussing detailed matters of design and landscaping with the local planning authority, for instance, when the archaeological issues have neither been raised nor discussed. Moreover, it is important that the archaeological conditions that are attached are appropriate to the circumstances of the development project as well as to the archaeology (See Box 1).

**6.7 Where an environmental statement is required under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, it will be particularly important to clarify archaeological requirements at the earliest opportunity with the advisory archaeologists.**

Applicants should be aware that there may be the need for extensive investigations and they will need to be planned well ahead, taking into account that seasonal weather may be a consideration. Archaeological requirements will usually be described in outline in any scoping statement for an Environmental Assessment, and careful consideration should be given to the scope and scale of works necessary to meet these requirements<sup>19</sup>. Archaeology should be considered clearly and specifically in any assessment report.

6.9 Early consultation is also advisable is in respect to historic buildings. PPG 15 (Paragraph 2.15) states that:

*“(Many) historic buildings are either of intrinsic archaeological interest or stand on ground which contains archaeological remains. It is important in such cases that there should be appropriate assessment of the archaeological implications of development before (planning) applications are determined; and that, where permission is to be granted, authorities should consider whether adequate arrangements have been made for recording remains that would be lost in the course of works for which permission is being sought.”*

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<sup>19</sup> For further information on how to proceed with archaeological considerations for Environmental Statements, see Appendix 1, part XVIII.

**BOX 1: EXAMPLE OF THE NEED TO SEEK ADVICE EARLY IN THE DEVELOPMENT PROCESS.**

An example may help to explain why it is important to seek advice at an early stage.

In an instance involving a proposed major public sector development in Hereford there had been no direct involvement of the archaeological advisor in discussions with the applicant's project development team. An archaeological planning condition required the monitoring presence of archaeologists on site during development. It became clear that the development team did not realise the full implications of this. The pre-application assessment of the site had failed definitively to locate the major archaeological remains suspected to exist somewhere within or near the development area, and as a result, the main construction programme could have been delayed by months at a huge cost to the scheme had important remains been observed that might have prompted intervention from English Heritage<sup>20</sup>. This potential disaster was averted due to a request made by an archaeological advisor, in light of the above, to have more definitive information provided through new fieldwork. This found the remains in question and they were investigated satisfactorily before the construction project began.

It is important to emphasise that it was to the developer's advantage that the archaeological issue was properly addressed, even after the grant of planning permission. However, such a circumstance was far from ideal, and a great deal of anxiety and re-planning could have been avoided altogether had the developers and their agents engaged directly and extensively with the local authority based advisor in the first instance.

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<sup>20</sup> See section 12, below, and PPG 16 (1990) paragraph 31.

## 7. Planning Applications and the Provision of Supporting Information

7.1 Consultations with the advisory archaeologists may provide an 'early warning' system to help guide development proposals. They can advise upon the form of supporting information needed within any heritage statement. Current Government guidance on archaeology and development makes a distinction between 'assessments' and 'evaluations'. What this reflects is a difference in the level of detail that may be required in the archaeological information provided in support of a planning application.

**7.2 Developers should ensure adequate information is provided to support their planning application through commissioning an archaeological assessment or evaluation carried out by a suitably qualified archaeological consultant or contractor.**

To avoid unnecessary delay in the determination of an application, the developer should ensure that adequate information is provided when the planning application is submitted. Failure to provide such information may lead to a refusal to register the application, or the issue of a requirement under Regulation 4 of the Town and Country Planning (Applications) Regulations, 1988, requiring submission of adequate supporting information, or summary refusal of the application (PPG 16, paragraph 22). Delay can be avoided through commissioning an archaeological consultant or contractor to provide the information required within any heritage statement.

7.3 Herefordshire Council's Archaeological Service does not carry out work that is funded as a result of their development control advice, either before or after the submission of a planning application<sup>21</sup>. The advisory archaeologist will normally indicate at an early stage in the preliminary and pre-application discussions what kind of information would be expected to be provided with the planning application (see section 7.4, below).

**7.4 An archaeological desk-based assessments will be required where the nature of the archaeological interest is not certain and an initial appraisal of existing information may serve to clarify this potentially without a need for more detailed or more extensive gathering of new information.**

Desk based assessments are reports that specify what is already known about a site, monument or location from a variety of sources both historical and archaeological<sup>22</sup>, together with an assessment of the survival, significance, and condition of remains thought likely to be or actually established as being present. A separate statement of the implications will usually be reserved for the client. The desk based assessment should never contain 'recommendations' since this can be read to presume the advice and role of the advisory archaeologists in the formulation and presentation of their advice. It should be noted that this does not preclude the agent or consultant presenting such views as information in support of the application in a separate document, but this should be clearly 'labelled' as such, rather than appearing as part of the 'information base' provided with the assessment.

<sup>21</sup> See Appendix 1, part X, on consultants and contractors. That section also provides guidance on how to find a suitably qualified consultant/contractor and explains the registration scheme operated by the archaeology service.

<sup>22</sup> Examples are historic documents (including antiquarian accounts), early maps, aerial photographs, and reports of casual finds or deliberate former archaeological surveys or more intensive investigations.

7.5 The desk-based assessment can be supplemented by inspection of the surface of the site, surface collection surveys, measured surveys, and geophysical and imaging surveys of various kinds. Which kinds of such studies are carried out will depend upon the individual circumstances. Proposed development of a 'green-field' site presently under arable, for instance, could usefully include geophysical/imaging work as well as surface collection. Again, what is reasonable and practicable in any particular case needs to be established in advance in consultation with staff of the county archaeological service.

**7.6 Archaeological field evaluations will be required where more definite or more detailed information is necessary to help to gauge the potential impact of the proposed development upon remains of known or likely archaeological importance.**

Advice should be sought from the advisory archaeologist upon whether such an evaluation is needed and if so the extent and nature of such work, which will depend upon the individual circumstances. What is usually involved is the rapid examination of a sample of the affected area through controlled excavation of a series of archaeological trenches. Within the trenches, enough of the revealed archaeological deposits should be examined to gain as clear an idea as possible concerning the presence, disposition, character, depth and condition of any archaeological remains and deposits present.

7.7 Enough of the area affected needs to be sampled to a sufficient degree, usually not less than 2% of the application area, nor more than 5%, to establish the implications of development. The disposition of trenches should be determined in part by the archaeological potential of the whole proposed development site, and in part by the particular proposals and the plans being prepared. It will be recommended in most cases that the site itself is the primary consideration in particular because a preferred location for buildings and their foundations within the site may be found to intercept remains that merit preservation in situ<sup>23</sup>. In such a case, it may be necessary to re-design either or both the proposed design and the location of buildings. It is therefore necessary to establish areas within the site in which such re-design/re-location can be accommodated without so intercepting significant remains. To avoid an iterative exercise and for the planning of drainage and other facilities, it is worthwhile to have as full an understanding of the disposition of remains across the whole site at the outset.

7.8 In practice, the initial advice may be given that the likelihood of intercepting significant archaeological remains in the proposed application area is such that an integrated information gathering exercise involving desk-based, survey and field evaluation works should be commissioned from the outset. Although this is a relatively expensive operation to commission before certainty about the development proposal on other criteria has been gained, it does have the advantage that when this data is in, the dangers of unwelcome surprises will have been minimised.

7.9 It should be noted that the scope and therefore the cost of commissioning such work is not limited to the conduct of fieldwork by suitably qualified archaeologists and its

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<sup>23</sup> See section 9, below

immediate and summary reporting<sup>24</sup>. The archaeologists carrying out such work must include the work of adequate analysis, full archiving and deposit of archive, and appropriate recording in their schedule of works for such commissions<sup>25</sup>.

### **Environmental Statements**

- 7.10 To all intents and purposes, all the above operations will be required in most instances where Environmental Statements are being prepared under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 to support a planning application. However, in such cases, two further operations will need to be added. The first is the preparation of an historic landscape appraisal. This is a study of the landscape impact of any proposed development, with specific reference to the impact it will have upon its character, including the contiguity of the inherited pattern of enclosure<sup>26</sup>. The second is an overall archaeological impact assessment that considers all aspects of the archaeological resource together, and identifies the scope for both adequate mitigation of impacts and potential for positive enhancement of any significant identified historic assets.
- 7.11 Some historic landscape appraisals will need to be more specialised. An example is for those appraisals noted in Herefordshire UDP policy ARCH 1, where a proposal may affect an Archaeologically Important Urban Area. Here, the appraisal must take into account the impact of the proposed development upon the character of the AIUA concerned.

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<sup>24</sup> See paragraph 4.2, above, and Appendix 1, part X.

<sup>25</sup> See section 10, below

<sup>26</sup> See section 13, below, and the companion Supplementary Planning Document on historic landscapes. It will be expected that the Herefordshire Historic Landscape Characterisation, its GIS and associated database will be consulted during the course of compiling such appraisals.

## **8. Appraising the Significance of Archaeological Remains**

8.1 The process of appraising the significance of the archaeology at the location where development is being proposed, and the assessment of the likely impact of any development, begins with the question of whether the remains are of national significance such that they should be retained *'in situ'*. If they are not the next issue is whether they are still sufficiently important to nonetheless be investigated and recorded. Having determined relative importance the issue of what impact will the proposed development have upon the archaeological remains has to be assessed.

### **8.2 Assessment of whether any undesignated archaeological remains are of national importance will be made according to the statutory criteria set out in PPG 16 Annexe 4**

Questions of the rarity of the remains in question, their completeness, condition and group value will always feature strongly in any the local planning authority's appraisal of the importance of any archaeological remains. Even though the Council's assessment may suggest that the archaeological remains are of national importance, the decision as to whether they should be scheduled as an Ancient Monument is made by the relevant Secretary of State upon advice from English Heritage and it may not necessarily follow that this will result. However, this will not affect the assessment of their importance for the purposes of determining whether planning permission should be granted or not.

### **8.3 In the case of monuments of known or likely national importance, there will be a presumption that the remains should be preserved in situ.**

The primary option identified in PPG 16 in such instances is for preservation in situ, essentially unaltered by the presence or proximity of development<sup>27</sup>. This is also the Council's policy set out in Herefordshire Unitary Development Plan. Policy ARCH3 states that works that may adversely affect the integrity, character or setting of Scheduled Monuments will not be permitted. Moreover, policy ARCH4 indicates planning permission will be refused for development proposals that would destroy or damage unscheduled remains, their character or setting, where judged to be national or regional importance. The premise here is that the surviving remains are a physical resource that needs to be expended judiciously. Excavation and recording today will involve the 'expenditure' of the resource in the ground and its transformation into a different kind of resource, namely historical information. By retaining deposits in the ground, not only does the resource remain 'unexpended', but it also offers the advantages of deferring the expenditure: namely, that more funding may be available in the future, and the amount of information that archaeologists can extract from the preserved remains during any future expenditure through future archaeological excavation and recording may increase.

Further advice on preservation in situ is given in section 9.

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<sup>27</sup> See section 9, below. The case of deeply stratified archaeological deposits, most often encountered in historic urban core areas, needs special consideration here, because of acceptance of the principle that in some cases, the deeply buried deposits can be protected by foundation design, even where piles need to be used for foundation security.



**8.5 In cases where the remains are considered to be of importance, but not enough to merit their preservation in situ, these should be preserved by record.**

In this option, it is the information value that can be accrued today through controlled archaeological investigation and recording that is in focus. This option is often advised for those parts of a site that do not merit preservation in situ when other parts do. However, it is most commonly advised for the whole of a site area, or at least for the whole area affected by a particular development. In cases where preservation by record is advised, a further series of operations are provided as further advice: for example, the preparation of briefs, the receipt of project designs, the implementation of archaeological recording projects, and the monitoring of those projects through to completion of project archives<sup>28</sup>.

**8.6 In instances where archaeological remains should be retained in situ the Council will wish to be assured that the impact of the development upon the remains can be adequately mitigated before granting consent.**

The *assessment of impact* is a separate consideration, especially for those cases (the vast majority in practice) where it is feasible for the development to proceed because it is likely that the impact of development can be adequately mitigated. The assessment of impact is nonetheless just as, if not more, difficult to make given the possible complexities and the number of contingent and unknown factors at play in any specific situation. Impact is assessed both in terms of the construction operations involved, including piling for foundations, and any identifiable long-term impacts on any remains preserved in situ beneath or within the development. The assessment of impact is integral with a consideration of means to mitigate that impact. For instance, alternative designs of foundations where preservation in situ is desirable can make a very considerable difference to the 'survivability' of any archaeological remains for which a preservation in situ option is sought..

**8.7 The Council will impose conditions on the grant of planning permission or enter into agreements under section 106 of the Town and Country Planning Act where this is necessary to ensure the proper preservation of archaeological remains in accordance with good practice.**

The standard planning conditions on archaeology currently used by Herefordshire Council are identified in Appendix 3, together with an interpretative statement as to what each of them implies in terms of the scope and scale of requirements. Decisions upon which conditions best suit the case concerned, whether the situation can best be covered using standard conditions, or whether conditions need to be drafted to suit will be determined according to the special circumstances of a particular case. Whether standard or custom drafted, the conditions attached will link back directly to the planning policies for archaeology included in Herefordshire Unitary Development Plan and specified in section 3, above.

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<sup>28</sup> See sections 10 and 14, below.

## **9. Advice upon Preservation In Situ**

9.1 Where the archaeological remains present on the site of a proposed development are accorded very high importance, and their rarity, condition or fragility is sufficient to call into question whether the development can be permitted, or at least whether it can be permitted in the form of the submitted proposals they should be preserved 'in situ'. PPG 16 identifies this as 'Preservation of Archaeological Remains In Situ' (PARIS)<sup>29</sup>.

### **Instances where Permission will be Refused**

9.2 In the most extreme case, the remains present on a site may be of sufficient significance and quality that development of any kind is called into question. In such cases, the remains are preserved in situ by virtue of refusal of planning permission. There may be cases where mitigation through partial preservation, for instance beneath the footprint of a proposed new building, is presented as a viable option. Although this option will be considered it may remain the view of the local planning authority that this will not achieve the stated aims and preservation will again be achieved through refusal.

9.3 In some cases planning permission may need to be refused where the development site is outside but contiguous to a site of important archaeological remains. This may be because the development adversely affects the setting of a significant monument. In other cases, although part-remains within a specific application site may not in themselves be sufficiently important or sensitive to merit an outright refusal, but the presence of linked, perhaps more significant remains close by might lead to a refusal on the basis of damage to the integrity of the remains in total, where that integrity adds to the importance of the remains.

### **Preservation Through Grant of Permission**

9.4 In other cases it may be possible to preserve the archaeological remains in situ while the development itself is permitted to proceed. The mitigation measures concerned are likely to include avoidance of remains where possible through the design and implementation of site layout and foundations. Where limited disturbance is unavoidable or some of the remains are of lesser significance, it might be possible for adequate measures to be put in place to mitigate the impacts through archaeological investigation and recording.

9.5 The redesign of site layout to avoid archaeological remains can often be achieved firstly through identification of the area of greatest archaeological importance, and then through reconfiguration of open space, repositioning of roads and drainage, and so on. What it is possible to achieve by these means will depend upon both the location of the proposed development, and upon the nature of the remains in question. In most cases, the recommended means of securing the future survival of the 'avoided' archaeological remains will be to lay a permeable membrane over the remains concerned and then cover with a sterile protective layer, with measures to avoid any disturbance which itself will signal a threat to the preserved remains.

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<sup>29</sup> See PPG 16, paragraph 27 concerning the requirements for PARIS in planning decisions.

## Foundation Design

- 9.6 In many cases, and particularly in towns and villages, foundation design is the main means of achieving preservation in situ. In many cases, the preferred solution will be to create rafted foundations that 'float over' the archaeological remains and preserve them beneath the foundation slab. However, this solution is not suitable in all conditions and for all buildings, and care needs to be taken to avoid ingress of water or other sub-foundation soil processes that may adversely affect the preserved deposits. Localised disturbance during construction will need to be adequately mitigated.
- 9.7 In various locations in the County, but particularly within the area of the Medieval city walls at Hereford, the presence of deeply stratified archaeological deposits can mean that the cost of full investigation and recording of the archaeological remains will be very high, and in some locations, the importance of the remains will be sufficiently great to warrant a preferred option of preservation in situ. In either case, the solution that is often promoted both to afford a degree of preservation in situ and permit development to take place without prohibitively expensive commitments to full excavation and recording is the use of foundation piles to support the ground-slab for the new build. This however often presents a number of dilemmas and some technically difficult problems upon which specific advice should be sought<sup>30</sup>.
- 9.8 The use of mini-piles through complex urban archaeological deposits is undesirable. While the percussive impact of such piling may be less than for bored and larger diameter piles, the stratigraphic integrity of the 'in situ' archaeological deposit will be unacceptably damaged by the density of pile insertion required. In some respects, the use of mini-piling is comparable to the feeding of a Medieval manuscript through a shredder: spatially, the direct impact is minimal, but the process renders the complex stratified and usually intercutting archaeological remains illegible. Although the figures given for the total area 'affected' by the thousands of pile insertions involved in mini-piling may seem minuscule, with some estimates suggesting as little as 2% of the foundation area being affected, a mini-piled site is almost incapable of meaningful future excavation because the continuity of the archaeological deposits has been irreparably compromised.
- 9.9 The use of greater diameter pile-clusters for foundations can lead to preservation of 'islands' of contiguous deposits, allowing more meaningful future investigation. However, the implementation of such foundation schemes needs a number of additional technical safeguards, and requires adequate investigation of pile-cluster locations as well as the locations of ground-beams and slabs. This can result in up to 40% of the on-site archaeological deposit being excavated, and adds to the development costs in its own right. Increasingly, developments in cities like Hereford involve the re-development of sites of prior 20<sup>th</sup> century developments. In all such cases, it is expected that serious consideration will be given to the re-use of existing piled and slab foundations for the planned new structures.

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<sup>30</sup> Some technical and operational guidance has been issued recently by English Heritage (see Appendix 4 for reference) that addresses issues of emplacement impacts of piles, the monitoring of compression, and the re-use of piled foundations. However, a number of the fundamental concerns that advisory archaeologists have concerning the impact of piling and whether it is preferable in different circumstances remain to be considered at length.

## 10. Mitigation by Investigation and Recording

10.1 The most frequently used archaeological condition on planning permissions refers to 'preservation by record', and it follows closely the suggested format for such conditions set out in paragraph 30 of PPG 16. Essentially, it requires that before the commencement of any development on the site subject to planning permission, arrangements must have been put in place by those responsible for the development project to conduct a programme of archaeological investigation and recording works.

**10.2 Upon receipt of a planning permission with such a condition attached, the applicant or developer, or their agent, should contact the archaeology service for guidance specific to that particular case.**

The advisory archaeologist will normally supply a *brief* for an archaeological project<sup>31</sup>. Guidance and possibly a brief may also be supplied for any element of preservation in situ to be enacted, but the focus here and now is upon archaeological projects concerning any preservation by record element.

10.3 The brief will provide a summary of available background information, and will then set out the scope of works to be carried out in order to discharge the planning permission. The first element of that scope is a description of the spatial extent and the level of sampling to be carried out within the investigative project required. This scoping will explain the nature of the investigative project that should produce an adequate record of any remains or deposits to be destroyed or damaged during the course of the development. In many cases, a controlled open area archaeological investigation will be specified, for instance within the footprint of a planned building. In other cases, a more limited sample excavation may be specified. In other cases, it may be that all that is required in the first instance is to have an archaeologist present on site to record any remains that may be present, with some provision for detailed investigation and recording should that attending archaeologist note more significant or extensive remains are being intercepted in the course of development works than initially anticipated.

**10.4 The consultant or contract archaeologist and their client must present the project design for the works specified in the brief to the advisory archaeologist for comment and approval.**

The brief prepared by the advisory archaeologist will set out the requirements for any such recording works being carried out. The brief, and any attached advice or contact information, will also request that the responsible person in receipt of the brief and in charge of the enactment of the planning permission should commission an archaeological consultant and/or contractor to interpret and discharge the terms of the brief. This interpretation will take the form of a written *project design*, prepared by the archaeological consultant/contractor on behalf of the developer, and forming the basis for the contract between them. This project design will be taken by the planning authority to commit the developer and the archaeological

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<sup>31</sup> To secure best practice, there are now a series of model briefs that can be consulted to gain an idea of what is involved. See Appendix 4 for further information. For Herefordshire, an example of a brief is reproduced in Appendix 1, part IX.

contractor to the 'written scheme of investigation' specified in the condition, including all the processes following the completion of archaeological works on site.

10.5 Applicants should assure themselves that they have understood fully the extent of the obligations entered into to discharge of the archaeological condition, and especially that adequate time has been programmed into the development project to allow the archaeological project to be satisfactorily carried out on site. Adequate financial and other resources must be committed not only to undertake fieldwork on site, but also for the involvement of appropriate specialists in sampling and analysis of the deposits, and for the timely conduct of post-excavation archiving and reporting (see below).

**10.6 The County Archaeological Service will agree monitoring arrangements with applicants or developers carrying out archaeological projects as part of the process for complying with relevant planning conditions.**

Applicants or developers should afford staff of the County Archaeological service access to their sites at reasonable times to monitor the conduct of archaeological works undertaken in accordance with the agreed project design. Where projects are of such a scale that a detailed and concerted programme of monitoring is required but beyond the immediate resources of the County Archaeological Service to provide, conditions may be imposed or agreements entered into requiring applicants to put measures in place for monitoring, including monitoring of the reporting arrangements.

10.7 Routine monitoring will take a variety of forms. It features monitoring visits during the course of archaeological works on site, but also includes checks on the progress of work with archaeological contractors and also with developers and their agents, contractors and sub-contractors, as relevant. It may also include review meetings with contractors in the later stages of such archaeological projects, especially where these contractors are participants in the Council's own registration scheme. In the event of an unsatisfactory monitoring visit or meeting, follow up action will be set in train.

**10.8 The Council will wish to be assured that an adequate scheme of specialist scientific inquiry and sufficiently expert analysis of retrieved samples, including faunal remains, environmental samples, and artefacts, is in place both during fieldwork and during the analysis and reporting stages of the work<sup>32</sup>.**

In particular, the advisory archaeologists will take steps to ensure that where appropriate, in particular where a full excavation has taken place, a full post-excavation assessment (PEA) has taken place within a short period of the close of fieldwork. This should be attached to, but is not the same as, an interim report on the results of the work. The PEA is purely an interim document that identifies the work necessary to the full completion of the analysis, archiving and final reporting of the archaeological project.

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<sup>32</sup> Advice is available on these matters from the Regional Science Adviser, based in the West Midlands office at English Heritage; see Appendix 4.

**10.9 Following the submission of the interim report accompanied by the PEA, the advisory archaeologist will normally require the submission of an *updated project design*<sup>33</sup>.**

This again is a document that both the archaeological contractor and the developer will be expected to produce and to sign up to, specifying how, and within what timetable, the *completion stages* of an archaeological project are to be organised. The updated project design will include a statement on work on the *project archive* undertaken to date and will specify what further archiving remains to be done. It will specify what further specialist study and analysis, for instance, laboratory work on pollen or other environmental samples, thin-section or other comparative analysis on ceramics. is to be undertaken in pursuit of recommendations made by specialists in the submitted PEA. It will identify what conservation of materials, for example full treatment of metalwork, and what publication drawings are yet to be commissioned and undertaken. It will also specify by what means the final results of the project will be disseminated, and when the project archive will be deposited.

**10.10 The advisory archaeologist will determine whether or not the completion stages of a project have been undertaken in full.**

It is only at this point that the archaeological condition attached to the permission will be regarded as having been satisfactorily discharged.<sup>34</sup> It is advisable therefore for the applicant, developer or their agent to keep well appraised of the progress of the post-excavation project through its various stages, and to ensure that the contractor is achieving satisfactory progress with the agreed programme.

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<sup>33</sup> It is important to emphasise here that this obtains for all completed projects that have involved interventions into otherwise intact archaeological deposits, since all such interventions will have resulted in the removal of potential evidence. So such stages will be expected to be completed for all projects, including archaeological field evaluations that do not lead to further mitigation (for instance because the intended development project does not take place).

<sup>34</sup> Developers and their agents often seek to obtain verification from the local planning authority that the archaeological condition has been discharged at the close of archaeological recording works on site. However, the impact of the development can only be regarded as having been mitigated when the post-excavation project is completed.

## **11. Enhancement and Improved Access to Archaeological Sites**

11.1 Occasionally there are circumstances where a proposed development close to or partially incorporating remains of archaeological importance can provide an opportunity for the enhanced conservation of, and/or access to those remains. Such remains may already be visible at the time of preparation of development proposals, or they may actually come to light during an archaeological project designed to mitigate the impact of that development.

11.2 Herefordshire UDP policy ARCH 8 indicates that a range of measures are available to enhance the archaeological interest of a site and/or improve accessibility. The following paragraphs explain how this policy is to be understood and how it will be implemented.

### **11.3 Where opportunities exist and are feasible measures to enhance an archaeological site and/or improve access should be assessed jointly between the applicant and advisory archaeologist.**

It is important to understand what is meant by the term 'enhancement' in an archaeological context. It rarely means 'added to', nor is it meant to imply that the monument or structure itself should be 'reconstructed' in the sense of an attempt to recreate some imagined lost form. Rather, what is envisaged is conservation in terms of 'making secure' and arresting further deterioration, and the creation of means for such conservation, such as protective covering.

11.4 The question of feasibility is a key issue. This will depend upon the nature of the proposed development, the nature of the featured remains, and the degree to which on the one hand the proposed development can be adapted to accommodate the archaeological remains, and on the other hand the suitability of those remains for conservation and display. A key consideration will be the degree to which the costs of the conservation work in design and implementation terms can bring benefit to the overall development in public as well as commercial terms. In some cases, as where it becomes possible to bring an area or a structure into use when hitherto it had been regarded as not developable, there needs to be an assessment of the 'heritage dividend' involved in utilising rather than ignoring the historic and heritage interest<sup>35</sup>. Opportunities might be taken to seek funding from grant aiding bodies such as the Heritage Lottery Fund.

11.5 Exceptionally there may be instances where a normal presumption against development may be suspended in the context of a development scheme coming forward that might radically improve the conservation of a monument and enhance public access to it. This should not be read as an indication that schemes for the re-use of major structures such as ruined stone-built castles or even semi-ruinous domestic buildings such as former watermills or wayside cottages will be looked upon favourably. English Heritage has issued advice upon 'enabling development' that will be given significant weight.

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<sup>35</sup> See Appendix 1, part XVI

- 11.6 In any instances where schemes are being considered that might affect a site or structure that could be enhanced in such ways, the developer or their agent should contact the County Archaeological Service to establish what scope there may be to successfully implement such a conservation project. It would normally be expected that, following such consultation, the prospective applicant should commission a *conservation statement* that identifies in outline terms the significance and condition of the monument concerned. This should be accompanied by a *protection and design statement* that sets out how, in general terms, the monument will be conserved, and how the design of the overall proposed development will integrate the archaeological remains within it.
- 11.7 Public access is another term that requires some further explanation. The nature of public access provided will very much depend upon the particular circumstances of the case. For instance, the consolidation and display of remains within a public precinct of some kind – for instance a shopping mall – would usually involve unlimited access when the precinct is open. On the other hand, the incorporation of part or all of a structure within a normally secure building – for example in a basement or semi-basement area – could involve public access at certain times, or by appointment. There would normally be an expectation that ‘access’ should include intellectual access, and there are various means whereby this can be achieved, including through information and virtual tours on the world wide web, but also by more traditional means such as information panels, leaflets and books.
- 11.8 The implementation of such works will normally be secured by condition and, as appropriate by planning agreements as specified under Section 106 of the Town and Country Planning Act, 1990. Regard should be had to Herefordshire Council’s Planning Obligations Supplementary Planning Guidance, in particular section 3.7 which refers to heritage and archaeology. In most instances where a significant monument, or a significant part of a monument, is included within such a scheme there will be an additional expectation that, when the works established in the brief addressing the archaeological condition or S106 agreement have been completed or are nearing completion, the developer will commission the preparation of a conservation management plan<sup>36</sup> for the monument. The content and finalised form of this plan will need to be agreed before the scheme can be regarded as completed and the terms of any conditions or agreement met.

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<sup>36</sup> See Appendix 2 for a definition of a conservation management plan



## 12. Unexpected Discoveries

- 12.1 It is made in PPG 16, in paragraph 31, that despite the conduct of the best pre-planning application research, and the making of full provision for investigation and recording in accordance with that guidance, there are circumstances where remains of major archaeological importance are unsuspected may be revealed in the course of archaeological or other works on site during development. If these remains are of sufficient importance to merit preservation in situ, there are significant consequences for the development project.
- 12.2 There are also circumstances in which important archaeological remains may be uncovered during development although no prior provision has been made for archaeological investigation and recording have been made. This might be because there were insufficient records available at the time of initial consultation or of submission of a planning application, to trigger even a requirement for further information. In such cases, again, the primary concern must be to determine whether the remains merit preservation in situ, or can be dealt with adequately through an archaeological project to investigate and record them.
- 12.3 Of particular note should be the discovery of human remains in the course of development<sup>37</sup>. Especially where these form part of a cemetery, this may create a significant problem for the progress of the development. In Herefordshire, early Christian cemeteries can be encountered in this way, not only within settlements or near to churches, but also in the wider countryside. This is because in many areas, there has been a significant shift in location from the earlier church sites and cemeteries to the Medieval pattern that we see substantial continuity with today.
- 12.4 In the event that remains are discovered in this way during the course of development, again the County Archaeological Service should be consulted upon the best course of action. PPG 16 (paragraph 13) suggests that “developers may wish to insure themselves against the risk of a substantial loss while safeguarding the interest of the historic remains unexpectedly on the site. Conflicts that might otherwise arise between developers and archaeologists may be difficult to resolve”. It goes on to note that English Heritage is prepared to make staff available to provide information, arbitration and a second opinion in such cases. So too is the Association of Local Government Archaeological Officers, who will be able to provide examples of best practice based upon examples from elsewhere in the UK.
- 12.5 A context in which unsuspected features of historic or archaeological importance are occasionally revealed is during works to standing buildings. PPG 15 (paragraph 3.24) notes that many historic buildings are ‘of intrinsic archaeological interest’. It observes that “Hidden features of interest are sometimes revealed during works of alteration, especially in older or larger buildings: chimney pieces, fireplaces, early windows and doors, panelling, wattle and daub partitions and even wall paintings may come to light. Applicants for listed building consent should be made aware of this possibility and should seek the advice of the local planning authority when such things are found.”

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<sup>37</sup> There are formal arrangements in place for the reporting of such remains to the local coroner and the police. See Appendix 1, part VIII for details.

**12.6 When important remains are unexpectedly discovered, the Council will work with the applicant to devise and implement a *design solution* to safeguard them, preserving them in situ where the remains are of national importance or by record in other instances.**

This is a policy specifically prepared to deliver the appropriate protection of the remains in question, while enabling the development to go ahead, often without substantial alteration to the original scheme. It will usually involve the incorporation of the remains in question within or beneath the new structures being built on the site. The key principle to be adopted in all such operations, however, is *reversibility*. This is the principle that whatever covering or construction built around or upon the remains can be removed at a later date without compromising or damaging the original deposits or fabric comprising those remains.

12.7 It is important to emphasise that the unexpected discovery of remains need not be a disaster for the development project concerned, and there may be a 'heritage dividend' that can be reaped as a result of the remains in question providing a signature or distinguishing feature for the whole or part of a new development (See Box 2).

12.8 It may not always be possible to achieve the 'heritage dividend' in this way on site. However, the discovery of the remains and their conservation may inspire the provision of interpretive facilities on site or in the near vicinity.

**BOX 2: EXAMPLE OF HANDLING THE UNEXPECTED DISCOVERY OF REMAINS**

In 1992, the redevelopment of the former Friary Railway Station site on the eastern edge of Plymouth city centre involved pre-application assessment and field evaluation of the site. The assessment revealed that the site covered the precinct of the former Medieval Carmelite Friary and the course of the Civil War town walls passed through the site. The evaluation revealed however that only fragments of either the Friary or the town walls survived. Following the consequent attachment of a 'PPG 16 paragraph 30' style condition to the planning permission, an archaeological investigation and recording project was carried out. During the course of this project, it was revealed that a substantial portion of the lower courses of 'Resolution Fort' an angular projecting bastion of the Civil War town wall survived at the margins of the site, but on the projected position of one of the apartment blocks forming part of the development. Following consultation with the advisory archaeologist, the developers agreed not only to reposition the block to avoid the historic structure, but the bastion was also conserved for display within the development, within a grassed area and presented as a special feature. Its newly reinstated presence even influenced the design of adjacent apartment blocks<sup>38</sup>.

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<sup>38</sup> See Appendix 1, part XVII.

## **13. Works Not Requiring a Planning Application**

13.1 Various mechanisms exist that allow certain types of development to be carried out without the need for a planning application to be made. These include:

- Works described as 'Permitted Development'. Such development is deemed to meet particular requirements, for instance within normal domestic situations;
- Work carried out by some key utility companies ;
- Certain agricultural and forestry operations;
- Certain telecommunications works;
- Countryside hedgerow removal; and
- Some works by the church (qualifying for 'ecclesiastical exemption').

Some of this work may require clearances and permissions of other sorts and an archaeological input is frequently made at an early stage. Some of the most common examples are described in this section where there is likely to be a need to involve the advisory archaeologists in the County Archaeological Service in planning and executing such works. Of particular note is Government's intention to streamline the planning process for determining key infrastructure projects.

### **Works to Domestic Property**

13.2 A number of works involving minor alterations to normal domestic premises at present do not require planning permission. In these cases, there will be no need for consultation with advisory archaeologists or for the organising of an archaeological project, unless the location concerned falls within the terms of the Ancient Monuments and Archaeological Areas Act. If the location is within the scheduled area of a monument, or is in a location that may affect the setting of a Scheduled Monument, there will be a need for at least consultation with English Heritage, and in the former case for Scheduled Monument Consent to be obtained. In Hereford city, if the premises are located within the Area of Archaeological Importance, appropriate notification and certification to the administering authority (Herefordshire Council) is required<sup>39</sup>. However, where the works proposed are to a Listed Building, they may require Listed Building Consent. The range of circumstances where permitted development exists is expected to increase with the enactment of impending new legislation.

### **Infrastructure Works**

13.3 The impact on archaeological remains of infrastructure works carried out under permitted development regulations will vary according to the nature of the planned scheme and the locations affected. In Herefordshire in 2007 for instance works were carried out by Welsh Water, by National Grid, and by the Environment Agency that involved significant potential impacts upon archaeological remains. In one case the proposals were the subject of an Environmental Statement, and in all cases comprehensive programmes of archaeological mitigation were put in place and enacted. A number of such schemes are linear in character, and these involve the potential interception of important archaeological remains, both known and

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<sup>39</sup> See Appendix 1, parts III and V, for further information.

unknown, along their course. In most instances, unless the route of the works can be diverted, the impact will involve total or near-total destruction of remains. Although such works are not controlled by the UDP archaeology policies, they are planned and conducted with their provisions in mind. A number of infrastructure operators have adopted codes of practice in relation to archaeology and it is to be expected that these will be complied with in all relevant instances.

- 13.4 Exactly what works will qualify for consideration under a streamlined system for infrastructure projects is still under debate. It is expected however that major power generation and waste treatment sites as well as strategic communications developments will fall within this class. Exactly how any changes will accommodate the needs of archaeology has also yet to be made clear.

### **Agricultural and Forestry Notifications**

- 13.5 In order to support agricultural and forestry activities, some works, generally small in scale, only require prior notification to the local planning authority although consideration may be given to siting and design aspects of the proposal. In such circumstances, if the works or buildings being proposed are thought likely to have a detrimental visual or other impact on nationally important archaeological remains or monuments prior approval can be refused. In such cases the normal processes of consultation with the County Archaeological Service should occur, with emphasis being upon seeking advice early in the project's design.

### **Telecommunications Works**

- 13.5 Certain works to erect telecommunication masts are also dealt with on the basis of prior notification to the local planning authority. Again these generally involve small scale engineering operations and considerations in terms of the potential impact on important archaeological remains or monuments are the same as for agricultural and forestry operations. Emphasis will be placed upon early consultation, especially in accordance with industry codes of practice.

### **Hedgerow Removal**

- 13.6 The removal of a countryside hedge requires notification to the local planning authority under the Hedgerow Regulations 1997. Such hedgerows are assessed in terms of their importance according to a number of specific criteria, which include reference to a number of archaeological matters. There is a presumption in favour of retaining important hedgerows unless the reasons for removal are exceptional.

### **Works to Ecclesiastical Buildings**

- 13.7 Certain works affecting places of worship, and their curtilages, can qualify for 'Ecclesiastical Exemption' from the need to apply for Listed Building Consent. However planning permission will be required for development works. In Herefordshire, the advisory archaeologists liaise with the Diocesan archaeological consultant on a regular basis to facilitate the provision of advice to the Diocesan Advisory Committee on churches concerning appropriate mitigation of the impact of proposed works upon any archaeological deposits and features contained within the church building fabric and above or below ground in the churchyard.

## **14. The Importance of Archives and Access to Information**

- 14.1 The archive from any archaeological project comprises two components. The first is the archive of records and the second is the remains found during an archaeological project.

### **The Archive of Records**

- 14.2 A full explanation of the meta-data arrangements in place for archaeological projects undertaken as a consequence of development will be required to comply with the provisions in briefs prepared for applicants by the County Archaeological Service.**

The archive of records comprises all the documentation that has been assembled during the course of the project concerned. It will include all digital images and information, as well as all hand written or hand drawn field records, such as site and feature plans, and all section drawings; all documentation of finds; analytical and specialist reports received, including scientific reports; and all synthesis and reporting of both an interim and a final nature. In sum, it is all the digital and documentary material that would be required for another archaeologist to be able to examine the work undertaken and to re-interpret some or all of the discoveries made in the light of further research. Particularly important to any future such work is the inclusion of 'meta-data', which is 'information about the information stored: how it was collected, how studied, how inventoried, and how synthesised'. At present, this is an under-developed part of the documentation for and archive of such projects, and this needs to be improved upon.

### **Remains Retrieved During an Archaeological Project**

- 14.3 Applicants will be required to ensure all material retrieved during their archaeological project has been processed, where appropriate washed, stabilised and conserved, and then adequately labelled, and to be placed within suitable storage receptacles.**
- 14.4 The second component of the archive is the totality of the remains retrieved during the conduct of an archaeological project. This will therefore include all retained building materials, all finds of ceramic, stone, metal and other objects (or fragments thereof), and all unprocessed soil, environmental or materials samples.

### **Storage of Archive Material**

- 14.5 The applicant will be required to ensure the two archive components are stored together in a suitable repository.**

Both parts of the archive together comprise a unique record of the archaeological remains observed, investigated and recorded upon the development site. In law, all artefacts recovered on a site are the property of the landowner, and all documentation commissioned by a developer is the property of that developer, notwithstanding the contractual arrangements in place, and intellectual property rights. However, the satisfactory discharge of an archaeological planning condition may require that legal title to both components of the archive should be passed to

the designated repository. In most instances in Herefordshire, this will be Hereford Museum<sup>40</sup>.

**14.6 The applicant or developer should ensure that the public has the opportunity to consult records of the archaeological project and to read about discoveries**

Adequate provision for access to information is a key requirement of the satisfactory discharge of archaeological planning conditions. This includes both physical and intellectual access, since it is this information that justifies the conduct of the archaeological projects in the first place.

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<sup>40</sup> See Appendix 1, part II.

## 15. Communities as Stakeholders

15.1 It is essential that the community be regarded as a key stakeholder in the development process involving an archaeological project from its inception.

15.2 **The Council expects measures to be taken to consult the community on steps being taken to inform the public about the progress of archaeological projects and where feasible and appropriate to permit viewing of the works as they unfold.**

There are a number of specific measures that can be taken in support of the Council's aims set out in Statement of Community Involvement so far as archaeological matters are concerned. It would be good practice for applicants and developers to consider whether they might work with the community to expand local knowledge and contribute to local distinctiveness and place shaping.

15.2 The first of these measures is the provision of information upon the progress of such projects. As well as press releases at appropriate junctures, developers could, through their archaeological consultants and contractors provide web-based information concerning the nature of the archaeological work being carried out, and discoveries being made. It is particularly important that elected representatives are kept informed, so contact should be made with and information provided to the local ward member, and the local parish council.

15.3 The second measure to be identified is the provision of site tours. With some forethought limited safe access can be provided through arrangements for viewing areas that might overcome insurance issues. Equally, the location of the archaeological investigations can often be segregated from the construction works. Moreover, in many instances the archaeological project is conducted and completed before the main construction works begin on a site. In all such cases, pre-booked visits of the public under the supervision of the archaeological project manager can quite straightforwardly be organised and conducted.

15.4 A third such measure is the provision of simple guide leaflets at suitable points within the community concerned and at the site itself. These again should explain why the work is being undertaken, what archaeological work is involved, and what results have been obtained.

15.5 Such requirements of course need to be fair and reasonable. For this reason, such provision, agreed with the advisory archaeologists, need to be tailored to the scale of work being undertaken. However, it should be borne in mind that development works are not always or automatically seen to be of benefit to the communities that 'host' them, and it can be highly beneficial in terms of good public relations to indicate what is being done to investigate and to record aspects of the history of that community as an integral part of the individual development project<sup>41</sup>.

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<sup>41</sup> See also Appendix 1, parts XVI and XVII.

## **Appendix 1: Additional Information and Guidance:**

### **I The County SMR/Historic Environment Record/HER**

Known until 2010 as the county Sites and Monuments Record, this comprises a local record centre mostly holding secondary information, but in a specially ordered way. The SMR comprises the core resource around which and through which the county archaeological service operates. It is made up of a primary records database supported by a limited suite of related databases. It contains information on all recorded find-spots of archaeologically significant material, and (in principle) on all monuments, buildings and landscape features that have been recorded in the past. It also contains information on past landscape and natural environmental processes (at least for the *Holocene* era since the Ice Ages). Besides the databases it comprises digital Geographical Information System layers, and collections of aerial photographs. It has a particularly important collection of oblique aerial photographs taken specifically for historic environment purposes.

### **II Hereford Museum and the deposition of archives**

Hereford Museum in the Council's Heritage Services is the designated repository for the archives from archaeological investigations in Herefordshire. The Museum has issued its own guidance upon the registration of archaeological projects and the deposition of archives arising from archaeological projects. Developers and their agents and consultants, as well as consultant archaeologists and archaeological contractors should make themselves aware of the provisions of that guidance (see Appendix 4 for details of how to obtain the guidance).

### **III Applications for Scheduled Monument Consent (SMC)**

These are required in support of planning applications when the land included within such an application contains in whole or in part a monument, or site, or deposits, Scheduled as a designated Monument of national importance. Applications are made to the Secretary of State for Culture Media and Sport who in turn will approach English Heritage for appropriate advice. If SMC is granted, it usually has its own conditions attached. According to the proposals being prepared for the Heritage Protection Bill, such Consent procedures will not only be amalgamated with Listed Building and other Consents (such as Conservation Area Consent), but these too will be administered by the local planning authority.

### **IV Cross-compliance and other environmental constraints and consents**

In addition to SMC, other consents may be required (see for instance Part V, below). Not least may be those attaching to the land in question, as in the case of land that has been or is in receipt of subsidy, for instance through Environmental Stewardship. Other locally, regionally or nationally listed or designated sites may cover the area of Sites of special Scientific Interest or other natural environmental designations. In such cases, separate application must be made for consent to alter or add to the location in any way.



## V **Hereford City Area of Archaeological Importance**

The system of regulatory control of development in Hereford under the Town and Country Planning Act is augmented within the Area of Archaeological Importance by separate measures under the Ancient Monuments and Archaeological Areas Act, involving the prior notification of ground disturbing, tipping, and flooding operations. Anyone undertaking such operations is legally required to submit an operations notice and accompanying certificate to Herefordshire Council (forms obtainable from Herefordshire Archaeology) six weeks before the commencement of the operations.

There are a number of exceptions to this general need to notify, principally relating to minor gardening, street works and utilities works, where the depth of dig will not exceed 600mm.

## VI **List of Archaeologically Important Urban Areas in Herefordshire:**

As noted in section 5, above, these areas represent the locations of former market settlements and of small towns of the Medieval period in the county.

The list comprises:

*Bromyard, Ledbury, Leominster, Kington, and Ross-on-Wye* (Medieval market towns that have continued as viable small market towns through to the present day); *Pembridge, Weobley and Wigmore* (former market towns that continued to have some urban characteristics through to c.1700 and beyond, and continue – at least in the case of Pembridge and Weobley – to retain clues to this history in their built form today); *Eardisley, Ewyas Harold, and Longtown*, (villages today that once had urban characteristics as Medieval market centres at the present location of the village), *Brampton Bryan, Clifford, Kilpeck, Lyonshall, and Richard's Castle* (villages today that once had urban characteristics in locations - at least for the most part - now separated from the present site of the village); *Huntington and Stapleton* (places with former urban characteristics now almost entirely abandoned); *Ploughfield* - near Preston-on-Wye, *Thrupton*, and *Wilton* - near Ross-on-Wye, (very short-lived Medieval urban foundations) ; and *Bodenham, Kingsland, Kinnersley, Madley, Much Cowarne, Mansell Lacy, Staunton-on-Wye and Winforton* (former small market centres with one or other of the characteristics of the other Medieval settlements, including earthworks marking abandoned areas). In addition to these primarily Medieval settlements, there are five former Romano-British focal settlements with extremely important remains surviving below ground, that are also defined as AIUAs. These are at *Blackwardine* (Humber, near Leominster), *Kenchester* (with buried enclosing stone wall with bastions), *Leintwardine* (earth walled), *Stretton Grandison* (possibly walled) and *Weston-under-Penyard* (near Ross-on-Wye). Parts or all of each of these sites are protected under law as Scheduled Monuments.

No formal guidance is available as to the projected limits of the historic settlement areas in each case. For the market towns continuing today, there are both Medieval and post-Medieval urban elements, and historic suburban and industrial areas. These towns are the subject of *Market Town Archaeological*

*Profile studies* currently in progress, which characterise the historic urban fabric and what is known of their archaeology, and indicate development sensitivities locally. Eardisley, Pembridge, and Weobley contain significant numbers of surviving historic timber-framed houses, and this increases their overall historic environmental significance. Kilpeck, Longtown, Lyonshall, Mansell Lacy, Much Cowarne, Thrupton and Richard's Castle possess significant extensive surviving earthworks representing the sites of former houses and other buildings, and these are also of considerable importance therefore archaeologically. Numbers of these settlements have been the subject of Central Marches Historic Towns Survey assessments, undertaken in the mid-1990s and available on the internet or through the county SMR/HER.

Two present-day villages, Leintwardine and Longtown, feature significant and extensive areas that are Scheduled Monuments. Prospective developers of sites at these villages should therefore take note of the likely need to consult also with English Heritage concerning the archaeological implications, at an early stage in the formation of their plans.

## VII **Local Lists**

There are at present (2008) no local lists of sites of archaeological importance. The SMR (see part I, above) contains records of over 20,000 sites or features of archaeological interest, but these are not ranked in terms of importance and serve simply as an indication of the location of known features of historic or archaeological significance in the landscape.

However, with the reforms to historic asset designation planned in the forthcoming Heritage Protection Act, there may be created in Herefordshire and elsewhere, lists of regionally or locally important assets. These will be defined according to clear criteria, and are likely to include both monuments of less well established importance or less well surviving condition. They may also encompass especially valued local heritage features nominated by resident communities and assessed and evaluated by the Council's professional advisers. However, although any such listed assets will be regarded as a material consideration in the planning process they will not enjoy statutory protection as such.

## VIII **Burial grounds and human remains**

As noted above in Section 12.3, human remains may be discovered on a site, or known to exist on a site. It is an offence in law to disturb human remains without proper authority.

The kind of authority needed to deal with human remains, and how those remains are dealt with, depends on the circumstances of the case and the particular nature of the remains in question. If remains are encountered during routine works within a functioning consecrated burial ground, they will normally fall within ecclesiastical law and their disturbance will require at least a church faculty.

If remains are found within a disused burial ground, the terms of the 1981 Disused Burial Grounds (Amendment) Act are likely to apply, allowing controlled disturbance to the remains under certain kinds of development only, and subject to possible conditions/further permissions. Human remains encountered outside known burial grounds will in almost all cases be subject to the Burial Act of 1857. If this is the case, the department of justice must be informed, who may provide a licence for the remains to be disinterred, again subject to conditions.

It needs to be emphasised that the issue of human remains is a complex and potentially contentious matter, for which detailed advice will need to be sought at an early stage. A recent Church of England/English Heritage document (“Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England”) gives the fundamentals. It should also be emphasised that human remains of archaeological derivation can represent a significant constraint to development in terms of time and cost, even assuming the proper permissions are in place to disturb them.

## IX **An example of a brief for an archaeological project**

Briefs are routinely prepared by advisory archaeologists to guide the conduct of an archaeological project. In most cases, the aim is to provide scoping guidance for the preparation of a project design by an archaeological contractor acting on behalf of the developer. The brief routinely provides an archaeological and development background, explaining why the work is necessary, and describing what is known. It will then outline the scope of the intended work, and stipulate the stages through which the work should proceed.

The example brief is posted on the Council’s website at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk). This is not included wholly within this document because of its length, but also because the scope and content of such briefs is regularly updated. The example brief will be changed, therefore, at the start of each calendar year. It should be emphasised that the example is provided as guidance only, and should not be regarded as an invariable format.

The main reason why briefs vary is according to the nature of the archaeological project concerned. It is necessary to appreciate the difference between the timing scale and nature of different archaeological projects. Especially important is the distinction made between projects such as desk-based assessments and archaeological field evaluations undertaken as preliminary information gathering exercises in preparation for the submission of a planning application, and ‘programme of works’ briefs prepared to assist with the discharge of conditions arising from any permissions granted. The first are not designed to address the identified archaeological implications of development, helping only to frame the questions.

Upon receipt of a written brief from the advisory archaeologists at Herefordshire Council, it is incumbent upon developers or their agents to secure the services of appropriately qualified archaeologists to prepare a project design that specifies how its provisions are to be met.

## X **Archaeological consultants and contractors**

*Roles.* Archaeological consultants are in essence simply independent advisers who are commissioned to provide advice on archaeological matters in the development process. They may work either alone or as part of teams, often on an inter-disciplinary basis. Typically, they would be employed to advise on the most cost-effective means of complying with the requirements of local authority or other public sector advisory archaeologists, and to guide and monitor the work of contractors on behalf of their client. Consultants may nonetheless also provide specific products such as desk-based assessments, and may be working as part of teams or companies that can also provide contractual services. Archaeological contractors carry out archaeological projects of all types and scales, including archaeological investigations. In consultation with consultants, or independently, it is contractors who will prepare project designs to explain how the terms of a brief provided by an advisory archaeologist will be implemented. Contractors are responsible for ensuring that the contracts they agree with developers provide them with sufficient scope and resources to conduct archaeological projects undertaken in the context of development to meet in their entirety the terms set out in the brief. Contractors will often sub-contract to specialists in artefact studies and scientific analysis to provide supporting information to help to clarify the findings of their investigatory and recording work.

*Commissions.* A developer seeking to commission an archaeological project in Herefordshire is strongly recommended to follow one of two routes. The first is to consult the current Yearbook of the Institute of Field Archaeologists, where all Members are listed, and details are given of Registered Archaeological Organisations. The second route is to contact the county archaeological service regarding its own registration scheme. At present (2008) nine archaeological contractors who have signed up to following the procedures set out in the Guidance for Archaeological Projects in Herefordshire (2002) are registered. The organisations listed have a proven capacity to organise and deliver a range of projects of different sizes and complexity. Some are based locally, while others cover a region or regions that includes Herefordshire.

## XI **Archaeological Importance**

How is the importance of any given set of archaeological remains determined? Formally, the relative importance of any archaeological remains can be assessed using the statutory criteria for scheduling set out in paragraph 5.3 of the main document, above. The standard planning formula is to assess each case on its individual merits, but in Herefordshire as elsewhere, there are certain principles that are followed, and adapted according to circumstance. The primary consideration is the historical information potential of the remains in question: what insights into past lives and the unfolding of historical sequence can they yield to properly organised and conducted archaeological investigation?

In the case of giving advice to preserve certain remains in situ, rarity, fragility, and future amenity and investigatory potential are without question to the forefront of the advisor's concerns. In the case of advice as to whether to investigate or record remains in a detailed or in a more summary way, questions

of the rarity of the kind of site or limits to the knowledge of the period concerned will come into play.

For example, there are many more sites known and investigated in the county from the period 100AD to 400AD than from the period from 400AD to 700AD. What this influences is the degree of immediate certainty as to what to advise. In the case of remains thought likely to date from the later period, almost regardless of their extent or condition (unless very substantially compromised by later activity), the advice would be that they are of great significance and should be as fully investigated as practicable. In the case of the remains from 100AD to 400AD, there may need to be additional criteria relating to the character rather than the date of the remains to justify more detailed investigation being advised. In every case, the locus of this advice (beyond statements of importance provided to the development control case officer) is primarily the brief. *For this reason, developers and their agents are strongly advised to study the brief carefully, or at least to have their archaeological consultant or contractor explain its thrust to them.*

## XII **Buildings and archaeology**

In the historic environment sector, there has grown up a substantive and some would say unhelpful distinction between historic buildings conservation on the one hand and archaeology on the other. This has often meant that archaeology is seen as being concerned only with below-ground remains and standing ruins. In practice, historic buildings, whether listed or not, embody their history in their fabric. As such they all have some potential for the elucidation of that history through archaeological investigation and recording of that fabric. As is often evident even to the casual observer where the walls of our parish churches are un-rendered, for instance, it is possible in some of our oldest buildings to chart the history of the structure through the changes it has endured, century by century, in the traces of blocked doorways and other openings, the 'shadow' of removed structures, the added fabric arising from the raising of the wall-plate and so on.

As a result, it is often the case that when it is judged acceptable on other grounds to 'delete' or otherwise negatively affect that historic fabric, it is advised that a condition is attached to the planning permission seeking the appropriate investigation and recording of the affected fabric. Often it is necessary, to put such recording in context, to seek to acquire also, and at least in summary terms, an analysis of the overall structural history of the building which the affected fabric forms part of. It is furthermore the case, as clearly indicated in PPG15, paragraph 2.15, that often the building itself and the ground upon which it stands, is a seamless entity, and the archaeology of each is integral. As such, one of the standard planning conditions for archaeology refers to the need for archaeological survey and recording of a building and its below-ground archaeology.

## XIII **Scientific monitoring of preservation in situ options**

Where remains are to be preserved in situ, it is important that some means of assessing their ongoing condition is arranged. This is especially important where

the remains are particularly fragile, or where they are waterlogged and there is a danger of desiccation. Should the monitoring result in measurable deterioration of the remains preserved in situ, in many cases there will be the possibility of remedial action by simple means; in other cases this may be more difficult to achieve. As ever, the particular circumstances in each case will influence both how the monitoring is installed and effected, and what remedial action can be implemented. For instance, the monitoring of groundwater and the impact of changes in this is rarely a localised matter, and the hydrology of the environs of an affected site will need to be both carefully monitored. English Heritage can provide advice, based upon a growing national body of information (see part XVIII, below).

#### XIV **The ‘Heritage dividend’**

Put simply, this is the added value to development of using the heritage dimension of the developable assets as a positive resource rather than an unwelcome constraint. There is a spectrum of scenarios where this can apply, from development actually based around or strongly featuring a structure or complex that in its own right is a major heritage asset, down to the use of a discovery at a development site to assist in ‘branding’ it or to demonstrate to clients or customers through relevant publicity that the developer or sponsor concerned is environmentally responsible.

In Hereford city, there are examples of new buildings that have not only achieved a significant degree of sensitivity to their setting, but have complemented the historic fabric of buildings that have been adapted, and have also contributed architecturally accomplished contributions to the urban fabric in their own right. Impressed by this process, English Heritage staff have even coined a term for it: the ‘Hereford effect’, as a means of encouraging best practice elsewhere.

#### XV **The Historic Imprint and the Design of New Build**

A further example of the ‘heritage dividend’ is the positive use made of an understanding of the inherited pattern or the presence of archaeological remains to enhance the newly developed built environment. Again, this can be achieved in a variety of ways depending upon circumstance. An example draws upon the example of the Friary Goods Station in Plymouth noted in paragraph 12.7, above. Here, the front elevations of two apartment blocks were sited broadly on the line of the Civil War city wall (here entirely removed by the building of the railway station in the 19<sup>th</sup> century) leading south from the conserved remains of the ‘Resolution Fort’ bastion. The enterprising architect picked up on a suggestion made in passing that the treatment of the ground floor facings that it had already been decided would contrast with the upper floors were ‘adjusted’ to echo (rather than to resemble) the outer face-work of the historic wall.

While this was in essence an opportunistic response, the use of the historic imprint can also be designed in from the outset. A simple example is where the historic pattern of field boundaries in a new development area can influence the pattern of residential areas and permeability. The challenge for substantial new development areas, such as may arise in a number of localities including Herefordshire as a result of the government’s ‘Growth Point’ initiative, will be to

integrate preservation areas with management of the local historical environment and provision of new social facilities actually within the overall design.

#### XVI **Conservation Agenda**

Of relevance to the guidance provided here, but not limited in its application only to development projects, is the conservation agenda created to supplement the county archaeology strategy out to consultation in 2008. The conservation agenda document identifies the principal factors bearing upon the continuing survival and reciprocally the nature and rate of erosion of the archaeological resource in the county. For instance, it notes the nature and impact of the various agricultural operations which are damaging or destroying archaeological sites beneath arable fields.

The conservation agenda then sets out as simply and briefly as possible the priorities for conserving the archaeological heritage of the county, and what mechanisms are available to assist this. This set of priorities will have an influence upon advice provided in development control but of course will not be determinative: each case is assessed on its own merits.

#### XVII **Research agenda**

A parallel document, the research agenda for the county, reviews what is known about the archaeology of the different time periods represented in the archaeological record in Herefordshire. It then assesses the extent and significance of the known archaeological resource for each period, both in local terms and within a national context. For instance, with Shropshire it has the highest density of Medieval earthwork castles in England, and their survival until recent years has mostly been very good: a high proportion of them are scheduled monuments. However, given this pre-eminence it is remarkable how little is known about their variability and in detail about their sequence of occupation. The research agenda identifies such gaps in knowledge and specifies questions that particularly need to be addressed, with again some prioritisation.

#### XVIII **Sources of further information**

To gain an overview about public archaeology in Britain, the most useful volume is *Archaeological Resource Management in the UK*, edited by John Hunter and Ian Ralston, (second edition, 2006), Sutton Publishing Ltd, Gloucestershire. Most of the guidance and other documents mentioned in the foregoing can be located at one or other of four websites: those of English Heritage, Historic Environment Local Management (HELM), Communities and Local government, and the Department for Culture, Media and Sport.

English Heritage has itself published specialist guidance on a number of topics relevant to the various sections of this supplementary planning document. For instance, the most recent guidance note produced was *Piling and Archaeology: An English Heritage Guidance Note, 2007*. Another of immediate likely interest is *Commissioned Archaeology Programme Guidance on PPG16 Assistance Cases* (2004) that points out the circumstances in which (most importantly in reference to the kind of unexpected discovery noted in section 12 of the guidance

document) English Heritage funding can be applied for to support certain additional costs incurred in the course of PPG 16 related development related archaeology projects. Other more specialist guidance has been produced by English Heritage staff on such aspects as archaeometallurgy, environmental archaeology, human bones and their treatment, waterlogged archaeological leather, and, more generally, archaeological science in PPG16 interventions.

The Institute of Field Archaeologists, in addition to its Yearbook, is also a publisher of guidance materials.



## **Appendix 2: Glossary of Terms Used**

### ***Advisory archaeologist***

Sometimes referred to as a 'curatorial' archaeologist, this is any suitably qualified archaeologist acting in an advisory capacity for the local planning authority. In Herefordshire it will primarily mean either the County Archaeologist or the Archaeological Advisor. The advisory archaeologist will conduct initial discussions with prospective developers, give advice to development control case officers, prepare and issue briefs, monitor archaeological contractors, and liaise with archaeological consultants and developers' agents.

### ***ALGAO***

The Association of Local Government Archaeological Officers, now constituted both as ALGAO-UK and as ALGAO (England). This is the professional association representing archaeologists employed in local government and acting as advisory archaeologists. The principal archaeologist for each local authority is *ex officio* the Member for that authority. The Association has a number of specialist committees – for instance on legislation and planning, urban archaeology, buildings, and so on.

### ***Appraisal of significance***

An appraisal made by an advisory archaeologist in preparation for the formulation of advice – usually provided to a development control case officer.

### ***Archaeological consultant***

Any suitably qualified archaeologist commissioned to act in the capacity of an adviser to a client engaged in a development project, or drawing up proposals for one such.

### ***Archaeological contractor***

Any suitably qualified archaeologist commissioned to conduct archaeological studies or works in support of a development proposal or in fulfilment of a planning condition or obligation.

### ***Archaeological deposits***

Inorganic (silt, soil, rock, built structures, objects) or organic (wood, bone, peat) that have been laid down or deliberately formed at or near the site of human activity that attest to the nature of that activity, and that embody or otherwise inform upon the nature of such activity.

### ***Archaeological field evaluation***

An exploratory exercise designed to help to gather information about the archaeology of a site or area, to help to gauge the potential impact of a proposed development project on the known or suspected archaeology there. This exercise should be undertaken as early as possible in the development planning process, where field evaluation information has been sought by the advisory archaeologist. This is because the information gathered is necessary to the framing of advice by the advisory archaeologist before a recommendation can be made by the development control case officer as to the implications for the development.

### ***Archaeological projects***

Any piece of work conducted by a suitably qualified archaeologist. In reference to archaeology and development, the project concerned could be an archaeological

assessment, and archaeological field evaluation, or a recording action project (see below).

### ***Archaeological remains***

A generic term for the product of any human activity that has left tangible physical traces that are susceptible to archaeological investigation. Ordnance Survey maps used to make reference to 'remains of' as opposed to 'site of', to distinguish between *visible* remains and those entirely buried below ground surface, respectively. However, the term 'archaeological remains' is now mostly used for both.

### ***Archaeological resource***

The *archaeological resource* is the sum total of remains, and all physical traces that can provide archaeologically significant information, present in the landscape at any one time.

### ***Archaeologically Important Urban Area***

An area within which almost any development has the potential to intercept important archaeological deposits relating to the history of that settlement in the Medieval period and in many cases thereafter also. Such locations can include present-day market towns, but also a number of other places that in the Medieval period had one or more urban attributes, but today have none.

### ***Area of Archaeological Importance***

An area defined under the terms of the 1979 Ancient Monuments and Archaeological Areas Act, and registered as such with the Department of Culture Media and Sport. Due to the advent of PPG 16 in 1990, only five AAIs were ever registered, for the historic city cores of Canterbury, Chester, Exeter, Hereford and York. Under the terms of the Heritage Protection Bill, the AAIs will formally cease to exist when the Act comes into force. Note, however, that in Herefordshire, the former Hereford AAI will simply be redefined as a further AIUA.

### ***Assessment of impact***

An assessment made by an advisory archaeologist of the affect a proposed development may have on archaeological remains known or thought likely to be present at the site in question.

### ***Brief***

A document prepared by an advisory archaeologist and sent to a prospective developer (or one in receipt of a planning permission with an attached archaeological condition), setting out the scope of and requirements for an archaeological project or other necessary action.

### ***Completion stages (projects)***

These are the stages of an archaeological project following on from the post-excavation assessment. The completion stages of an archaeological project normally involve scientific analyses or other specialist studies, archiving and deposition of archive, and public dissemination of results. The project is not considered to have been completed and the terms of the condition fulfilled until all the completion stages are completed.

**Conservation management plan**

A plan for the successful future management of the historic environment of an historic asset (building, monument, site or area) produced by a competent professional person (often with the benefit of guidance from a brief) providing a description of the asset setting out also its significance, conservation challenges, and options for action to improve its condition and management.

**Conservation statement**

An document providing an outline and scoping of management issues for an historic asset, often as a preliminary to producing a full conservation management plan.

**Designation**

The process of defining, specifying and registering an historic asset as being important.

**Design solution**

A means through which the needs of development and of archaeology can be reconciled, optimising the development potential of a site while at the same time as maximally safeguarding the archaeological remains in situ, especially where the potential clash of interests has not been foreseen (for instance due to the discovery of remains of unexpected importance).

**English Heritage**

The government's principal advisor on the historic environment, otherwise more formally termed the Historic Buildings and Monuments Commission (England).

**Foundation design**

A design which facilitates optimal preservation of archaeological remains in situ.

**Herefordshire Archaeology**

Herefordshire Council's county archaeological service, that serves an advisory role for the historic environment, maintains the county SMR/Historic Environment Record, and investigates and promotes the archaeology and historic landscape of the county.

**Heritage Protection Reform**

The process culminating in the new Heritage Protection Act, aiming to deliver a simpler more streamlined and locally accountable heritage protection system, based around unified historic assets (replacing listed buildings, scheduled monuments, registered parks and gardens, and so on, with one category 'historic asset'), and such mechanisms as Historic Asset Consent and Heritage Partnership Agreements.

**Heritage Statement**

A statement prepared to accompany a planning application in particular in order for it to be registered as valid. Where development may affect archaeological remains, the statement should be an assessment of the site's potential and impact of development upon such remains is likely to be present (see 'Planning Application Requirements' Herefordshire Council – January 2008). Section 7 of this document for the elements of what this may comprise and guidance that can be sought.

**In situ**

'In place', and undisturbed by development.

**Mitigation**

Limitation of (negative) impact (of development).

**Monument**

A recognisable group of remains in one place, but not necessarily belonging to one episode of activity.

**Post-excavation assessment**

A formal assessment of what has been recovered and recorded in an archaeological fieldwork project.

**Preservation of Archaeological Remains****In Situ (PARIS)**

The process of ensuring that specified remains are protected in a defined way from the impact of development, including the future impact after the development is in place.

**Project archive**

The sum of all materials (for instance, artefactual, sampled, digital and documentary) deriving from an archaeological project.

**Project design**

A document that sets out clearly how a project is defined and is to be fulfilled.

**Recording action project**

A project that takes place in fulfilment of an archaeological condition attached to a development. The condition will have specified that such a project takes place before development itself takes place, and the terms of the conduct of such a project will have been set out by an advisory archaeologist in a written brief.

**Reversibility**

The ability to return a building, site or monument to its pre-development condition.

**Scheduled (Ancient) Monument**

A monument listed as being of national importance according to a series of published criteria.

**Suitably qualified archaeologist**

An archaeologist who is sufficiently well trained and experienced that they are able to direct and to successfully execute an archaeological project. They should be competent to the level of expertise and responsibility reflected for instance in the relevant grade of membership of the Institute of Field Archaeologists.

**Updated project design**

A document that is prepared in revision of an initial project design, after a post-excavation assessment has been carried out. The updated project design will specify the timetable for the fulfilment of the completion stages of the project concerned.

### **Appendix 3: Standard Archaeological Conditions and their Interpretation**

There are six standard planning conditions for archaeology in current use in Herefordshire.

#### **D01 Site investigation – archaeology**

“No development shall take place until the applicant(s) or (his) (her) (their) agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service”.

Reason: To ensure the archaeological interest of the site is recorded.

#### **D02 Archaeological survey and recording**

“No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service”.

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for the recording of the building during or prior to development. The brief will inform the scope of the recording action.

#### **D03 Site observation – archaeology**

“The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of five days written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service”.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

#### **D04 Submission of foundation design**

“No work shall take place on site until a detailed design and methods statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the local planning authority. The development hereby approved shall only take place in accordance with the detailed scheme pursuant to this condition”.

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

**D05 No disturbance or removal of deposits below ground level**

“No works including the disturbance or removal of archaeological deposits at or below ground level area shall take place on [site] [that part of the site indicated] without the prior written consent of the local planning authority”.

Reason: the development affects a site on which archaeologically significant remains survive and the approved scheme does not propose any below ground works [in that part of the site indicated].

**D06 Protective fencing**

“No development shall take place until fencing has been erected, in a manner to be agreed with the local planning authority, around [insert name of monument] and no works shall take place within the area inside that fencing without the consent of the local planning authority”.

Reason: In order to protect [name of monument] during development.

## **Appendix 4: Contact information**

### **Herefordshire Council County Archaeological Service**

PO BOX 144  
Town Hall  
St Owen Street,  
HEREFORD  
HR1 2YH

Tel – 01432 260470  
Fax – 01432 383354

Dr Keith Ray MBE, County Archaeologist - [kray@herefordshire.gov.uk](mailto:kray@herefordshire.gov.uk)  
Julian Cotton, Archaeological Adviser – [jcotton2@herefordshire.gov.uk](mailto:jcotton2@herefordshire.gov.uk)  
Tim Hoverd, Archaeological Projects Officer – [thoverd@herefordshire.gov.uk](mailto:thoverd@herefordshire.gov.uk)  
Melissa Seddon, Sites and Monuments Records Officer –  
[melissas@herefordshire.gov.uk](mailto:melissas@herefordshire.gov.uk)  
Lucie Dingwall, Sites and Monuments Record Officer – [ldingwall@herefordshire.gov.uk](mailto:ldingwall@herefordshire.gov.uk)  
Sites and Monuments Record – [smr@herefordshire.gov.uk](mailto:smr@herefordshire.gov.uk)

### **English Heritage**

West Midlands Regional Office  
112 Colmore Row  
Birmingham  
B3 3AG

Tel - 0121 625 6820  
Fax - 0121 625 6821  
Email – [westmidlands@english-heritage.org.uk](mailto:westmidlands@english-heritage.org.uk)

### **Association of Local Government Archaeological Officers (ALGAO)**

Tel – 019755 64071  
Email – [admin@algao.org.uk](mailto:admin@algao.org.uk)





## HEREFORDSHIRE SHOP FRONT DESIGN GUIDE

**Report By: Conservation Manager**

### **1 Wards Affected**

County-wide

### **2 Purpose**

- 2.1 To receive and agree the draft Shop Front Design Guide for consultation with relevant parties.

### **3 Financial Implications**

- 3.1 Minor costs for printing and publicity to be met from existing budgets.

### **4 Background**

- 4.1 Prior to Herefordshire becoming a Unitary Authority two shop front guidance documents were in place: one for Hereford City and the other for South Herefordshire. These documents have been amalgamated and augmented to produce one document that provides guidance that will apply throughout the County.
- 4.2 The new document will not have the status of a Supplementary Planning Document (SPD). It is not included in the Local Development Scheme (LDS). It is design guidance that sets out particular design matters that need to be considered and some principles to be followed. It is seen as a tool to inform decisions in particular where the shop front forms part of a Listed Building. Decisions on whether Listed Building Consent should be granted are not covered by the requirement to take LDF policies into account. It will however apply to planning applications where improvements to shop fronts may be sought through negotiation. In this context it will be a material consideration with the same weight attributed to it as to Parish plans.
- 4.3 Internal consultation with officers has been carried out and their recommendations included in the design guide. External consultation with relevant parties is now required. Any material objections will be considered and reported back to the Planning Committee for final approval of the design guide.
- 4.4 The Shop Front Design Guide will be used as guidance by officers assessing planning applications and will be available to assist businesses in preparing planning applications. It will apply throughout the County from Hereford city centre to individual shop fronts in villages. It will enable a consistent approach and encourage best practice in shop front design.
- 4.5 The full text of the Shop Front Design Guide is included in the Appendix to this report and the principal features are summarised below.
- 4.6 The guidance comprises:

- An introduction outlining the requirements for Planning Permission and Listed Building Consent (where applicable) and available financial assistance from Shop Front Grant Schemes.
  - A history of shop fronts from the Medieval period to the present.
  - An outline of basic design principles including guidelines for restoring shop fronts, respecting the building, symmetry, street rhythm, visual support and scale. The importance of using appropriate materials and a sensitive choice of colour scheme is also explained.
  - Details of other design considerations including fascias, signs and hanging signs, window posters, lettering and colours, corporate identities and illuminations. Other important considerations such as blinds, security grilles and screens and accessibility are dealt with in this section.
  - Explains the importance of correct detailing in a successful shop front design. These include the fascia, pilaster, cornice and stallriser, each of which can have their own visual and practical functions.
  - Outlines the relevant legislation and Planning Policies and the principles that augment these Policies.
  - Appendix 1 that outlines the specific needs of Hereford City including its character and pressures for change as well as the Article 4 Direction covering the painting of shop fronts within parts of the city centre.
- 4.7 Although it is not intended for the time being that the design guide will be adopted as SPD it is proposed that the procedures for public consultation set out in the Council's' Statement of Community Involvement will be followed from this point with a consultation statement being prepared. All comments received through the consultation will be reported to this committee along with any recommended changes.

**RECOMMENDATION**

**THAT Cabinet Member (Environment and Strategic Housing) be recommended to agree the publication of the Herefordshire Shop Front Design Guide for consultation purposes.**

**Background papers**

- Herefordshire Unitary Development Plan (March 2007)
- Statement of Community Involvement – (March 2007)
- Design of Shop Fronts and Advertisements Supplementary Planning Guidance, South Herefordshire District Council
- Shop Fronts and Advertisement Guide; Hereford City Council (January 1994)

## **PROPOSED CHANGES TO TREE PRESERVATION ORDER PROCEDURES**

**Report By: Conservation Manager**

### **1 Wards Affected**

County-wide

### **2 Purpose**

- 2.1 To consider and respond to Department of Communities and Local Government (CLG) consultation upon proposals to change Tree Preservation Order (TPO) procedures.

### **3 Financial Implications**

- 3.1 The proposed changes may result in minor savings in some areas of work, in other areas they may marginally increase pressure on staff resources dependent on the extent to which the public request pre-application advice and the ability to bring forward changes in working practices through the application of new technology.
- 3.2 In researching the effects that the changes might have, attention has been drawn to the need to establish a programme for the review of TPOs; particularly Orders containing 'Area' designations and those made prior to March 1975 and this may have resource implications for the service. This will need to be the subject of a separate report.

### **4 Background**

- 4.1 As part of the process for reforming the planning system the Department for Communities and Local Government is looking to change the Tree Preservation Order system in order to remove some complexities and streamline procedures. They wish to introduce a single set of rules to apply to all TPOs.
- 4.2 Presently TPOs may include different provisions and be subject to different rules depending upon when they were made. TPOs are presently made using a long and complex 'Model Order'. CLG intend to replace this with a slimmer, simpler document. This will require changes to the Town and Country Planning Act 1990 and the issuing of new regulations. These are unlikely to be in place before 2009. However CLG believes that, through revision of existing regulations (1999), some improvements can be implemented in the shorter term to reduce bureaucracy, improve speed and quality of decisions, and introduce greater clarity. It is consulting now upon these short-term improvements and would expect them to be implemented during 2008.
- 4.3 The proposals include:
- Copies of TPOs should only be sent to owners and occupiers of the land where the trees are situated;

- Applications to prune or fell protected trees would have to be submitted on a standard form prescribed by the Secretary of State;
- Appeals against local planning authority decisions in relation to TPOs would be determined on the basis of the information and evidence considered by the authority, together with a visit to the site; and
- Inspectors appointed by the Planning inspectorate would take decisions on appeals.

#### NOTIFICATION OF TPO TO OWNERS

- 4.4 Regulations presently require all occupants and owners of neighbouring properties to be served with a copy of a new TPO as well as the property directly affected. This often requires multiple copies of the lengthy TPO documentation to be sent to the same address and to many properties, some of which may be a significant distance from the protected trees where, for example, the property has an extensive curtilage. The proposal is simply to serve the Order on those people whose land will be subject to the restrictions. The local planning authority would use their discretion as to whether they wished to notify neighbours and the local community where, for example, trees overhang their property. This could be done through a short flyer rather than the lengthy legal document. A significant advantage of this approach would be to reduce the volume of paperwork generated when reviewing old and 'Area' Orders (alluded to in para. 3.2)

#### STANDARD APPLICATION FORM

- 4.5 Although many local planning authorities have devised forms to seek the information needed to determine an application, there is no requirement for them to be used. Even where they are used, applications are often vague and additional information needs to be requested. The information and evidence submitted in support of proposed tree works is particularly critical where the reason for making the application suggests the tree is unhealthy or unsafe, or trees are implicated in subsidence related property damage. The introduction of a national standard application form is proposed for tree applications, along with the full range of forms for planning permission and other consents.
- 4.6 Where works are proposed for health and safety reasons or a tree is implicated in subsidence damage, it is proposed that the application must be accompanied by reports from relevant experts. It should be noted that the proposals do not include the removal of the current exemption from protection of trees considered to be dead, dying or dangerous. This exemption only relates to circumstances where the hazard is present and immediate. If work is carried out on a protected tree under this exemption the burden of proof to show, on the balance of probabilities, that the tree was dead, dying or dangerous would remain with the defendant. The proposed standard application form and accompanying guidance notes do not clearly explain this exemption or differentiate between 'health and safety' and 'immediate hazard'.
- 4.7 Owners wishing to carry out works to non -TPO trees within conservation areas can also use the application form, although this will remain optional.

## APPEALS

- 4.8 Currently the Secretary of State, through the Regional Office, determines appeals, including those against notices enforcing replanting. It is proposed that the Planning Inspectorate now deal with them and that the process be speeded up, through appeals being determined upon the basis of information submitted at the time of the application, any comments received and reports prepared by local planning authority officers dealing with the matter. Rigid timescales will also be set.

## IMPLICATIONS

- 4.9 The proposed changes should improve the efficiency of the system. The present requirement to serve Orders on all affected parties is excessive especially as it is rare to receive comments from neighbours. The 'flier' approach using less bureaucratic language should prove more informative to residents of neighbouring properties. The proposal to use a standard application form with requirements to support tree works proposed on health and safety grounds and in subsidence cases is particularly welcome, subject to greater clarification of exemptions in cases of immediate hazard. Changes to the appeal system have been long overdue and, although may increase time spent by officers in recording the findings of their site visits, this should be assisted through new document management procedures under investigation. A review of the Council's internal systems for handling tree matters is underway and should take CLG's proposed changes into account.
- 4.10 When legislation time permits CLG also propose to replace the present lengthy and complex model form of TPO by a slimmer version and to introduce a single set of rules applying to all TPOs. This principally relates to changes made to the model order in 1975 and again in 1999. The legal indefensibility of 'Area' Orders has also been highlighted in recent cases and since the production of government guidance in 2000 the 'Area' designation has generally been considered a 'stop-gap' only, that should be reviewed and amended at confirmation or through modification. The Council has 97 such orders (c20% of orders) containing 200 'Areas', the majority having been made by the predecessor authorities. It is now becoming critical that a programme for their review is considered. This issue will need to be addressed as part of the systems review.

## RECOMMENDATION

**THAT the Committee support the proposed changes to the Tree Preservation Order procedures recommended by the Department for Communities and Local Government, subject to further clarification and guidance relating to submission of supporting evidence in connection with 'health and safety' related applications.**

### Background papers

**Tree Preservation Orders: Improving Procedures – Consultation Paper (Communities and Local Government)**



## **CONSERVATION AREA APPRAISALS FOR KINGTON AND PEMBRIDGE**

**Report By: Conservation Manager**

### **1 Wards Affected**

Kington Town and Pembridge and Lyonshall with Titley.

### **2 Purpose**

To recommend draft conservation area appraisals for Kington and Pembridge to the Cabinet Member (Environment and Strategic Housing) for initial consultation with relevant parties. .

### **3 Financial Implications**

3.1 Minor costs for printing and publicity to be met from existing budgets.

### **4 Background**

4.1 Planning Committee, 21st April 2006, recommended a programme for the preparation of character appraisals and management proposals for 16 conservation areas. Four appraisals remain to be completed and two of these are presented in this report.

4.2 These latest appraisals cover Kington and Pembridge Conservation Areas. The major part of these documents comprises a factual assessment of the special architectural and historic character and appearance of each conservation area, together with their setting. The form and content of the appraisals follows guidance recommended by English Heritage and endorsed by the Government.

4.3 Only areas that have special architectural or historic interest the character or appearance of which the Council wishes to preserve or enhance should be designated as conservation areas. Criteria forming the basis for determining such are set out in UDP policy HBA5. The two appraisals presented in this report have reviewed the areas within and surrounding the current boundaries to consider whether parts might be either excluded or included through boundary changes.

4.4 The implications of designation are that the Council is required to pay special attention to the desirability of preserving or enhancing the character of the conservation area when determining planning applications. Applications have to be advertised and the Council must take account of material comments received. Conservation area consent for the demolition of buildings is required and additional planning controls apply which would normally be permitted in other areas. These primarily relate to the size of freestanding buildings that require planning permission, the size of extensions the type of external cladding, insertion of dormer windows and satellite dishes. Proposed

work on all trees require prior notice to the Council to enable them to consider the desirability of serving a tree preservation order.

4.5 Cabinet Member (Environment and Strategic Housing) will be asked to confirm the appraisal documents including issues. It is intended that consultation upon the draft appraisals and issues will be undertaken although formal comments will be sought at a later stage when management proposals have been developed. The final document for adoption will be prepared for Council approval having regard to all material comments being taken into account.

4.6 The issues identified for these two conservation areas at this stage fall into three categories:

- Features such as non-listed buildings that significantly contribute to the area because of their local architectural or historic interest.
- Features which detract from the special interest of the area such as
  - i. Historic buildings in poor condition building.
  - ii. Inappropriate alterations to historic buildings such as modern windows.
  - iii. Modern buildings that do not relate to the character of the area.
  - iv. Open gaps where street enclosure is desirable.
  - v. Untidy land.
  - vi. Street clutter and signage.
- Changes to the conservation area boundaries
  - i. To include areas that are considered to contribute to the special historic or architectural character of the area
  - ii. Exclusion of significant areas relating to buildings, features and landscape that are considered to detract from the special character and appearance of the conservation area.
  - iii. Rationalisation of boundaries so that they relate to defined edges of property curtilages, fields boundaries roads and lanes or other notable features.

4.7. The full detailed text for each conservation area is included in Appendices to this report and the principal features are summarised below. A selection of diagrammatic plans will be displayed at the committee meeting.

### **Kington Conservation Area**

4.8 Kington Conservation Area was designated in 1969. Its special architectural and historic significance is based upon its historic development and the town dates back to the 12<sup>th</sup> century although the planned borough around the beginning of the 13<sup>th</sup> century in the area where the current town is. The medieval period is largely responsible for its oldest buildings but during the 18<sup>th</sup> century many earlier timber-framed structures were refronted, encased or replaced by Classically-inspired Georgian buildings. Today the essential character of the conservation area is that of a small, historic market town. Unique features of Kington conservation area are the town centre boundary



walls that delineate lanes, which are an important element of the medieval town plan.

4.9 Eight character areas have been defined within and adjoining the conservation area. These include the Town Centre, River Meadows and Church Hill and Crooked Well.

4.10 Kington has an extensive list of positive areas and features that contribute to its historic and architectural character. These include:

- Its many listed buildings to which a further 16 unlisted buildings of local interest might be added, e.g. The Old Armoury, Headbrook. A further 7 buildings currently outside the Conservation Area also contribute to its setting, e.g. Turnpike cottage, Headbrook.
- Areas of open space ranging from St Mary's churchyard to the Place de Marine.
- Landscape features, in particular tree cover, some of which are covered by Tree Preservation Orders.
- A number of important views and vistas.
- Particular public realm features of which the sandstone rubble walls are especially notable.

4.11 The Conservation area also contains areas that detract from its character and these are identified. In addition it possesses a number of important buildings and features that are at risk or vulnerable because of their condition.

4.12 Some boundary changes are suggested:

Proposed Inclusions

- Broken Bank including Mill House.
- Area on the north-east side of Montfort Road containing Mountford House, and 7, 8 and 9 The Wych, Church Road,
- Crooked Well area.
- Victoria Road (north side).
- Area on the south side of the conservation area containing Townsend Cottage, Headbrook, nos. 3, 4, 5 and 6 Kingswood Road.

Possible Exclusions

Neutral or intrusive areas that do not contribute to, or, detract from, the character of the conservation area;

- Oak Plock and School Close: residential developments.
- Crabtree Road: sheltered housing development, supermarket and car park.
- Areas of open landscape in River Meadows, including the Recreation Ground, the football ground and the touring caravan park (NB recreational open spaces protected from development, Herefordshire UDP, Policy RST4).

### Pembridge Conservation Area

- 4.13 Pembridge Conservation Area was designated in 1974. Its special architectural and historic significance stems from its origins as a small post-medieval market town. Although the economic role of the market had declined by the end of the 17<sup>th</sup> Century, the contemporary village retains many of its earlier medieval features. In the northwestern part of the conservation area, the 19<sup>th</sup> Century landscape park at Byletts adds a further dimension. A small area on the River Arrow floodplain is also included. The general character of Pembridge Conservation Area is that of a small post-medieval market town. Timber structures of post-medieval date, including the Market Hall, and brick buildings of Georgian and Victorian architectural styles contribute to the character of the conservation area. During the late 20<sup>th</sup>/early 21<sup>st</sup> Century, new residential developments have been undertaken on cul-de-sacs on the fringes of the settlement and on infill and backland sites within the settlement. However the plan-form of the medieval borough, including the market place and the burgage plots, earthworks on the site of the castle, and a large number of timber-framed hall houses, dating from at least the 15<sup>th</sup> Century, have been preserved.
- 4.14 The four particular parts of the village that make a significant contribution to the conservation area are highlighted in the appraisal. In addition 19 unlisted buildings of local interest have been highlighted as making a positive contribution to its character in addition to existing Listed Buildings. Some 7 specific features, including items of street furniture, are highlighted as important. Of particular note are the raised footpaths together with the traditional materials, such as cobbles and granite kerbstones, used in a number of locations.
- 4.15 Detractors in the form of late 20<sup>th</sup>/early 21<sup>st</sup> century new residential developments have been undertaken on cul-de-sacs on the fringes of the settlement and on infill and backland sites within the settlement.
- 4.16 Boundary changes that are suggested are:

#### Proposed Inclusions

- In the north-western part of the conservation area: a small part of Byletts 19<sup>th</sup> Century landscape park.

#### Proposed Exclusions

Neutral or intrusive areas that detract from the character of the conservation area and changes to align the conservation area with recognisable features such as field boundaries, roads, lanes or public footpaths have been identified. Four areas that might be excluded from the present Conservation Area are suggested and include:

- An area of landscape west of Manly Lane to the south-west (agricultural use).
- 20<sup>th</sup> century residential development at Bearwood Lane, Court Meadow, Manley Crescent, and an area of landscape south of the settlement boundary (agricultural use).
- Areas of 20<sup>th</sup> century residential development at East Street and Parson's Walk, and areas of landscape south-east and east of the settlement boundary (agricultural use).

- The residential site at Troutbeck north of the public footpath.

4.17 The following issues were noted as having a harmful impact on the historic character and appearance of the conservation area

- Traffic: The A44 major road passes through the centre of the village and hence large and heavy goods traffic that must travel along this route is major issue for the preservation and enhancement of the Conservation Area's character and its historic fabric.
- Signage: At several locations, clusters of traffic signs detract from the character of the conservation area
- Development pressures: Development within the settlement, particularly on infill and backland sites, could erode the historic plan-form of the medieval settlement leading to a significant loss of character.

## **RECOMMENDATION**

**THAT The Cabinet Member (Environment and Strategic Housing) be requested to approve these appraisals and the issues raised in association with them for consultation with interested parties.**

## **BACKGROUND PAPERS**

- Report to Planning Committee dated 21<sup>st</sup> April 2006 entitled 'Programme for the Review of Conservation Areas'
- Guidance on Conservation Area Appraisals – English heritage et al.



# **PEMBRIDGE CONSERVATION AREA**

## **APPRAISAL**

**DRAFT**

2007

## TABLE OF CONTENTS

1. Introduction
  2. Planning Policy Context
  3. Summary of Special Interest
  4. Location and Setting
  5. Historic Development and Archaeology
  6. Spatial Analysis
    - Character and Interrelationship of Spaces
    - Key Views and Vistas
  7. Character Analysis
    - Buildings of Local Interest
    - Features in the Public Realm
    - Prevalent Building Materials and Local Details
    - Positive Areas and Features
    - Neutral and Intrusive Elements
  8. Pressures, Capacity and General Conditions
  9. Issues
    - Proposed Boundary Changes
    - Other Issues
- Appendix I: List of Heritage Assets
- Appendix II: Buildings of Local Interest
- Appendix III: Sources

## LIST OF ILLUSTRATIONS (To be shown by slide at Planning Committee)

- Plan 1: Pembridge Conservation Area
- Plan 2: Buildings of Local Interest and Other Features
- Plan 3: Proposed Boundary Changes

## **PEMBRIDGE CONSERVATION AREA APPRAISAL**

***No appraisal can ever be completely comprehensive. Omission of any particular building, feature or site should not be taken to imply that it is of no interest.***

### **1. Introduction**

- 1.1 A conservation area is defined as an area of special architectural or historic interest, the character and appearance of which should be conserved or enhanced. The designation of a conservation area is no longer considered appropriate as an end in itself. For the designation to be meaningful, the process requires the preparation of an appraisal to define what is special, thereby warranting the status of the conservation area. This should also form the basis for making decisions about the management, and the future, of the conservation area, ensuring that its character and appearance is taken into account when making such decisions.
- 1.2 Leominster District Council designated Pembridge Conservation Area in 1974. An appraisal has recently been carried out to review the special qualities of the conservation area. The scope of the appraisal has included a review of whether additional areas should be added to, or areas removed from, the designation. At this stage, any proposals for boundary change are put forward as the basis for further discussion and consultation. Any decision on changes to the boundary of Pembridge Conservation Area will be taken at a later stage in association with consideration of management proposals.

### **2. Planning Policy Context**

- 2.1 There is a considerable amount of policy published by a number of sources (including English Heritage) concerning the designation, appraisal and review of conservation areas. A bibliography of pertinent publications is given at the end of this document.
- 2.2 Herefordshire Unitary Development Plan (UDP), adopted 23<sup>rd</sup> March 2007, sets out Herefordshire Council's planning policies. These policies will influence how development proceeds throughout the County.
- 2.3 The UDP contains policies setting out criteria for designating and reviewing conservation areas (Policy HBA5), and for determining how planning applications for development within conservation areas will be considered (Policy HBA6). The reason for setting criteria against which the designation of a conservation area will be judged is to ensure consistency of approach and to avoid the inclusion of areas that are not in keeping with the special character of the conservation area.
- 2.4 Pembridge is identified in the UDP as a 'Main Village' where residential development may be permitted on allocated and windfall sites within the defined settlement boundary (Policy H4), and, exceptionally, where affordable housing may be permitted on land within or adjoining the settlement which would not normally be released for development (Policy H10). The entire settlement of Pembridge is included within the conservation area. A number of open spaces within, or adjoining the settlement boundary are protected from development, including:

- Millennium Meadow, Pembridge Primary School playing field, a field adjacent to (north of) Pembridge Village Hall (Policy RST4: Safeguarding Existing Recreational Open Space).
  - The parish churchyard and burial ground, the moated site at Court House Farm, the backs of former burgage plots on the north and south sides of East Street and West Street (Policy HBA9: Protection of Open Spaces and Green Spaces). The moated site is further protected from adverse development as a Scheduled Monument (Policy ARCH3: Scheduled Ancient Monuments).
- 2.5 Areas of open landscape surrounding the settlement are also included within the conservation area. These areas are at their most extensive on the west side, and include a large field on the north side of the A44 that is protected from development as a Local Nature Reserve (Policy NC4: Sites of Local Importance). Several low-lying areas in the northern (River Arrow flood plain) and north-western (Curl Brook flood plain) parts of the conservation area are identified as at risk of flooding where proposals for development need to be accompanied by a flood risk assessment (Policy DR7: Flood Risk).

### **3. Summary of Special Interest**

- 3.1 Pembridge Conservation Area is located in north-west Herefordshire in a region of agricultural importance set in the undulating landscape of Herefordshire's Central Lowland. The conservation area includes the village of Pembridge, part of Byletts 19<sup>th</sup> Century landscape park, and a small area on the River Arrow floodplain. The A44 trunk road, a major access route to and from central Wales, is aligned east-west through the conservation area.
- 3.2 The Domesday Book records a resident population of approximately twenty-eight households at Pembridge (*Penebruge*) in AD 1086. The castle at Pembridge, surviving as an earthwork monument, was constructed in the late 11<sup>th</sup> or early 12<sup>th</sup> Century, and the parish church dates from the 12<sup>th</sup> Century (rebuilt during the early 14<sup>th</sup> Century). The timber framework of the detached belfry, one of seven in Herefordshire, was erected in the early 13<sup>th</sup> Century.
- 3.3 Pembridge flourished as market centre during the medieval period, following the grant of a royal charter in AD 1239 and the establishment of a planned borough with a market place and burgage plots. Recent analysis of timber-framed buildings in the conservation area suggests a significant phase of house construction during the middle years of the 15th Century, a period of economic recovery following the political unrest of the early years of the century associated with the rebellion of Owain Glyndower.
- 3.4 By the late 17<sup>th</sup> Century, Pembridge had declined as a market centre, probably as a result of competition from nearby market towns. A number of the timber-framed buildings were replaced, encased, or refronted in brick during the 18<sup>th</sup> and 19<sup>th</sup> Centuries.
- 3.5 During the late 20<sup>th</sup>/early 21<sup>st</sup> Century, new residential developments have been undertaken on cul-de-sacs on the fringes of the settlement and on infill and backland sites within the settlement. Even so, the plan-form of the medieval borough, including the market place and the burgage plots, earthworks on the site of the castle, and a large number of timber-framed hall houses, dating from at least the 15<sup>th</sup> Century, have been preserved. These



features and structures make a significant contribution to the character of the conservation area. Today, Pembridge is a popular village in which to reside, and major tourist destination on the Black and White Village Trail in north-west Herefordshire.

- 3.6 Heritage assets within the conservation area include one Scheduled Monument, two Grade I Listed Buildings, three Grade II\* Listed Buildings and forty-two Grade II Listed Buildings. The Herefordshire Sites and Monuments Record includes forty-seven entries within the conservation area. In addition, nineteen Buildings of Local Interest have been identified during this appraisal.

#### **4. Location and Setting**

- 4.1 Pembridge Conservation Area is located in north-west Herefordshire fifteen miles (24km) north-north-west of Hereford City on the A44. The conservation area occupies a north-facing slope rising to over 110m above Ordnance Datum (OD) in the southern part, and falling to c. 90m OD in the Arrow Valley in the northern part. In the north-western part of the conservation area, a knoll lying between the Arrow Valley and the valley of the Curl Brook rises to over 100m OD.
- 4.2 The conservation area is set in a locality of agricultural importance, including both arable and livestock. The wider topography of the area is characterised by the undulating landscape of Herefordshire's Central Lowland. The River Arrow flows eastwards through the northern part of the conservation area; the Curl Brook, a tributary of the Arrow, flows through the north-western part.
- 4.3 The underlying bedrock of the conservation area is siltstone and sandstone of the Raglan Mudstone Formation (Old Red Sandstone), generally overlain by glacial till. This gives rise to well-drained fine silty and fine loamy soils (typical argillic brown earths) that support cereals, short-term grassland, and some potatoes and fruit. In the Arrow Valley, the bedrock is overlain by more recent alluvial deposits giving rise to fine silty and clayey soils (typical alluvial gley soils) that support dairying and stock rearing on permanent grassland.

#### **5. Historical Development and Archaeology**

- 5.1 The place name, Pembridge, is thought to be derived from *Pena's* (an Old English personal name) bridge. In the 11<sup>th</sup> Century, the place name was recorded as *Penebruge*; by AD 1317, the name appeared as *Pembrug*.
- 5.2 The Domesday Book records that, at the time of the Norman Conquest, the manor of Pembridge (*Penebruge*) was held by Earl Harold, although the Canons of St Guthlac disputed his tenure claiming wrongful seizure of the property. In 1086, Alfred of Marlborough held the lordship of the manor. The population included twenty villagers, seven smallholders and one riding man (of higher status), and their families. There were also three slaves. In addition to arable land (eleven hides less one virgate, perhaps about 1,290 acres), the manor encompassed sufficient woodland to support 160 pigs (through pannage). The manor included a mill. Since 1066, the taxable value of the manor had fallen from £16 to £10.10s, probably because some of the arable land lay in waste.
- 5.3 By the end of the end of the 12<sup>th</sup> Century, the manor was held by the de Penebruge family, and was then part of the Honour of Radnor in the lordship

of William de Braos. A charter of 1222 contains the earliest documentary record of a castle at Pembridge (*Castrum de Peneburg*). Between AD 1230 and 1246, the Honour of Radnor reverted to the king, Henry III. In 1239, Henry de Penebruge obtained a royal charter for a market and fair at Pembridge, both of which were important economic activities in the medieval borough. At about this time, Henry declared Pembridge a free borough. In 1265, however, Henry forfeited his lordship of the manor as a result of his support of Simon de Monfort against the king. The manor and borough of Pembridge then came into the possession of Roger Mortimer of Wigmore. By 1300, the castle had been replaced by a fortified manor house.

- 5.4 Pembridge flourished as a market centre during the medieval period, although it is likely that it suffered damage, as did many other boroughs in Wales and the Marches, during the rebellion of Owain Glyndwr between AD 1402 and 1408. In 1425, Pembridge, in common with other Mortimer possessions, passed through the female Mortimer line to Richard, Duke of York. Following the duke's death in 1460 and the battle of Mortimer's Cross one year later, all the former Mortimer estates, including Pembridge, passed to the crown when Richard's son became king, as Edward IV.
- 5.5 By the late 17<sup>th</sup> Century, Pembridge had declined as a market centre, probably as a result of competition from Kington. The annual fairs, held in May and November, continued into the 19<sup>th</sup> Century and the May Fair was particularly important for the hiring of farm workers.

#### *The Medieval Town*

- 5.6 The earliest settlement at Pembridge may predate the Norman Conquest of 1066. The Moated Site (Scheduled Monument), an earth mound and ditch, probably dates from the late 11<sup>th</sup> or early 12<sup>th</sup> Century. The parish church (Listed Building, Grade I) dates from the 12<sup>th</sup> Century (the remains of two 12<sup>th</sup> Century arches are embedded in the walls of the Chancel). The detached Belfry (Grade I), one of seven in Herefordshire, dates from the early 13<sup>th</sup> Century. Originally of timber-framed construction, the sandstone rubble wall of the lower stage and weatherboard cladding above were added later. These structures occupy the highest point in the present village. This was likely to have been a strategic location overlooking a main route into and out of central Wales, a crossing point on the River Arrow, and Row Ditch (Scheduled Monument), an early medieval boundary feature aligned north-south across the Arrow Valley.
- 5.7 The founding of the medieval borough of Pembridge probably dates to the 13<sup>th</sup> Century. It is likely that rectilinear burgage plots, aligned north-south, were laid out at the time of the grant of a market charter to Henry de Penebruge, initially on the north side of High Street and the narrow section of West Street, and continuing as linear development along both sides of East Street and West Street. The market place was the focus of trade and economic exchange in the borough. The present Market Hall, an open, timber-framed structure with eight posts, dates from the early 16<sup>th</sup> Century, but at the north-east corner is the base of a stone cross that may have previously marked the site of the medieval market. The market may have also extended along the widest section of West Street. The parish church was rebuilt during the early 14<sup>th</sup> Century in sandstone rubble with ashlar dressings, and is probably a reflection of the prosperity of the market town.

- 5.8 More than a dozen timber-framed buildings dating to earlier than AD 1500 have been identified, based on stylistic and structural evidence. This may indicate a significant phase of house construction in the middle years of the 15<sup>th</sup> Century, a period of economic recovery following the political unrest of the early years of the century. Most of these buildings are cruck-framed open hall houses with one or more cross-wings (not all elements survive). Eight timber-framed houses have been dated to the 15<sup>th</sup> Century by tree-ring analysis. These include, in East Street, Fig Tree House (Grade II), dated 1424, and The Old Wheelwrights (unlisted), 1445-1482; in West Street, West End Farm (Grade II), 1425, and Brick House (Grade II), 1446-1454; and, close to the centre of the village, Swan House (Grade II\*), 1451, and King's House (formerly The Greyhound public house, Grade II), 1460-1483.
- 5.9 The encroachment of the churchyard on the east side of the market place by small tenement plots is likely to have begun by the end of the 15<sup>th</sup> Century. At least one timber-framed building at this location, Church House (Grade II), formerly The Old School, may date to this period.
- 5.10 A timber-framed hall house of medieval date is located on the west side of Bridge Street near the crossing over the River Arrow. The building now consists of three residences known as nos. 1, 2 and 3 Bridge Cottages (Grade II). The Pembridge place name implies a bridge over the Arrow in the 11<sup>th</sup> Century; the earliest documentary evidence of a bridge at this location, however, dates to the mid-16<sup>th</sup> Century.

#### *The Post-medieval Town*

- 5.11 More than thirty timber-framed buildings date from the 16<sup>th</sup> and 17<sup>th</sup> Centuries. These include, in East Street, the Old Post Office (Grade II, dated 1538 by tree-ring analysis), Trafford's Almshouses (Grade II, dated 1686 by documentary evidence), and Townsend Farm (Grade II, 17<sup>th</sup> Century); and in West Street, West End Cottage (Grade II, 17<sup>th</sup> Century) and The Malt House (formerly West Croft, Grade II, 17<sup>th</sup> Century).
- 5.12 Several timber-framed buildings, probably dating to this period, encroach on the north side of the churchyard precinct. Ye Olde Steppes (Grade II, 16<sup>th</sup> Century), in East Street, is probably the surviving cross-wing of a hall house that previously extended to the east. Now a shop, during the 18<sup>th</sup> Century this building was the rectory. The Red Lion public house (unlisted), in High Street, has timber framing on interior walls and ceilings not visible from the brick-encased exterior.
- 5.13 At Market Place, the Market Hall (Grade II\*) is dated 1502-1538 by tree-ring analysis. Originally, the building had an upper storey that has since been removed. Other buildings of 16<sup>th</sup> and 17<sup>th</sup> Century date may have replaced earlier structures at this location. These include the Old Stores (formerly Pembridge Post Office and Stores, Grade II\*, dated 1562-1593 by tree-ring analysis), a hall house and possible guildhall, The New Inn (Grade II, 17<sup>th</sup> Century), an H-plan building, and Rose Cottage (unlisted), the surviving cross-wing of a hall house.
- 5.14 Court House Farmhouse (Grade II) was constructed in the 17<sup>th</sup> Century on the west side of the moated site; some time earlier the fortified manor house was demolished and the western part of the ditch was filled in. An adjacent timber-framed barn (Grade II) is of similar, or earlier, date.

- 5.15 New developments took place in Bridge Street at this time. These include timber-framed buildings at the south end of the street: no. 2 Bridge Street (Grade II), Duppa's Almshouses (Grade II), and two cottages (both unlisted); and at or near the north end: nos. 1, 2 and 3 Glen Arrow (or Glanarrow) Cottages (Grade II), formerly Rectory Cottage, originally constructed as a house and later sub-divided; West Bank cottage; and a cross-wing addition at nos. 1, 2 and 3 Bridge Street. Bridge House (Grade II), on the north side of the River Arrow, was constructed in the 17<sup>th</sup> Century. The bridge over the River Arrow (Grade II), constructed of sandstone rubble with three arches and causeways on the approaches, is of early 19<sup>th</sup> Century date.
- 5.16 A survey of the borough boundary undertaken in AD 1694 indicates that the late 17<sup>th</sup> Century settlement was generally more extensive than the present settlement. Burgages extended to the south-east (south of surviving burgage plots on the south side of East Street); as far as the Curl Brook on the north-west side of the settlement; along much of the west side of Bridge Street and north of the River Arrow to Clear Brook. Glebe (church) land was not within the borough boundary, including the churchyard and the site of The Old Rectory on the east side of Bridge Street. Remnants of the 17<sup>th</sup> Century boundary survive as ditches (on the east side of the 20<sup>th</sup> Century churchyard extension, and on the west side of Curl View and Curl View Crescent) and lynchets (at the tails of former burgage plots on the north side of West Street, extending into open pasture in the western part of the conservation area).
- 5.17 Development during the 18<sup>th</sup> and 19<sup>th</sup> Centuries took place mainly within the post-medieval borough boundaries or on glebe land on the east side of Bridge Street. At the west end of the village, West End House and Upper House (both unlisted) are brick-built houses of Georgian architectural design, with symmetrically proportioned front elevation and Classical doorcase, dating to the 18<sup>th</sup> or early 19<sup>th</sup> Century. Both are associated with earlier timber-framed structures. A number of residential and commercial buildings, probably of the same date range and of similar architectural style, are located in the centre of the village. These include Broadstone (with an inserted 19<sup>th</sup> Century shop window) and Walcote House (possible of early Victorian date) in the narrow section of West Street, and commercial premises at the junction of East Street and Bridge Street. All of these buildings occupy former burgage plots and may conceal earlier timber-framed structures. Church House in Market Place is also dated to the same period based on external stylistic evidence. The building is located on an infill site on the edge of the churchyard and may have earlier origins.
- 5.18 A number of brick buildings of 19<sup>th</sup> Century date are located in the conservation area (most are unlisted). They include several large and small houses, a school and two chapels. The Methodist Chapel, the former Congregational Chapel and several residences in the centre of the village are located on former burgage plots. Pembridge Primary School overlooks the former West Street market area from a raised garden. The building is of Victorian Gothic style with decorative polychrome brickwork and cusped tracery.
- 5.19 The Old Rectory, at the north end of Bridge Street, is a large house in the Victorian Tudor style, with stone dressings, set in an ornamental garden. The house is on the site of an earlier rectory of Georgian architectural style on former glebe land.

- 5.20 In the north-western part of the conservation area, outside the Pembridge settlement boundary, is Byletts (Grade II). The original timber-framed 17<sup>th</sup> Century house was the home of the Lochard family, prominent Royalist supporters during the English Civil War. Access to the house was probably along Curl Lane, a holloway (now on private land) extending north-west from West Street. In the late 19<sup>th</sup> Century, the house was rebuilt (encased) in brick in the Victorian Gothic style. The house and outbuildings are set in a landscape park of early 19<sup>th</sup> Century date; the present access road to the house is probably of the same date. During the early 20<sup>th</sup> Century, Byletts was used as a school.

#### *Field Boundaries*

- 5.21 Contemporary field boundaries throughout much of the conservation area are characterised as the small compass enclosure of the landscape associated with the reconfiguration of former common arable land (Herefordshire Historic Landscape Characterisation). Vestiges of the medieval field system are recorded on the Pembridge Tithe Map. A former large open field, Manly Field, was located in the south-western part of the conservation area. Access was by means of Manly Lane, now a public footpath extending south from West Street. Lower Field, a former large open field to the east of the conservation area, was accessed by a trackway extending north-east from East Street. A short section of the trackway is now a public footpath.
- 5.22 Medieval open fields were divided into long narrow arable strips, or furlongs. A large number of such strips are recorded on the Pembridge Tithe Map at Manly Field and Lower Field. At the time of the Tithe Apportionment (c.1842), some strips in both fields were in individual private ownership; the majority were owned by the church.
- 5.23 In the north-western part of the conservation area (in the area of Byletts estate) and beyond, contemporary field boundaries are characterised as the adaptation of an earlier enclosure system where more than one episode of enclosure has resulted in a co-axial system with former common arable fields (Herefordshire Historic Landscape Characterisation). At Byletts (within the conservation area), land use since at least the 19<sup>th</sup> Century has included pasture, meadowland and some orchards. Most of this area was within the 19<sup>th</sup> Century landscape park. Field lynchets in the landscape park are evidence of the earlier enclosure of arable land; a lynchet (aligned north-east/south-west) in the southern part also indicates the 17<sup>th</sup> Century borough boundary.

#### *Recent Residential Development*

- 5.24 A significant amount of residential development has taken place during the second half of the 20<sup>th</sup> Century, including infill and newly constructed cul-de-sacs. Bungalows were built on large plots in Parsons Walk, and high-density semi-detached houses were constructed on Curl View and Curl View Crescent, both sites are on the east side of Bridge Street. Bungalows were also built on the west side of Bearwood Lane and in Manley Crescent, a cul-de-sac.
- 5.25 Further development has taken place since the designation of the conservation area in 1974. This includes cul-de-sac development at Court

Meadow (off Bearwood Lane), Sandiford Ploc (off Bridge Street), Church Crescent (off East Street) and on the site of a former orchard at the east end of the village. Infill development has taken place at a number of locations, including some recent backland development on the backs of former burgage plots.

## 6. **Spatial Analysis**

### Character and Interrelationship of Spaces

- 6.1 The basic plan-form of Pembridge changed little between the establishment of the medieval borough and the end of the 19<sup>th</sup> Century. Landmark buildings, including the parish church and the detached bell tower, and the many timber-framed buildings of medieval and early post-medieval date all contribute to the essential character of Pembridge Conservation Area.
- 6.2 Many of the original burgage plots on East Street and West Street have survived with very little development at the rear of the plots. Several other larger open spaces, most of which are within the settlement boundary, are important foci of recreational activity and tourist interest.
- 6.3 At the centre of the village are two areas of contrasting character, sights and sounds. The churchyard and adjacent moated site is a quiet green space with monumental medieval structures and mature trees, and with unimpeded views across the Arrow Valley to distant wooded hills. The East Street/Bridge Street/High Street/Market Place junction is the commercial centre of the village, enclosed by five hundred years of changing architectural styles and traversed by both local traffic and long-distance transportation. These contrasting areas serve as a reminder, perhaps, that the medieval borough was no rural backwater, but a place of intense economic activity and cross-border communication, frequented by hero and rebel, and patronised by bishop and king.
- 6.4 The following open spaces within the conservation area contribute significantly to its character:
  - St Mary's churchyard: to the west and north of the parish church, an extensive area of well-maintained lawns (grave markers have been removed) with half-a-dozen individual trees subject to a preservation order, bordered by hedges; to the east of the church, the present burial ground (a former orchard) where more than a dozen individual trees and a group of trees are subject to a tree preservation order, bordered by hedges.
  - The Moated Site (Scheduled Monument, private property with no public access): a ditch and truncated mound with tree and bush cover, with sandstone rubble boundary walls, iron railings, fences and hedges.
  - The backs of gardens (former burgage plots) on both sides of East Street and West Street: groups of small adjacent plots.
  - Three small fields between Manly Lane and Suckley Lane: paddocks and old orchards bordered by hedges.
  - Millenium Meadow: a public recreation area in the north east part of the conservation area (adjacent to the settlement boundary) bordered by hedges.

- The Village Green: a public recreation area on the north bank of the River Arrow, bordered by fences and the river.
- Pembridge Primary School playing field: a private (Herefordshire Council) recreation area between Suckley Lane and Market Place, bordered by hedges.
- The Village Hall field: a public recreation area adjacent to the village hall, bordered by hedges and fencing.
- Byletts Landscape Park: in the north-west part of the conservation area, a 19<sup>th</sup> Century landscape park with solitary oaks and ornamental trees, and a stone causeway, bordered by hedges and fences (private property, limited access by public footpath).

6.5 Mature trees (native hardwood, coniferous and ornamental) are an important feature of the conservation area. They are prominent in the following areas:

- A solitary oak tree near Trafford's Almshouses, East Street.
- The parish churchyard and the moated site.
- Byletts Landscape Park.
- The grounds of The Old Rectory on the east side of Bridge Street.
- On the west side of Bridge Street at its northern end.
- Along the banks of the River Arrow and the Curl Brook.
- In hedgerows lining the eastern and western approaches (A44) to the conservation area.
- In hedgerows lining Suckley Lane and Manly Lane.
- In hedgerows marking field boundaries outside the settlement boundary.

6.6 Tree Preservation Order 276 applies to individual trees and a group of trees in the parish churchyard.

#### Key Views and Vistas

6.7 There are a number of key views within the conservation area:

- At the western entrance to the conservation area on the A44: the road rises and turns towards the village enclosed by narrow grass verges and mature hedges with oak and horse chestnut trees; the gable end of a timber-framed building signifies the entrance to the village (two high visibility speed limit signs, a traffic island with bollards and 'Keep Left' signs, and extensive road markings detract from the view).
- At the eastern entrance to the conservation area on the A44: the road falls and turns towards the village, a high hedge overhangs the road on the right, on the left is a wide grass verge, a low hedge and several overhanging trees; the entrance to the village is announced by a cluster of high visibility traffic signs, bollards and road markings indicating a road width restriction, tourist information signs and advertising boards.
- At the northern entrance to the conservation area, the stone bridge over the River Arrow is a gateway to the village: ahead to the left, the tall chimneys and gables of the redbrick Victorian rectory can be seen above a thick canopy of native and ornamental trees in the rectory gardens bounded by a redbrick wall; to the right, the gable ends of black and white box- and cruck-framed houses are almost overwhelmed by a luxuriant growth of trees and shrubs rising up from the river bank.
- On the west side of the churchyard: an intimate view along a cobbled footpath between redbrick and timber-framed buildings, down a short

steep flight of steps—a gateway to Market Place with a glimpse of the open-sided Market Hall.

- From Bearwood Lane looking north along Suckley Lane: an intimate view along a narrow, deeply cut road, almost completely enclosed by hedges and overhanging trees.
- A sequential view east along West Street:
  - ⇒ At the west end of the village, the carriageway is bordered on both sides by footways and grassy verges behind which are timber-framed and rendered former halls, some with jettied upper stories and steeply pitched roofs, and symmetrically fronted redbrick Georgian houses with Classical doorcases and roofs of shallow pitch; roofs are of tile or slate, of varying heights, generally aligned with the street but with occasional gabled cross wings, and with prominent chimneys.
  - ⇒ Further east, groups of timber-framed, brick and rendered houses crowd onto the back of the footway; the west-facing Georgian frontage of Broadstone punctuates the view creating a visible pause opposite the raised school gardens, and the highly decorative Victorian Gothic school contrasts with Georgian Classicism.
  - ⇒ Here the street narrows quite suddenly creating a pinch point, and the carriageway falls away leaving the footway high and dry; on the left there is a mixture of Victorian brick and Tudor timber-framed houses, and on the right the view is punctuated by the timber-framed ranges of the New Inn with massive stone chimneystack set on a high sandstone plinth, deflecting the view upwards and to the right, creating a gateway to Market Place and the Market Hall.
- A sequential view west along East Street:
  - ⇒ At the east end of the village, the carriageway sweeps to the right past grassy banks and hedges concealing modern houses; past a timber-framed farm on the left before encountering, on the right, a row of black and white timber-framed almshouses with hipped dormers roofed in stone flags, bounded by a sandstone rubble garden wall, all partially concealed by hedges, ornamental plantings and a young oak tree.
  - ⇒ The street then curves to the left, presenting an almost continuous line of timber-framed halls, some concealed behind brick or render; intricate front elevations with projecting gables, jettied upper stories, porches and raised footways contribute to the variety and interest of the townscape.
  - ⇒ At the centre of the village, the timber-framed New Inn on a high sandstone plinth at the crossroads acts as a pivot offering a number of further choices of views and spaces to explore.
- A sequential view south along Bridge Street:



- ⇒ The street rises from the Arrow Valley, on the left The Old Rectory is screened by redbrick walls and ornamental plantings, on the right is a sequence of black and white timber-framed cottages.
- ⇒ Continuing upwards, the street is lined discontinuously by timber-framed cottages, brick houses and modern bungalows behind raised gardens, mature hedges and shrubs, and footways with stone retaining walls. The parish church can be seen in the distance high above the rooftops.
- ⇒ At the top of Bridge Street, Ye Old Shoppe, a gabled timber-framed building high on a sandstone plinth, acts as a temporary visual stop; the roof of the detached belfry rises high above it. To the right, a series of steps and an intimate cobbled footpath offers a glimpse into the churchyard through a tree-lined gateway.

6.8 The following panoramic vistas offer views beyond the conservation area disclosing its wider landscape setting:

- From the churchyard, looking north over the rooftops and across the Arrow Valley towards the wooded limestone uplands of Wapley Hill and Shobdon Hill Wood.
- From the public footpath on the south side of Byletts, looking north-west across the landscape park and the valley of the Curl Brook.

## 7. **Character Analysis**

7.1 The general character of Pembridge Conservation Area is that of a small post-medieval market town. Although the economic role of the market had declined by the end of the 17<sup>th</sup> Century, the contemporary village retains many of its earlier medieval features. These include the large Gothic parish church, the earthwork remains of the castle, the market place, the plan-form of burgage plots, and a significant number of timber-framed halls (most of which have been altered). Timber structures of post-medieval date, including the Market Hall, and brick buildings of Georgian and Victorian architectural styles contribute to the character of the conservation area. In the north-western part of the conservation area, the 19<sup>th</sup> Century landscape park at Byletts adds a further dimension.

### *East Street, High Street and West Street*

7.2 The A44, a modern tarmac road aligned east-west, follows a curving, sinuous route through Pembridge Conservation Area. Within the settlement boundary, the road (East Street, High Street and West Street) is lined for much of its length by footways with kerbstones, many of which are of granite. In places, the footway is raised above street level and reinforced by stone retaining walls. Elsewhere, buildings and small gardens front directly onto the carriageway, in some cases supported by sandstone rubble plinths or retaining walls, and with access steps to the building. The road is an old route into central Wales; during the 18<sup>th</sup> and 19<sup>th</sup> Centuries, it was an important coach and wagon road between London and Aberystwyth. The long and heavy use to which the road has been subjected accounts for significant down cutting. In places, this is well below the level of houses lining the road. The hard surfaces, of road, footways and kerbs, are of

comparatively recent (generally 20<sup>th</sup> Century) construction. The curving route is likely to be the result of the earlier road following long sinuous medieval field boundaries. Ye Olde Steppes, in East Street at the junction with High Street, now serves as a post office and shop, and is a focus of social interaction and economic exchange.

- 7.3 To a great extent, East Street, High Street and West Street have retained the plan-form of their medieval burgage plots, with buildings at the front and gardens or orchards at the rear. These streets are almost continuously lined by buildings, many of which are timber-framed structures of pre-18<sup>th</sup> Century date. A number have been refronted in brick or render. Most of the timber-framed buildings have been painted black and white (or other pale shade); in some cases, render has been removed to expose timber framing. Many of the timber-framed houses were constructed as open halls (aligned east-west) with a cross wing (generally at the western end). Roofs are of tile or slate, in some cases stone, and, generally, are steeply pitched. There is evidence at the gable end of several buildings that the roof has been raised for the insertion of a second storey. Most have prominent brick chimney shafts, some with exposed sandstone rubble stacks.
- 7.4 In West Street and at the west end of East Street, there are a number of brick-built (or brick fronted) buildings. These include Georgian houses with symmetrical fronts, sash windows and Classical doorcases. All of these houses are aligned east-west, with the prominent exception of Broadstone, a pebble-dashed building aligned north-south at the pinch point in West Street. Roofs are of slate and of shallow pitch; several are hipped. Victorian buildings include modest houses with casement windows and shallow pitched roofs with slates, two non-Conformist chapels, and a 19<sup>th</sup> Century Gothic school with polychrome brickwork. Decorative elements of the school and the Methodist chapel include Gothic tracery. The chapels and the school have steeply pitched roofs; that of the school is tiled. Most of these buildings have prominent brick chimneys.
- 7.5 A number of 20<sup>th</sup>/21<sup>st</sup> Century residential and non-residential developments have been undertaken in the area. These include a high-density residential development on a cul-de-sac, Church Crescent, on the south side of East Street near the centre of the settlement; several sites with three or four houses; and infill sites with individual buildings, both residential and commercial. Buildings include brick houses with tiled roofs, and timber-framed and rendered houses with dormer windows and front porch.
- 7.6 At the rear of premises on both sides of East Street and West Street are a number of small but significant open spaces. These gardens and orchards occupy the backs of former burgage plots, and preserve the plan-form of the medieval borough. At the time of the current conservation area survey, several houses were being constructed on backlands, particularly on the north side of West Street. A larger single open space to the north of burgage plots on East Street, Millenium Meadow, has been developed as an outdoor recreation centre.
- 7.7 A number of features contribute to the significance and visual interest of the townscape. These include the projecting gables and jettied upper stories of timber-framed buildings; a variety of architectural forms, including Tudor, Georgian and Victorian; a variety of textures including timber, brick and stone; and the change of level between carriageway, footways, buildings and

gardens. Architectural forms, features and textures also add to the interest of the roofscape, including pitched and hipped roofs of varying height and pitch; the alignment and juxtaposition of ridges and gables; a variety of textures including clay tiles, slate and stone; and prominent chimneys.

*Market Place, the Churchyard and the Moated Site*

- 7.8 Market Place is a triangular-shaped open space with tarmacadam surface on the south side of the A44, to the west of the churchyard. It is surrounded by buildings that create a sense of enclosure. Road access is at the three angles of the triangle; a flight of steps on the east side offers pedestrian access to the churchyard. At the centre is the 16<sup>th</sup> Century Market Hall; the market was already almost three hundred years old when the hall was built. The structure is a focus of local social activities; it is used for village functions, including a farmers' market. The clay floor of Market Hall and its cobbled surround, and the cobbled forecourt of the New Inn (see below), contrast with the metalled road surface visually and in terms of texture.
- 7.9 On the north side, Market Place is bounded by the New Inn, a timber-framed, black and white painted public house consisting of several ranges of two stories with attics. This is a landmark building occupying a prominent position when approached from east, west or south. On the east side of Market Place is an almost continuous line of buildings that encroach on the churchyard. They include Church House, a black and white painted timber-framed building with jettied upper storey, and several brick and sandstone buildings of Georgian and Victorian age and architectural style, at least one of which has a timber-framed core of earlier date. On the west side of Market Place are two buildings only. The Old Stores is a prominent two-storey building with two steeply pitched gables and an off-centre doorcase between two late 19<sup>th</sup> Century shop windows. A tiled panel over the door bears the legend, "BUTTER EGGS OATMEAL". The painted brick facing conceals an earlier timber-framed hall. Rose Cottage is of white painted brick under a hipped slate roof with porch and casement windows in a symmetrical front (east) elevation, set behind a lawned garden. At the core of the house is a timber-framed structure.
- 7.10 The parish church of St Mary is a large Gothic structure, in the Decorated architectural style, constructed of sandstone rubble with ashlar dressings under steeply pitched tiled roofs. The church and the detached weatherboarded belfry are set in a significant open space, from which grave markers have been removed, with extensive views to the north beyond the conservation area boundaries. The 20<sup>th</sup>/21<sup>st</sup> Century burial ground is located to the east of the church. The area is enhanced by a large number of mature trees, particularly in the eastern part. Access to the churchyard is by stone steps and cobbled footpaths on the north and west sides, and by a trackway at the south-west corner. The church and belfry are both landmark buildings that can be seen above the rooftops of buildings at lower elevations.
- 7.11 The moated site to the south of the churchyard is a significant open space with fairly heavy tree cover on the inner and outer edges of the ditch. Court House Farmhouse, on the west side of the monument, represents the continuing occupation of this medieval site. The 17<sup>th</sup> Century farmhouse is of square panelled timber frame construction with part wattle-and-daub and part painted brick infill. The building is of two storeys with cellars, and basically rectangular in plan with three gables to the north, two to the east and west

and one to the south. It is set on a sandstone rubble plinth with sandstone chimney stacks, under tiled roofs. At the west (front) elevation is a doorcase with open pedimented surround and 20<sup>th</sup> Century windows: a multi-paned casement window and multi-paned canted bay windows. There is a garden to the south with ornamental trees and sandstone rubble boundary walls.

*Bearwood Lane, Manley Lane and Suckley Lane*

- 7.12 Bearwood Lane extends south from Market Place as a metalled road with a footway extending for about 100m on the west side. At this location there are three brick bungalows set back off the road on spacious plots. The road then curves to the west, with five brick bungalows on the north side set closer to the road on smaller plots; several were unoccupied at the time of the survey. On the south side of the road, a range of brick and weatherboarded agricultural buildings has been converted to residential use. Further west, at Court Meadow, is a cul-de-sac development of thirteen homes. Most are detached, two storey brick houses in a landscaped setting without footways. Manley Crescent, a cul-de-sac with footways on both sides of the carriageway, extends west from Bearwood Lane. This consists of bungalows and several two-storey houses with front gardens of ca. mid-20<sup>th</sup> Century date. Further south on Bearwood Lane is the present rectory, a mid-20<sup>th</sup> Century detached house, and the modern village hall, a focus of local social activities.
- 7.13 Manley Lane, on the west side of the settlement, extends south as a trackway with, in places, a hardcore base. A short section at the north end has a tarmacadam surface. At this location, on the east side, is a linear development of half a dozen detached houses and bungalows with front gardens, most of late 20<sup>th</sup> Century date.
- 7.14 Suckley Lane links Bearwood Lane with West Street. In the borough boundary survey of AD 1694 it is referred to as the town ditch. This is now a narrow lane, surfaced in tarmacadam without footways, with high hedges on both sides. There are no developments that face directly onto the lane. On the west side are three small fields (paddocks or orchards) that form significant open spaces, and on the east side is the Pembridge Primary School playing field. At the north end of the lane, on the west side, is the rear access to Pump House, a black and white painted timber-framed building facing onto West Street. On the east side is recent development of four modern timber-framed and rendered detached residences.

*Bridge Street*

- 7.15 Bridge Street extends north from the bridge over the River Arrow, rising steadily to the junction with East Street and High Street. The street is tarmacadamed with a continuous footway on the east side. At the south end, the footway is raised above the level of the road surface, reinforced by a sandstone rubble retaining wall. On the west side, for much of the length of the street, there is a narrow grass verge.
- 7.16 At the north end of the street, on the west side, are two groups of black and white painted timber-framed cottages with exposed box frames (a cruck frame is also exposed at Bridge Cottages) and painted brick or rendered infill. All are set back off the road with front gardens; at Bridge Cottages, a large part of the garden has been replaced by a gravelled parking area. Further south

are several 20<sup>th</sup> Century high-density residential developments on cul-de-sacs. They consist mainly of semi-detached, two storey brick houses with gardens. Most are screened from Bridge Street by hedges. A terrace of three residences overlooks the street from raised gardens. Holmleigh is a brick-built Georgian house with symmetrical front (east) elevation, including central doorcase, broken pediment and pilasters, and sash windows. Two adjoining cottages are timber-framed but much altered. The gardens are bounded by sandstone rubble retaining walls and, in one case, by hedges. At the south end of the street, on the west side, Duppa's Almshouses, a row of four, two storey timber-framed tenements overlooks Bridge Street from a raised footway with sandstone rubble retaining wall. The black and white houses are box-framed with painted brick infill on a sandstone plinth under a continuous pitched slate roof. The upper floor is jettied at the gable ends.

- 7.17 At the north end of Bridge Street, on the east side, a large 19<sup>th</sup> Century rectory is screened by trees and a brick boundary wall. The Old Rectory is brick-built with prominent gables and chimneys, and has been converted as two residences. To the east of the former rectory, accessed by a narrow road, are a number of 20<sup>th</sup> Century bungalows on large plots. Further south on Bridge Street there is a late 18<sup>th</sup>/early 19<sup>th</sup> Century detached house of symmetrical design, a black and white timber-framed cottage, and several 20<sup>th</sup> Century residences, including bungalows, set back off the street with gardens bordered by hedges and trees. At the south end of the street, no. 2 Bridge Street is a timber-framed building on a sandstone rubble plinth, with close studding, wattle-and-daub infill and a jettied upper storey. Adjoining is a redbrick house of symmetrical proportions. Both houses are set on a raised footway with sandstone rubble retaining wall.

#### *Byletts*

- 7.18 The north-western part of the conservation area is the site of a 19<sup>th</sup> Century landscape park. The area is now given over to grazing. Distinctive features of the park are visible in the landscape, including solitary oak trees and a stone-built causeway across the flood plain of the Curl Brook. Byletts is a large brick L-plan house in the Victorian Gothic style with stone, polychrome and herringbone brick dressings, a Tudor arched window with cusped tracery, and prominent gables and chimneys. There are several other buildings and a walled garden within the curtilage.

#### Buildings of Local Interest

- 7.19 Several unlisted buildings make a positive contribution to the special architectural and historical interest of the conservation area. The following are considered to be Buildings of Local Interest (see also Appendix II):
- The Old Wheelwrights, East Street.
  - Red Lion public house, High Street.
  - Barn (adjoining Woodsmiths Cottage), High Street.
  - Methodist Chapel, West Street.
  - Walcote House, West Street.
  - Broadstone, West Street.
  - Pembridge Primary School, West Street.
  - Clover Cottage and Coombe Cottage, West.
  - Upper House, West Street.

- West End House, West Street.
- Rose Cottage, Market Place.
- The Steps, Market Place.
- Church Cottage, Market Place.
- House south of no. 2 Bridge Street.
- The Old Bike Shop, Bridge Street.
- Holmleigh Cottage, Bridge.
- Holmleigh, Bridge Street.
- House south of West Bank, Bridge Street.
- The Old Rectory, Bridge St.

### Features in the Public Realm

7.20 The following features in the public realm also contribute to the local character of the conservation area:

- Bench, East Street near the entrance to the village: a metal seat set around a young oak tree.
- Pump, East Street outside Stoney Croft: a cast iron pump with stone basin set in a recess in a sandstone retaining wall.
- Telephone call box (Grade II), High Street (north side): K6 design in cast-iron, painted 'post office' red.
- War Memorial in the grounds of Pembridge Primary School overlooking West Street: a stone cross, shaft and base with copper plaques, set on a stone platform with three steps up.
- Raised footways with sandstone retaining walls: at locations on East Street, West Street, Bridge Street.
- Granite kerbstones: at locations on East Street, High Street, West Street.
- Cobble setts: at various locations, including, the north and west entrances to the parish churchyard, around the Market Hall, the forecourt of the New Inn, a pathway on the west side of Chapel Cottage, timber-framed cottages on the east side of Bridge Street, The Old Oak House.

### Prevalent Building Materials and Local Details

7.21 Prevalent building materials used in the construction of the oldest surviving buildings in the conservation area are local stone and timber. The walls and dressings of the parish church are of sandstone rubble and the roof timbers are of oak. The detached belfry is timber-framed; the lowest stage has sandstone rubble walls; the second and third stages are clad in weatherboarding. The roofs of the first and second storeys have stone slates; the spire is shingled.

7.22 Timber-framed buildings, generally dating between the 15<sup>th</sup> and 17<sup>th</sup> Centuries, are of oak on a plinth of sandstone rubble. Most are of regular, square box frames; several are close-studded; a number are cruck-framed. Panels were originally infilled with wattle and daub and later, in some cases, with brick (nogging) or plaster. Roofs were generally thatched; some were covered with stone tiles. A number of timber-framed buildings have chimneystacks of sandstone rubble, placed axially or at a gable end. The oldest timber-framed houses were constructed as open halls with family accommodation at one end, usually constructed as a cross-wing. The roof of the hall was later raised to accommodate a second storey. In some cases, the second storey is jettied. All of these structures have been altered, some

considerably. Alterations include re-facing with brick or render, re-roofing with tiles or slates, replacing doors and windows, adding dormer windows and porches, and adding extensions. Several of these houses have been subdivided to form two or three separate residences. In a number of cases, the cross-wing, or the hall itself, has been demolished.

- 7.23 Georgian (18<sup>th</sup>/early 19<sup>th</sup> Century) houses, of Classical architectural influence, are constructed of brick in Flemish bond; in some cases they have been rendered in pebbledash. The houses are symmetrically proportioned, with a prominent central doorcase under a slate pitched or hipped roof. Architectural details include pediments and pilasters, sash windows with flat arch heads (in some cases of rubbed brick), and dentilled eaves.
- 7.24 A number of large Victorian (19<sup>th</sup> Century) buildings of brick construction (in Flemish bond) show evidence of Gothic architectural influence. Architectural details include prominent gables with steeply-pitched roofs, entrances and windows with pointed arch heads, windows with cusped tracery, and decorative brickwork including herringbone and polychrome diaper patterning.
- 7.25 At a number of locations, cobbles are used for small areas of paving. They generally highlight and enhance the setting of historical buildings.
- 7.26 Prominent boundary walls (and retaining walls) of sandstone rubble, with vertical 'cock-and-hen' coping in some instances, are present at locations throughout the conservation area. Sites include:
- Trafford's Almshouses
  - Stoney Croft (west side)
  - Market Place (north-east and north-west approaches)
  - Court House Farm
  - Pembridge Primary School (West Street)
  - The Old Rectory (south side).

#### Positive Areas and Features

- 7.27 The following are important elements for the reasons outlined contributing significantly to the character of the conservation area:
- East Street, High Street, West Street: retains the form of a medieval planned borough with buildings of historical and architectural importance.
  - Market Place, St Mary's Churchyard, the Moated Site: significant components of the early settlement and the medieval borough with earthwork monuments and buildings of archaeological, historical and architectural importance.
  - Bridge Street: north end from the Bridge over the River Arrow to Parson's Walk; south end from Holmleigh (west side) and no. 2 Bridge Street (east side) to East Street/High Street: a significant component of the post-medieval development of Pembridge with buildings of historical and architectural importance.
  - Significant open spaces (see para. 6.4 above).

#### Neutral and Intrusive Elements

7.28 The following intrusive elements do not contribute to the character of the conservation area:

- Bridge Street: 20th Century residential developments at Sandiford Ploc, Curl View, Curl View Crescent, Parson's Walk.
- Bearwood Lane: 20<sup>th</sup> Century residential developments on the west/north side and on the south side at Court Meadow.
- Manley Lane and Manley Crescent: 20<sup>th</sup> Century residential developments.

## **8. Pressures, Capacity and General Condition**

8.1 Pembridge is a popular village that attracts potential new residents because of its location, character and amenities. These include a medical surgery and dispensary, a post office and shop, a primary school, and opportunities for social and recreational activities, both locally and within the surrounding area. Since the mid-20<sup>th</sup> Century, several private and social housing developments have been undertaken on cul-de-sacs. The construction of detached residences continues on infill and backland sites within the settlement boundaries, particularly in East Street and West Street, and includes single houses and groups of three or four. It is probable that pressure for development within the settlement will continue.

8.2 Most buildings in the conservation area appear to be occupied, or in use, and in a good, or reasonable, state of repair. No listed buildings appear to be at risk of deterioration as a result of damage or poor condition.

## **9. Issues**

### Proposed Boundary Changes

9.1 General considerations underlying proposals to change conservation area boundaries include the following:

- i) To include areas of special architectural or historic interest that would contribute to the character of the conservation area.
- ii) To include areas of the landscape that form an integral part of the historic built environment and contribute to the character of the conservation area.
- iii) To exclude neutral or intrusive areas (other than small sites within an otherwise important part) that do not contribute to, or detract from, the character of the conservation area.
- iv) To exclude areas of landscape that do not form an integral part of the historic built environment.
- v) To align the conservation area boundary with recognisable features such as field boundaries, property boundaries, roads, lanes or public footpaths.

### 9.2 Proposed Inclusion

9.2.1 In the north-western part of the conservation area: a small part of Byletts 19<sup>th</sup> Century landscape park.

### 9.3 Proposed Exclusions



- 9.3.1 In the south-western part of the conservation area: an area of landscape west of Manly Lane (agricultural use).
- 9.3.2 In the southern part of the conservation area: areas of 20<sup>th</sup> Century residential development (Bearwood Lane, Court Meadow, Manley Crescent), and an area of landscape south of the settlement boundary (agricultural use).
- 9.3.3 In the eastern part of the conservation area: areas of 20<sup>th</sup> Century residential development (East Street, Parson's Walk), and areas of landscape south-east and east of the settlement boundary (agricultural use).
- 9.3.4 In the northern part of the conservation area: a residential site (Troutbeck) north of the public footpath.

#### 9.4 Proposed Boundary

- 9.4.1 The following boundary is proposed, based on the above inclusion and exclusions:
  - ⇒ North along the eastern boundary of Trafford's Almshouses; west along the northern boundary of the backs of former burgage plots; north along the east side of Millenium Meadow; west along the north side of Millenium Meadow to Parson's Walk; north along the eastern boundary of The Old Rectory; east along the public footpath on the north side of Parson's Walk residential development; north along the east bank of the River Arrow;
  - ⇒ After crossing the river, west along the field boundary on the north side of Bridge House; south along the east side of the Staunton-on-Arrow road; west along the footpath south of Troutbeck to the River Arrow;
  - ⇒ After crossing the river, south along the west bank of the River Arrow; west along the north bank of the Curl Brook; after crossing the brook, south along a field boundary to the public footpath north of Curl View Crescent residential development; south-west along the public footpath; north-west along a field boundary to the Curl Brook;
  - ⇒ After crossing the brook, east along the north bank of the Curl Brook; north along the eastern field boundary of Byletts landscape park; north-west along the northern boundary of the landscape park; south along the western boundary of the landscape park; west along the northern boundary of the curtilage of Byletts; south along the western boundary of the curtilage following a public footpath; south-east along a drive following the public footpath; south along the drive to the A44;
  - ⇒ East along the north side of the A44; crossing the A44 to follow a field boundary eastwards on the southern boundary of West End House; south along the west side of Manley Lane; east along the north side of Manley Crescent continuing eastwards along the north side of Bearwood Lane;
  - ⇒ South along the western boundary of Court House farm; east along the southern boundary of Court House farm continuing east along the southern boundary of the Moated Site; north along the eastern boundary of the Moated Site; east along the southern boundary of St Mary's churchyard continuing

eastwards along the southern boundary of the backs of former burgage plots; north along the eastern boundary of Stoney Croft; east along the south side of East Street to a point opposite the eastern boundary of Trafford's Almshouses.

### Other Issues

#### *Traffic*

9.5 A fairly high volume of traffic, including Heavy Goods Vehicles and large agriculture vehicles and implements, travels through the conservation area on the A44, a trunk road providing access to and from central Wales. Additional traffic, including commercial vehicles, enters the conservation area from the north along Bridge Street. As a result, traffic can become congested, particularly at the junction of High Street, Bridge Street and East Street, and in the narrow High Street. Potential problems associated with heavy traffic flow and the movement of large vehicles that affect the character and appearance of the conservation area include:

- Damage to the historic fabric of the conservation area through buildings and features being hit.
- Pollution (including noise and fumes).
- Safety of pedestrians and impact on their perception of the conservation area's character.

#### *Signage and Associated Features*

9.6 The modern form of the traffic calming measures at the western and eastern entrances to the village stand out from the both the rural and historic character of the village through their signs and associated infrastructure. Their use is important in terms of reducing traffic speed and forewarning drivers of the village ahead. When the opportunity allows their design and materials might be reviewed to determine whether a more sympathetic approach is possible

9.7 There are a number of other signs and advertising boards that might be reviewed to determine their need and form.

#### *Residential Development*

9.8 It is critically important to ensure that any further residential development within the settlement, particularly on infill and backland sites, does not erode the plan-form of the medieval borough causing a significant loss of character.

## **Appendix I: List of Heritage Assets**

### Scheduled Monuments

- Moated Site at Court House Farm

### Listed Buildings

Grade I: Buildings of national importance and exceptional interest (2% of Listed Buildings).

- Church of St Mary
- Belfry approximately 5m north-east of the Church of St Mary

Grade II\*: Particularly important buildings of more than special interest (4%).

- Market Hall, Market Place
- Pembridge Post Office and Stores (now The Old Stores), Market Place
- Swan House and School View, West Street

Grade II: Buildings of special interest (94%).

- The Byletts
- Bridge over River Arrow
- No. 2 Bridge Street
- Bridge House, Bridge Street
- Duppa's Almshouses, Bridge Street
- Nos. 1, 2 and 3 Glanarrow Cottage, Bridge Street
- Nos. 1, 2 and 3 Bridge Cottages, Bridge Street
- The Gate House, East Street
- The Greyhound Inn (now The King's House), East Street
- Olde Post Office and Old Post Office Cottage, East Street
- Nurses Cottage and Rowena Cottage, East Street
- Pilgrims, East Street
- Fig Tree House and Grosmont House, East Street
- Oak House and attached outbuilding, East Street
- Trafford's Almshouses, East Street
- Ye Olde Steppes, East Street
- Spire View and Victoria Place, East Street
- Range of three tenements to the west of The Old Forge, East Street
- The Old Forge, East Street
- The Cottage, East Street
- Stoney Croft, East Street
- Townsend Farmhouse, East Street
- Church House, Market Place
- Court House Farm, Market Place
- Group of adjoining barns approximately 30m south-east of Court House Farmhouse
- The New Inn, Market Place
- West End Cottages, West Street
- Brick House, West Street
- West End Farmhouse, West Street
- Hazel Dene, West Street
- Westfield (formerly listed separately as Westfield and Verndale), West Street
- The Garth and adjoining house, West Street
- Oak View, West Street
- Forsythia and West Leigh, West Street
- Ivydene and Shamrock Cottage, West Street
- Highways, West Street
- Bank House, West Street
- Rose Villa, West Street
- West Croft, West Street
- Nos. 2, 3 and 4 West Street
- Pump House, West Street
- K6 Telephone Kiosk, High Street

### Herefordshire Sites and Monuments Record Entries

- Court House Farm Moat
- Outer Bailey, Court House Moat
- Market Hall
- Cross Base, Market Hall
- St Mary's Church
- Trafford's Almshouses
- Greek Coin (find)
- Duppa's Almshouses
- Byletts, 17<sup>th</sup> Century dwelling and barn
- New Inn
- The King's House (formerly the Greyhound Inn)
- Medieval Coin (find)
- Medieval Occupation Site off Bridge Street
- Medieval Settlement (Domesday Book)
- House Platforms
- Ridge and Furrow Earthworks, Manley Field
- Pembridge Medieval Town
- Pembridge Post-medieval Town
- Air Raid Shelter, Suckley Lane
- Pembridge Service Station
- Fig Tree House/Grosmont House
- The Garth
- Oak View
- The Gatehouse
- The Old Post Office
- The Old Stores (Guild Hall)
- The Old Wheelwrights
- Swan House and School View
- West End Farm
- The Old Forge
- Victoria Place
- Nos. 1-3 Bridge Street
- The Malt House
- The Old Rectory
- Independent Chapel
- Methodist Chapel
- Oak House
- Star Cottage
- The Olde Steppes
- No. 2 Bridge Street
- Bridge Cottages
- Ross (Rose) Cottage
- Byletts Landscape Park
- No. 37 West Street
- Stoney Croft
- House at the top of Bridge Street
- Glan Arrow Cottages

## **Appendix II: Buildings of Local Interest**

- The Old Wheelwrights, East Street: a timber-framed (box frame) former linear hall house on sandstone plinth, aligned east-west, dated by tree-ring analysis to AD 1445-1481. Altered significantly: two storeys with raised pitched slate roof, pebble dash, at the front (north) elevation: an off-centre entrance with a glazed porch, five vertical sash windows, a bay window at the ground floor; a small front garden above street level with a sandstone rubble retaining wall, low iron railings and steps down to the street.
- Red Lion public house, High Street: 17<sup>th</sup> Century or earlier, a timber-framed house (framing not visible from the exterior). Refaced and re-roofed in the late 18<sup>th</sup> or 19<sup>th</sup> Century, two storeys, painted brick under a hipped tile roof, at the front (north) elevation: two door cases in glazed porches with steps down to the footway, six vertical sash windows, two cottage casement windows.
- Barn (adjoining Woodsmiths Cottage), High Street: possibly 17<sup>th</sup> Century or earlier, timber framed with irregular square panels, brick infill (nogging) in stretcher bond, the upper part weatherboarded, on a sandstone plinth, under a pitched tile roof, at the front (south) elevation: an off-centre double door, four windows with wooden shutters.
- Methodist Chapel, West Street: a Victorian chapel of 1891 designed by Henry Millward, brick in Flemish bond with stone quoins and dressings under a pitched slate roof aligned north-south, at the front (south) elevation: a central doorcase with an overlight, and two windows, all with tracery, stone Gothic arch heads and label moulds, a date plaque in the gable "PRIMITIVE METHODIST/ CHAPEL/ 1891", bargeboards and a finial; a low brick boundary wall with iron railings and gates opening onto the footway.
- Walcote House, West Street: an early 19<sup>th</sup> Century symmetrically proportioned Georgian house, two storeys, brick in Flemish bond under a pitched slate roof, at the front (south) elevation: a central doorcase with pilasters and hood, steps down to the footway, a six-panel door, five vertical sash windows with flat arch heads.
- Broadstone, West Street: a late 18<sup>th</sup>/early 19<sup>th</sup> Century symmetrically proportioned Georgian house, two storeys, pebbledash with dentilled eaves under a hipped slate roof, aligned east-west, at the front (west) elevation: a central door case with pilasters and broken pediment, panelled door, at the first floor: a central round headed window, two flat headed casement windows; at the ground floor: one vertical sash window, one 19<sup>th</sup> Century shop window; iron railings.
- Pembridge Primary School, West Street: a Victorian school of c.1866 designed by Henry Curzon, one storey, brick in Flemish bond under a steeply-pitched tile roof, at the north elevation: polychrome diaper brickwork, two gables (one larger with more elaborate decoration and dentilled eaves), an off-centre door with steps up, two windows (one in each gable) with cusped tracery, other casement windows; a lawned garden above street level with a war memorial and a sandstone rubble retaining wall.
- Clover Cottage and Coombe Cottage, West Street: possibly 17<sup>th</sup> Century, timber-framed with irregular panels and scantlings. Altered and extended (partly in stone) during the 20<sup>th</sup> Century, two storeys, plaster infill, painted brick gable end, pitched cement tile roof, at the front (north) elevation: replacement doors and windows; small front gardens with sandstone rubble boundary walls.

- Upper House, West Street: a late 18<sup>th</sup>/early 19<sup>th</sup> Century symmetrically proportioned Georgian house, two storeys, brick in Flemish bond with dentilled eaves under a pitched slate roof, at the front (north) elevation: a central doorcase with pilasters, hood, and fanlight, a six-panel door, five vertical sash windows with flat arch heads. Adjoining on the west side is a former barn converted to residential use, timber-framed with regular square panels and painted brick infill, sandstone plinth, pitched slate roof, at the north elevation: a double door, inserted windows. On the north side is a small open landscaped area extending to the footway.
- West End House, West Street: a late 18<sup>th</sup> Century/early 19<sup>th</sup> Century symmetrically proportioned Georgian house, two storeys, brick in Flemish bond with dentilled eaves under a pitched slate roof, at the front (north) elevation: a central doorcase with pilasters and hood, a six-panel door, five vertical sash windows with flat arch heads; a small front garden with a low brick retaining wall, iron railings and gate. Exposed timber frame with brick infill at the rear.
- Rose Cottage, Market Place: possibly 15<sup>th</sup> Century, the cross-wing of a timber-framed medieval hall house, framing not visible from the exterior. Altered extensively: two storeys, painted brick with a string course under a pitched slate roof, at the front (east) elevation: a central door in a glazed porch, three cottage casement windows (one with a segmental brick arch head), one bow window; an open front garden extending to the street; on the west side: a painted brick extension with a lean-to roof.
- The Steps, Market Place: 15<sup>th</sup> or 16<sup>th</sup> Century, a timber-framed house with regular square panels, brick infill in stretcher bond, on a sandstone plinth under a raised pitched tile roof, aligned east-west, two storeys at the east gable end facing onto the churchyard, three storeys at the west gable end; at the south elevation: an off-centre door under a gabled canopy, a replacement wooden casement window, facing onto stone steps and a cobbled path on the west side of the churchyard; the west gable elevation: 19<sup>th</sup> Century refacing or extension in brick (English garden wall bond) later remodelled, sandstone random rubble lower storey, three replacement wooden casement windows, two with brick segmental arch heads.
- Church Cottage, Market Place: a late 18<sup>th</sup>/early 19<sup>th</sup> Century Georgian house, brick in Flemish bond with dentilled eaves under a pitched slate roof, at the west elevation: three storeys, the lower storey of coursed squared sandstone with an off-centre door and casement window both under stone segmental heads, at the first floor are two vertical sash windows with rubbed brick flat arch heads; at the east elevation overlooking the churchyard: two storeys, central glazed door, three vertical sash windows with rubbed brick flat arch heads.
- House south of no. 2 Bridge Street: early 19<sup>th</sup> Century, two storeys, brick in Flemish bond with dentilled eaves under a pitched slate roof with an axial brick chimneystack, may conceal an earlier timber-framed house, at the front (west) elevation: central doorcase with steps down to the footway, three casement windows, a large sixteen-pane window to the right of the door, double segmental brick arch heads over door and windows; a very narrow front garden.
- The Old Bike Shop, Bridge Street: 16<sup>th</sup>/17<sup>th</sup> Century, a timber-framed house with irregular square panels and scantlings. Altered and extended, infilled with brick in stretcher bond under a raised pitched slate roof, of two storeys, at the east (front) elevation: an off-centre door with a canopy, replacement wooden casement windows; a small front garden behind a high hedge and sandstone rubble wall.
- Holmleigh Cottage, Bridge Street: 16<sup>th</sup>/17<sup>th</sup> Century, a timber-framed house with irregular square panels. Altered, two storeys, plaster infill, raised pitched slate roof, at front (east) elevation: replacement door and casement windows; a small sloping front garden with steps down to the footway.

- Holmleigh, Bridge Street: a late 18<sup>th</sup>/early 19<sup>th</sup> Century symmetrically proportioned Georgian house, two storeys, brick in Flemish bond with dentilled eaves under a pitched slate roof, faced in sandstone rubble at north gable end, a brick chimney at both gable ends, at the front (east) elevation: a central doorcase with pilaster, broken pediment and fanlight, a panelled door, five vertical sash windows with rubbed brick flat arch heads; a small front garden above street level with sandstone rubble retaining wall and steps down to the footway.
- House south of West Bank, Bridge Street: 16<sup>th</sup> or 17<sup>th</sup> Century, a timber-framed house with irregular square panels and scantlings, with plaster infill, on a sandstone plinth, two storeys with a raised pitched slate roof, a sandstone rubble chimneystack with a brick shaft at the south gable end, at the front (west) elevation: an off-centre door with steps down to the footway, replacement casement windows (those at the 1<sup>st</sup> floor fitted after the roof was raised); cobbled pavement immediately in front of the house.
- The Old Rectory, Bridge St: a Victorian house of c.1850, designed in the Tudor style by Thomas Nicholson (Diocesan Architect); three storeys, brick with stone dressings under pitched slate roofs, octagonal brick chimney shafts, at the front (south) elevation: gables, a buttressed porch with a four-centred arch entrance, windows with stone mullions, surrounds and label moulds; set in a large ornamental garden with a sandstone rubble wall on the west side.

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# **KINGTON CONSERVATION AREA**

## **APPRAISAL**

**DRAFT**

2007

## TABLE OF CONTENTS

1. Introduction
  2. Planning Policy Context
  3. Summary of Special Interest
  4. Location and Setting
  5. Historic Development and Archaeology
  6. Spatial Analysis
    - Character and Interrelationship of Spaces
    - Key Views and Vistas
  7. Character Analysis
    - The Conservation Area
    - Adjacent Areas
    - Buildings of Local Interest
    - Features in the Public Realm
    - Prevalent Building Materials and Local Details
    - Positive Areas and Features
    - Neutral and Intrusive Elements
  8. Pressures, Capacity and General Conditions
  9. Issues
    - Buildings at Risk
    - Town Centre Boundary Walls
    - Shopfronts
    - Proposed Boundary Changes, Inclusions and Exclusions
- Appendix I: List of Heritage Assets
- Appendix II: Buildings of Local Interest
- Appendix II: Sources

## LIST OF ILLUSTRATIONS

- Plan 1: Kington Conservation Area
- Plan 2: Kington in the Late 19<sup>th</sup> Century  
(Sheet XVII NE, Ordnance Survey 1<sup>st</sup> Edition, 1889)
- Plan 3: Open Spaces and Other Features
- Plan 4: Character Areas
- Plan 5: Buildings of Local Interest and Other Features
- Plan 6: Positive Areas and Other Features
- Plan 7: Proposed Boundary Changes, Inclusions and Exclusions

## **KINGTON CONSERVATION AREA APPRAISAL**

***No appraisal can ever be completely comprehensive. Omission of any particular building, feature or site should not be taken to imply that it is of no interest.***

### **1. Introduction**

- 1.1 A conservation area is defined as an area of special architectural or historic interest, the character and appearance of which should be conserved or enhanced. The designation of a conservation area is no longer considered appropriate as an end in itself. For the designation to be meaningful, the process requires the preparation of an appraisal to define what is special, thereby warranting the status of the conservation area. This should also form the basis for making decisions about the management, and the future, of the conservation area, ensuring that its character and appearance are taken into account when making such decisions.
- 1.2 Kington Conservation Area was designated in 1969. An appraisal has recently been carried out to review the special qualities of the conservation area. The scope of the appraisal has included a review of whether additional areas should be added to, or areas removed from, the designation. At this stage, any proposals for boundary change are put forward as the basis for further discussion and consultation. Any decision on changes to the boundary of Kington Conservation Area will be taken at a later stage in association with consideration of management proposals.

### **2. Planning Policy Context**

- 2.1 There is a considerable amount of policy published by a number of sources (including English Heritage) concerning the designation, appraisal and review of conservation areas. A bibliography of pertinent publications is given at the end of this document.
- 2.2 Herefordshire Unitary Development Plan (UDP), adopted 23<sup>rd</sup> March 2007, sets out Herefordshire Council's planning policies. These policies will influence how development proceeds throughout the County.
- 2.3 The UDP contains policies setting out criteria for designating and reviewing conservation areas (Policy HBA5), and for determining how planning applications for development within conservation areas will be considered (Policy HBA6). The reason for setting criteria against which the designation of a conservation area will be judged is to ensure consistency of approach and to avoid the inclusion of areas that are not be in keeping with the special character of the conservation area.
- 2.4 Kington is identified in the UDP as a 'Main Town' where the provision of housing will be restricted to the area within the settlement boundary, and where residential development will be permitted within established residential areas where compatible with the housing design and other policies of the UDP (Policy H1). Kington Conservation Area is largely within the Kington settlement boundary. A small area on the flood plain of the River Arrow in the southern part of the conservation area is outside the settlement boundary.

- 2.5 The central part of the conservation area is identified as the central shopping and commercial area. This area will be retained and protected as the prime focus for retail, leisure and commercial activity (Policy TCR1). The retail trading character of primary shopping frontages within this area will be protected (Policy TCR3).
- 2.6 In the north-western part of the conservation area, the area north of Church Road (including the parish churchyard) is identified as an important open area, or green space, and is protected (Policy HBA9). Similar protection is extended to areas along the riverbank in the south-eastern part of the conservation area. In the south-western part of the conservation area, the Recreation Ground and the football ground are protected from development as recreational open spaces (Policy RST4). The floodplain of the River Arrow, in the southern part of the conservation area, is identified as at risk of flooding. Proposals for development in this area must be accompanied by a flood risk assessment.
- 2.7 Much of the remainder of Kington Conservation Area is identified as established residential areas (Policy H1). This includes Church Road (except as above), Bradnor View Close, Common Close, Ellin Lane, Churchill Road, Crabtree Road, the eastern section of Duke Street and the section of Bridge Street on the south side of the River Arrow.

### **3. Summary of Special Interest**

- 3.1 Kington is located in north-west Herefordshire on the A44 trunk road, a major access route to and from central Wales. The town is sited on a low ridge extending eastwards from the foot of Hergest Ridge between the River Arrow, to the south, and its tributary, the Back Brook, to the north. The undulating landscape of Herefordshire's Central Lowland lies to the east, and the scarp and vale uplands of the North West Edge Country, to the west. Kington Conservation Area comprises the central part of the settlement area. It includes the town centre, a large open space to the south-west used mainly for recreational purposes, and a low-density residential suburb to the north-west that includes the parish churchyard.
- 3.2 During the 12<sup>th</sup> Century, a borough was established in the area of the parish church and a castle is thought to have been constructed at Broken Bank, just outside the conservation area boundary. The old borough was later superseded by the planned borough of New Kington, established during the late 12<sup>th</sup> or 13<sup>th</sup> Century in the area of the present town centre. The plan form of the new borough, including the alignment of the principle streets, lanes and residential plots, was superimposed on an earlier agricultural field system. Kington became an important medieval market centre, particularly for livestock. During the post-medieval period, cloth making and glove making, and later, nail making, were significant components of the local economy.
- 3.3 The secular buildings of medieval Kington were timber-framed structures with wattle and daub infill panels. A number of these buildings survive; most are of 15<sup>th</sup> and 16<sup>th</sup> Century date. Others are likely to be concealed behind later stone, brick and rendered frontages. The earliest known timber building, on High Street, is a cruck-framed hall of 14<sup>th</sup> Century date.
- 3.4 During the 18<sup>th</sup> Century, many earlier timber-framed structures were refronted, encased or replaced by Classically-inspired Georgian buildings.

Most were built of stone; many were rendered in stucco or roughcast; some were built of locally manufactured brick. At this time, slate began to replace stone roof tiles. Some architectural features, characteristic of this period, include prominent doorcases, sash windows and central pediments.

- 3.5 The Classical architectural style continued into the Regency period of the early 19<sup>th</sup> Century when a number of residential and public buildings, including the Town Hall and the courthouse, were designed by a local architect, Benjamin Wislade. Industrial developments of the early 19<sup>th</sup> Century included the construction of an iron foundry at Sunset on the east side of the town, and a tram road linking Kington with Hay and Brecon, and ultimately, with south Wales.
- 3.6 Following the arrival of the railway in Kington in the mid-19<sup>th</sup> Century, mass-produced building bricks became more readily available and were eventually to become the most widely used construction material for public and residential buildings. Late 19<sup>th</sup> Century developments using brick included a Market Hall and a Baptist Church of Classical design; a Cottage Hospital and Victorian villas in Norman and Gothic styles; and a school in art nouveau style. In the early 20<sup>th</sup> Century, precast concrete was used for the first time in Kington in the construction of a prominent commercial building; the architectural design, however, was Classically inspired.
- 3.7 The essential character of the conservation area is that of a small, historic market town. In the town centre, narrow streets and footways are lined by 19<sup>th</sup> and early 20<sup>th</sup> Century shopfronts generally inserted into Georgian frontages of stucco, render or roughcast over sandstone rubble. In the Church Road area, detached 18<sup>th</sup> and 19<sup>th</sup> Century houses occupy generous plots with mature trees and high rubble boundary walls. The medieval church and the landscaped churchyard occupy a prominent position in this area.
- 3.8 Unique features of Kington Conservation Area are the town centre boundary walls. The high rubble walls delineate lanes that are an important element of the medieval town plan.
- 3.9 Heritage assets within the conservation area and adjacent areas include two Scheduled Monuments, one Grade I Listed Building, one Grade II\* Listed Building and one-hundred-and-thirty Grade II Listed Buildings. The Herefordshire Sites and Monuments Record includes one-hundred-and-fifty-one entries within the conservation area and adjacent areas. In addition, twenty-three Buildings of Local Interest have been identified during this appraisal.

#### **4. Location and Setting**

- 4.1 The town of Kington is located in north-west Herefordshire approximately 19 miles north-west of Hereford City on the A44, a major access route to and from central Wales. The main road now bypasses the town centre. The town, and the conservation area, occupy a low ridge extending eastwards from the foot of Hergest Ridge. On the north side of the ridge is a steep slope above the fast-flowing Back Brook; on the south side is a more gentle slope to the flood plain of the River Arrow. River and brook converge on the east side of the town.

- 4.2 The conservation area generally lies on the south-facing slope. The highest point, located near the parish church on a small hill in the north-western part of the conservation area, rises to approximately 195m above Ordnance Datum (OD). The lowest point, at the bridge over the River Arrow in the south-eastern part of the conservation area, falls to approximately 150m OD. The commercial core of Kington, centred on High Street and upper Bridge Street, overlooks the floodplain of the Arrow from the south-facing slope of the ridge. The major residential areas of the town, of 20<sup>th</sup> and 21<sup>st</sup> Century date, are located to the north of the commercial centre (Gravel Hill Road-Llewelin Road-Bradnor View Close), to the west (Park Avenue-Park View), to the east (Victoria Road area), and to the south (Eardisley Road). These residential areas, with the exception of Bradnor View Close, lie outside the boundary of the conservation area.
- 4.3 Kington is located near the north-western edge of Herefordshire's Central Lowland. To the east, the River Arrow flows through an undulating landscape of agricultural importance. To the north-west lie the scarp and vale uplands of the North West Edge Country that have traditionally supported an economy based on livestock-raising. On the west side of Kington, Hergest Ridge rises to 426m OD.
- 4.4 The underlying bedrock of much of the conservation area consists of limestone and shale of the Ludlow and Wenlock Series (Silurian). The limestone bedrock is exposed in the deeply incised valley of the Back Brook. The south-eastern part of the conservation area (south of the Arrow bridge), and the area to the east, is underlain by mudstone and siltstone of the Raglan Mudstone Formation of the Old Red Sandstone (Devonian). Hummocky glacial deposits, consisting of sand and gravel till, overlie the bedrock immediately north of the conservation area (the Gravel Hill area) and south of the conservation area (Eardisley Road-Kingswood Road). In the Arrow valley immediately south-east of the conservation area, the bedrock is overlain by more recent alluvial deposits.
- 4.5 The soils of the conservation area are mainly fine loamy soils (typical brown earths), derived from sandstone and shale, that support stock rearing on permanent grasslands. In the south-eastern part of the conservation area, and extending further east, the soils are coarse loamy soils (typical argillic brown earths) that support cereals and short term grassland, and some fruit, potatoes and hops. These soils were a source of clay for local brick production before the arrival of the railway in Kington, when cheaper, imported bricks became available.

## **5. Historic Development and Archaeology**

- 5.1 The place name, *Chingtune* (Old English), refers to the king's settlement or farmstead. The earliest documentary source for Kington is the Domesday Book of AD 1086. At the time of the Norman Conquest, Earl Harold Godwinson held Kington and several other manors in the area. All were described as waste, i.e., they were not in agricultural production, probably as a result of political unrest in the Welsh Marches. At the time of the Domesday survey, Kington was held by the king. The estate comprised four hides (perhaps 480 acres) and was again described as waste. There is no record of the local population.

- 5.2 During the early 12<sup>th</sup> Century, the Honour (Lordship) of Kington was granted to Adam de Port by King Henry I. A castle may have been built here at that time and a borough established. The manor was forfeited to the king in 1172 when Adam's grandson fell out of favour. A documentary source records the repair of the castle wall or palisade in 1187 at a time of further political unrest in the Marches. In 1201, King John granted the manor to William de Broas, who also held lordships in Wales. The castle was again forfeited to the Crown in 1208 as a result of a dispute between William and the king, and later granted to Roger Clifford. Following several attempts by William and his sons to retake it, Kington Castle was probably destroyed by King John in 1216. It was subsequently replaced by a new castle and planned borough at Huntington, four miles to the south-west.
- 5.3 During the late 12<sup>th</sup> or early 13<sup>th</sup> Century, a new planned town with burgage tenure was laid out in the area of the present-day commercial centre of Kington. A documentary source of 1267 records the rents of burgages in both Kington (the old borough) and New Kington, the planned borough. There is no known record of a charter granting market rights, but an important medieval market is known to have existed here, including a cattle market. Several other markets in the area failed as a result of Kington's success, including those at Huntington and Pembridge.

#### *Old Kington*

- 5.4 An irregularly-shaped knoll known as Castle Hill, on the south side of the Back Brook approximately 140m north of Kington parish church, is thought to be the site of Kington Castle (Scheduled Monument). There are no standing structures on the site and no earthwork evidence of a bailey. A low-lying paddock with a rubble boundary wall on the west side of Castle Hill may have been the site of a medieval fishpond. These features are not within the boundaries of the conservation area.
- 5.5 The oldest standing structure in the conservation area is the south tower of the parish church of St Mary the Virgin (Grade I Listed Building), built ca. 1200. The tower is constructed of sandstone rubble with thick walls; it was built initially as a free-standing structure. (The timber roof is of 18<sup>th</sup> Century date and consists of a broached spire over truncated pyramids.)
- 5.6 The church is constructed of local sandstone rubble with sandstone dressings under tiled roofs. The chancel dates to the early 13<sup>th</sup> Century, and the nave and south aisle to ca. 1300. They are of Early English architectural style. The South Chapel was constructed during the early 14<sup>th</sup> Century in the Decorated architectural style and a window of Perpendicular design was later inserted into the south wall. (The present north aisle and outer north aisle were built in 1874 in the style of the Gothic Revival.) The church is probably on or near the site of an earlier Norman church; the medieval structure incorporates re-used fragments with Norman (Romanesque) decorative elements, and the church houses a Norman font.
- 5.7 The remains of a medieval (14<sup>th</sup> or 15<sup>th</sup> Century) cross (Scheduled Monument and Grade II) are located in the churchyard. This consists of the stump of a sandstone shaft on a square base with ogee-headed recess. It is set on modern stone steps.

- 5.8 The oldest secular building in this area is located at The Wych on the north-west side of the churchyard. Number 1 and 2 The Wych (Grade II) is a timber-framed house (now sub-divided), with plaster infill panels and a stone tile roof, dating to the late 15<sup>th</sup> Century (later altered and extended).
- 5.9 There is little physical evidence of the plan form of the old borough. Most residential plots in this area are irregular in shape and orientation. On the south side of Church Road, however, several rectangular plots extend southwards from the road and share a common boundary in the form of a lynchet (terrace) up to 2m high. These plots may be remnants of a more extensive series of medieval burgage plots. (Buildings on these sites are post-medieval in date.) The Wych, the site of the earliest secular building in the area, may also have been the location of earlier tenements.

#### *New Kington*

- 5.10 The new planned borough of Kington, dating to the late 12<sup>th</sup> or early 13<sup>th</sup> Century, was based on a regular grid pattern aligned north-west to south-east and north-east to south-west. The principle streets, High Street, Duke Street (formerly Duck Street) and the upper part of Bridge Street, form a T-junction (known as Lower Cross) with High Street/Duke Street aligned north-east to south-west, and Bridge Street aligned north-west to south-east. Burgage plots, and other residential plots described as messuages, were regular in form (but possibly of variable width) and generally aligned perpendicular to the principle streets. A regular system of narrow lanes forms common rear boundaries and separates groups of burgages (or messuages) into urban blocks.
- 5.11 The general alignment of principle streets, lanes and plots appears to have been superimposed on an agricultural co-axial field system aligned north-west to south-east. This field system extended over a wide area in the Arrow Valley, and is also expressed in modern field boundaries. Church Street, a sinuous street that links New Kington with the Old Kington area, does not follow the alignment of the field system.
- 5.12 Markets were held in the streets including Upper Cross, a triangular space at the junction of High Street/Mill Street with Church Street. Common Close, off Church Street, was the site of fairs including livestock markets. Evidence of the importance of livestock in the local economy is preserved in the field system on the north and west side of the town where funnel-shaped enclosures (slangs) link the upland common pastures with the markets in the town (and, later, with drovers' routes to London markets).
- 5.13 The oldest surviving building in New Kington is at no. 13 High Street (Grade II), and is now dated to the 14<sup>th</sup> Century. The building, formerly an open hall, is cruck-framed and aligned parallel to the street. It is set back behind a 19<sup>th</sup> Century shop. A number of timber-framed buildings dated to the 15<sup>th</sup> or early 16<sup>th</sup> Century are located in Duke Street (nos. 35, 36, 37 and 38) and Bridge Street (nos. 4-5). All are Grade II Listed Buildings.

#### *Post-medieval Kington*

- 5.14 A larger number of buildings of 17<sup>th</sup> Century date can be found throughout the conservation area. They are concentrated on High Street (including nos. 6, 11 and 12, 19 to 22, and 49 and 50) and Bridge Street (including nos. 6, 62



and the Talbot Hotel formerly Lyon House) where they occupy the sites of earlier buildings on medieval plots. All are Grade II Listed Buildings. A building at Place de Marines, Mill Street has timber framing dated to the 17<sup>th</sup> Century and may have been used as a market hall.

- 5.15 Several 17<sup>th</sup> Century buildings are located on Church Road, including Lady Hawkin's School (rebuilt in 1877) and cottages at The Wych. All are Grade II Listed Buildings. A corn mill was recorded at Crooked Well in the mid-16<sup>th</sup> Century and a 17<sup>th</sup> Century cottage is located near the site of a ford over the Back Brook at Crooked Well. This suggests that a small community had been established here by this time.

#### *18<sup>th</sup> Century Kington*

- 5.16 During the 18<sup>th</sup> Century (continuing into the early 19<sup>th</sup> Century), buildings of Georgian architectural design and Classical influence were constructed in Kington. These buildings are concentrated on High Street (including nos. 51, 51A, 52 and 53, Grade II), Duke Street (including nos. 7, 8 and 9, Grade II) and Bridge Street (including nos. 11, 12 and 13, Grade II). They are generally built of stone (some rendered in stucco or roughcast) under stone tiles (later replaced by slate) with sash windows and prominent doorcases. The larger residences and inns feature central pediments, pilasters, Venetian and bay windows. Examples include the former Chained Swan inn at 51, 51A, 52 and 53 High Street (Grade II) and the Sun Inn at 33 Duke Street (Grade II). Smaller cottages of this period were also constructed on Duke Street, Church Road (The Wych) and at Crooked Well. During the late 18<sup>th</sup> Century, a lych gate (Grade II\*) was constructed at the eastern entrance to the churchyard. The structure is of ashlar, and square on plan with four segmental arches supporting a lead cupola.
- 5.17 Industrial activities of this period included milling (corn, wool, fulling) and tanning. Mills were located at Broken Banks, Mill Street (Crabtree Mill) and to the west of Bridge Street (Kington Mill, now Arrow Mill, Grade II). A tannery was located in Tanyard Lane. Structures associated with milling and tanning included leats, weirs and sluices, some of which have survived to the present day. Cottage industries, including cloth making and glove making, were also significant local economic activities at this time. Some evidence of this is preserved in the form of cottages with former workshops ('weaving lofts') fitted with large windows at Crooked Mill.
- 5.18 The Kington Turnpike Trust, established in 1756, constructed a number of distinctive tollhouses in the Kington Area. Examples include a stone built octagonal cottage at the south end of Bridge Street (Toll House, Grade II), and a stone cottage at Headbrook (Turnpike Cottage) with a small bay window near the front entrance to observe movement along the toll road. Both of these tollhouses are of early 19<sup>th</sup> Century date.

#### *19<sup>th</sup>-early 20<sup>th</sup> Century Kington*

- 5.19 A number of large, stone-built Georgian houses of symmetrical proportions were designed in the early 19<sup>th</sup> Century by a prominent local architect, Benjamin Wishlade. These include Gravel Hill Villa and Bywell (Grade II), and possibly, Mountford House (Grade II) and Castle Hill House. Wishlade later designed several public buildings including the National School, the Court House and Police Station (all in stone) and the Town Hall (Grade II), a

prominent three-storey stuccoed building with Classical pediment and pilasters.

- 5.20 A row of Regency houses was built in the early 19<sup>th</sup> Century in The Square (nos. 8, 8A, 8B, 9, 10 and 11, Grade II). Most are of three storeys under hipped slate roofs with prominent doorcases and sash windows. Numbers 9 and 10 are stuccoed; no. 8 is roughcast. Number 11 is of two storeys under a pitched slate roof with a cast iron porch and canted bay windows. Several houses of similar style were built around this time in Mill Street (nos. 22 and 21, Grade II). They are of three storeys, stuccoed under pitched slate roofs and have prominent flat-hooded porches on square columns.
- 5.21 In 1820, John Meredith built The Foundry (Grade II) at Sunset. Constructed of stone under a slate roof, foundry and workshops were laid out around a central courtyard. At the entrance, there is a segmental stone arch with a pediment above and a domed bellcot. The machinery was powered by water, diverted from the Back Brook by means of a weir and a leat. The Kington Tramway was also constructed at this time. Running along the south side of the Back Brook, the tramway linked Kington with Eardisley, Hay and Brecon, and south Wales via the Brecon Canal, and contributed to the success of the foundry. By late 19<sup>th</sup> Century, Meredith's foundry was Kington's largest employer, making nails, agricultural implements, gates and railings, and street furniture.
- 5.22 Also during the early 19<sup>th</sup> Century, the Old Wesleyan Chapel (Grade II) was constructed in Harp Yard. This imposing Georgian building is of stone rubble under a hipped corrugated iron roof. In the later part of the century, the parish church of St Mary the Virgin was extended (1874) when new north aisles were constructed of sandstone rubble, and a new elementary school, the Board School, and master's house were constructed of rubble (1875) on Gravel Hill. The school is of Victorian Gothic design with prominent gables at the front elevation.
- 5.23 A railway line from Leominster to Kington was completed in 1857; this resulted in the closure of the tramway. The availability of cheaper bricks, however, opened a new chapter in Kington's architectural history.
- 5.24 In c.1868, the Baptist Church, Bridge Street, was constructed of brick with stucco detailing. The impressive front (west) elevation is of Classical design with pediment and modillioned cornice, pilasters, and with moulded arches and surrounds to doorcases and windows.
- 5.25 The Market Hall(Grade II) was built on a prominent site at Upper Cross in 1885. The single storey building is of redbrick under a hipped slate roof with clerestory. The main entrance on Church Street is surmounted by a pediment with terracotta ornamentation and flanked by pilasters. The balustraded clock tower was added in 1897. At around this time, bricks were also used in the construction of shops on Church Street.
- 5.26 Kington Cottage Hospital was constructed on Victoria Street in 1888 of bricks manufactured at Hampton Park Brickworks in Hereford. The building is of Victorian Gothic design in redbrick with stone quoins and dressings, and prominent gables. Residential development on Victoria Street in the late 19<sup>th</sup> Century included the construction of semi-detached villas. On the north side of the street are a number of redbrick villas with yellow brick dressings and

prominent bay windows. One group of villas has hipped slate roofs with dormer windows, and semi-circular brick arch heads over entrances and windows. A second group has pitched slate roofs with prominent gables and entrance porches at the front (south) elevation. All are set behind raised front gardens with rubble retaining walls.

- 5.27 In 1896, a new Board School (now Kington Primary School) was constructed on Mill Street. The redbrick building is of art nouveau design with Jacobean-style porches. Residential development was also undertaken on Park Avenue to the west of the school consisting of two-storey brick detached and semi-detached houses of various designs set behind front gardens with brick boundary walls and hedges.
- 5.28 In 1905, The Old Radnor Lime, Roadstone and General Trading Company building (Grade II), now occupied by Herefordshire Council, was constructed on a prominent corner site at the junction of Duke Street and Bridge Street. The two-storey building is of Classical design with ballustrated parapet and modillioned cornice; the entrance is surmounted by a pediment, and the windows by segmental arches with keyblocks. The building is constructed of precast concrete made to resemble granite, with ashlar finish to the first floor. The Old Radnor Company succeeded Meredith's Foundry as Kington's largest employer.

#### *Recent Developments*

- 5.29 A number of high-density residential developments have been undertaken within the conservation area since its designation in 1969. These include:
- Cul-de-sac development at Bradnor View Close overlooking Crooked Well, and at Oak Plock and School Close on the east side of Churchill Road.
  - Sheltered housing at Passey Court, The Square, and at Crabtree Road.
- 5.30 Commercial development since 1969 includes:
- A supermarket with car park and a gardening centre off Crabtree Road.
  - A bus depot south of Mill Street.

## **6. Spatial Analysis**

### Character and Interrelationship of Spaces

- 6.1 Kington Conservation Area is an urban area in which the largest open spaces are now recreational areas. Other open spaces include private gardens, the parish churchyard, and paved public areas in the centre of the town.
- 6.2 The Recreation Ground, donated to the town in 1888, is a large public open space surrounded by trees in the south-western part of the conservation area. The site is used for sporting and other public activities, and includes a children's playground and a cricket pavilion. To the east is the Kington Town Football Club ground and a caravan park. All are part of a more extensive area of river meadows in the Arrow valley, much of which does not have public right of access.

- 6.3 In the north-western part of the conservation area, there are a number of large private gardens, most of which are concealed behind high boundary walls. The parish churchyard is prominent and rises above its boundary wall. Trees and shrubs are abundant in this area, and rubble walls line many of the roads and lanes.
- 6.4 In the centre of the town, long private gardens extent back behind many of the properties facing onto High Street, Duke Street and Bridge Street. Hedges and high walls protect privacy.
- 6.5 Large paved open spaces in this area include three car parks south of Mill Street/High Street, accessed by means of Crabtree Road. The impact of the Mill Street car park has been softened to some extent by tree planting. A car park south of High Street impinges upon former medieval residential plots in this area. A large open space south of Duke Street comprises the livestock market (closed at the time of the conservation area re-appraisal). This area was previously occupied by private gardens and orchards.
- 6.6 Two smaller paved public open spaces are located at Place de Marines (off Mill Street) and The Square/Common Close. The former is used for public activities, including markets; the latter is a thoroughfare, also used as a car park.
- 6.7 The following open spaces contribute significantly to the historic landscape character of the conservation area:
- The churchyard of St. Mary the Virgin occupies a hilltop position overlooking the town and the Arrow Valley. The south-facing slope is landscaped and bounded by a high rubble retaining wall. Many of the gravestones were removed in 1969, however the churchyard retains its medieval cross (Scheduled Monument and Grade II), 18<sup>th</sup> Century lych gate (Grade II\*) and four early 19<sup>th</sup> Century memorials (all Grade II). The character of the churchyard is enhanced by its trees, which include a row of mature limes and yews above the churchyard wall (probably planted in the 19<sup>th</sup> Century), and individual acacia and immature native hardwoods. Access is from the east and west sides, or by steps on the south-west side (all off Church Road).
  - Private gardens and other open spaces with mature trees on the south side of Church Road, bounded by high rubble walls, at the rear of a number of listed buildings (all Grade II), including Hill Court, Church House and the attached wall, Beech Cottage and Lady Hawkin's School.
  - Private gardens and other open spaces at the backs of former burgage plots, i.e., on the north side of High Street and Duke Street, and on the west side of Bridge Street. These open spaces preserve the plan form of the medieval borough of New Kington. Lanes with high walls permit access throughout the area while preserving the integrity of the plots. Buildings at the front of the plots face onto the street behind narrow footways; many are Listed Buildings (all Grade II).
  - The Place de Marines, an urban open space, is a paved area in the town centre used as a venue for open-air activities, including markets. The space is enclosed on three sides, with the Market Hall (Grade II) on the east side and the open-sided Place de Marines building on the west side. Pedestrian access is from Mill Street on the south side or from the buildings on the east and west sides.

- The Square/Common Close, an urban open space, is a short, wide section of the public highway; historically, the site of livestock fairs and markets, now used as an access route (to Crooked Well and residential developments in the northern part of Kington) and as a car park. The site is surrounded by, and provides a setting for, a number of listed buildings (all Grade II), i.e., no. 1 The Square, nos. 8, 8A, 8B, 9, 10 and 11 The Terrace, the Swan Inn, nos. 4 to 7 Common Close, Sycamore Cottage (no. 6A), Close House and Pitfour, and is the location of the War Memorial (Grade II). Access points are on the north (two), south-west and south-east (pedestrians only) sides.

6.8 Trees are a characteristic feature of the conservation area, particularly in the north-western (Church Road) and south-western (River Meadows) parts. They have a substantial visual and physical impact, and give vertical emphasis. All trees in a conservation area are subject to notification procedures where works are proposed. Trees are prominent at the following locations:

- The churchyard of St Mary the Virgin
- Private gardens and open spaces south of Church Road
- On north-facing slopes on the south side of Castle Hill (road)
- Surrounding the Recreation Ground
- Back gardens in the town centre
- An individual mature beech tree at Victoria Road/Duke Street (north side) near the eastern boundary of the conservation area.

6.9 The following Tree Preservation Orders (TPO) apply to trees within the conservation area or in areas adjacent to it:

- TPO 333: groups of trees and individual trees in the grounds of Hill Court on the south side of Church Road.
- TPO 298: an individual mature beech tree at Oxford Lane behind the Oxford Arms Hotel.
- TPO 007: groups of trees on the north- and east-facing slopes of Castle Hill (knoll) and in the valley of the Back Brook between Broken Bank and Crooked Well (outside the conservation area).

#### Key Views and Vistas

6.10 Throughout much of the conservation area there is a sense of enclosure. In the town centre, narrow streets and footways lined with buildings and lanes with high walls result in intimate views within the area and few distant views beyond. Major thoroughfares, including Bridge Street and Church Street/Church Road, are sinuous and present sequential views of the townscape. An exception is High Street/Duke Street/Victoria Street, a linear thoroughfare extending from the Market Hall to the A44 at Sunset. The townscape along the thoroughfare presents a series of transformations with an architectural chronology from the 16<sup>th</sup> to the 20<sup>th</sup> Century.

6.11 In the Church Road area, high walls and mature trees also generate a sense of enclosure, and of contrasting textures. At the higher elevations there are views of the surrounding hills.

6.12 There are a number of key views:

- Looking north along the west side of Bridge Street, a series of symmetrical Georgian facades, with central doorcases, sash windows, continuous eaves line and central gables with a window, leading the eye to the Classically-designed Town Hall, a visual stop at the junction with High Street.
- Looking west along High Street, a Georgian streetscape with a distinctive vertical rhythm based on variability expressed in 19<sup>th</sup> and early 20<sup>th</sup> Century shopfronts, fenestration and eaves lines, leading the eye towards the towering redbrick Market Hall that deflects the view to left and right.
- Looking north into a lane between nos. 20 and 22 High Street, a narrow lane between buildings with textured walls of rubble and pebbledash, painted brick and timber frame, all linked by the random cobbles and coursed stone setts of the lane; behind the buildings, back gardens are screened by robust stone walls.
- Looking south into Furlong Lane from High Street, the narrow lane is enclosed by the dark stone walls of tall buildings creating the metaphor of a deep canyon.
- Looking south along Church Street, a Georgian streetscape of contrasting textures (stone, render, brick) and vertical rhythm created by changes of level of the eaves lines.
- Looking west along Prospect Road from Common Close, an intimate view along a narrow road bounded on the left by the contrasting textures of high stone rubble walls overgrown by creeping plants and trees, and on the right by listed buildings of varying heights, depths and texture (brick and stone), set behind narrow front gardens with flowers and shrubs, and low rubble retaining walls.
- Looking south-east along Church Road, an enclosed view with the contrasting colours and textures of high, sandstone rubble walls surmounted by ornamental shrubs and trees, including copper beeches.
- Looking north-west along Castle Hill, a rural view along a country lane with narrow grass verges bordered by hedges and rubble walls overgrown by creeping plants, with a painted stone cottage on the left and an orchard, and an abrupt change of level, on the right.

6.13 The following panoramic vistas offer views beyond the conservation area disclosing the wider landscape setting:

- From the A44, looking west towards Kington, the broached spire of the parish church rises above the trees with the wooded slopes of Hergest Ridge in the distance.
- From the parish churchyard, looking west towards Ridgebourne landscape park and the wooded slopes of Hergest Ridge.
- From The Wych, looking north across the narrow, wooded valley of the Back Brook to the lower slopes of Bradnor Hill with neat hedgerows and solitary trees marking former field boundaries.

## 7. **Character Analysis**

7.1 The essential character of Kington Conservation Area is that of a small, historic market town. The urban character of the town centre is derived from its narrow streets and footways, and crowded three- and four-storey buildings. There is a predominance of Georgian facades, generally stuccoed, roughcast or rendered over sandstone rubble, that are likely to conceal earlier, timber-framed cores. Many buildings have inserted 19<sup>th</sup> or early 20<sup>th</sup> Century shop

fronts. The urban character of the town centre is complemented by the Arcadian character of Church Road. Here, detached 18<sup>th</sup> and 19<sup>th</sup> Century houses, generally stone-built, occupy large plots with mature plantings, hedges and high rubble walls.

- 7.2 The basic plan form of Kington town centre appears to have changed very little between the founding of the medieval borough of New Kington and the Tithe Appraisal of the mid-19<sup>th</sup> Century. The principle streets, High Street/Duke Street and Bridge Street, form a T-junction; long plots extend back from narrow street frontages; a grid-like pattern of lanes delineates common rear boundaries and regular urban blocks. In the Church Road area, the site of Old Kington, plots are generally large and irregular with little surviving evidence of the plan form of the medieval borough. The pattern of roads in this area has remained basically the same since at least the mid-18<sup>th</sup> Century.
- 7.3 A number of landmark buildings provide a series of focal points within the conservation area. These include the medieval parish church, tower and steeple located high above the town on Church Road; the Victorian Market Hall at Upper Cross (the junction of High Street, Mill Street and Church Street), and the Classically inspired Town Hall (now shops and flats) at Lower Cross (the junction of High Street, Duke Street and Bridge Street).

#### The Conservation Area

- 7.4 A number of character areas have been described within the conservation area. They are identified as Church Hill, Town Centre, Bridge Street South, River Meadows and Bradnor View Estate.

#### *Church Hill*

- 7.5 The character area occupies the higher elevations of the ridge on which Kington is located. The area includes Church Road, The Wych, Castle Hill, Prospect Road and the parish churchyard of St Mary the Virgin. The landscape category is identified as 'semi-urban'. The character is defined as Arcadian suburb with residential and ecclesiastical elements.
- 7.6 The area has probably undergone a series of changes during its long history of settlement, now characterised by large houses on generous plots with mature plantings, trees, and high stone walls. The parish church is a landmark building occupying a prominent position. In the churchyard and the grounds of the adjacent vicarage are a number of prominent trees of several varieties.
- 7.7 Historic assets include ecclesiastical structures dating from c.1200 to 19<sup>th</sup> Century, and secular buildings dating from the 15<sup>th</sup> Century to the 19<sup>th</sup> Century. Within the walled churchyard is the medieval church (extended during the 19<sup>th</sup> Century) and tower (Grade I), the remains of a medieval cross (Grade II), the 18<sup>th</sup> Century lych gate (Grade II\*), and four 19<sup>th</sup> Century memorials (all Grade II). The high stone rubble wall is listed separately (Grade II). At the time of the survey, a section of the wall on the west side had collapsed.
- 7.8 Secular buildings include Lady Hawkins School (Grade II), founded as a charity school, later a Local Education Authority grammar school, and now

residential premises. Erected as a timber-framed building by John Abel (known as the King's Carpenter) in the early 17<sup>th</sup> Century, the school was rebuilt in coursed dressed sandstone in the late 19<sup>th</sup> Century, and altered and extended during the 20<sup>th</sup> Century. There are two other timber-framed buildings in the area: nos. 1 and 2 The Wych (Grade II, late 15<sup>th</sup> Century) and The Porch House, Church Road (Grade II, late 16<sup>th</sup> Century). Later buildings are generally built of sandstone, including Church House (Grade II, 18<sup>th</sup> Century), Beech Cottage (Grade II, 18<sup>th</sup> Century), Pitfour (Grade II, late 18<sup>th</sup>/early 19<sup>th</sup> Century), no. 6 The Wych (Grade II, early 19<sup>th</sup> Century), Castle Hill House (an early 19<sup>th</sup> Century building of local interest), and a water tower on Castle Hill, a building of local interest associated with the development of Kington's piped water supply.

- 7.9 Two brick buildings (both constructed in Flemish bond) also contribute to the residential character of the area. Close House, Prospect Road, is a large Georgian house; the imposing central entrance has a flat hood supported by columns, and the sash windows have rubbed brick flat arch heads (Grade II, mid-18<sup>th</sup> Century). Wychbourn at The Wych (a 19<sup>th</sup> Century building of local interest) is a Victorian house with polychrome brick dressings and prominent gables. (The house is located just outside the present boundary of the conservation area.)

#### *Town Centre*

- 7.10 The core area of the Town Centre is based on High Street and the upper part of Bridge Street. The periphery includes Duke Street, Market Hall Street, the lower part of Bridge Street (above the bridge), Church Street, The Square and Common Close, Mill Street (east end) and Churchill Road (east side). The landscape category is identified as 'urban'. The character is defined as historic small town centre, predominantly commercial at the core, and commercial/residential at the periphery.
- 7.11 High Street is a narrow, treeless street with narrow footways. Buildings, many of three storeys and several of four, stand at the rear of the footway. Most buildings are of Georgian (18<sup>th</sup>/early 19<sup>th</sup> Century) appearance, often with stuccoed, rendered or roughcast fronts; some have brick or painted brick frontages. In a number of cases, stone or timber-framing can be seen at the side or rear elevations, and a number of buildings are known to have timber-framed cores of 17<sup>th</sup> Century date or earlier. Roofs are pitched or hipped, several with a central gable; most have slates, some have tiles. Many of the buildings have inserted 19<sup>th</sup> or early 20<sup>th</sup> Century shopfronts, sash windows and, in some instances, bay, bow or tripartite windows. The variable heights and architectural characteristics of shopfronts, facades and eaves lines create a vertical rhythm that is part of the unique character of Kington Town Centre.
- 7.12 In Bridge Street, the sense of enclosure is less pronounced than in High Street; buildings are of two or three storeys, and both the street and footways are wider towards the south. On the west side of the street, most buildings display 18<sup>th</sup> Century Georgian frontages of stucco or roughcast under slate roofs (one prominent house is of squared, coursed rubble); most buildings conceal earlier cores. Architectural details include prominent doorcases, sash windows under flat arch heads, and some canted bay windows. Several buildings have inserted 19<sup>th</sup> or early 20<sup>th</sup> Century shopfronts. A character feature of the west side of Bridge Street is a sequence of two-storey Georgian frontages with a round-headed light in a prominent central gable and a central



doorcase. On the east side of the street, at the north end, is a sequence of 19<sup>th</sup> century roughcast and stuccoed frontages (concealing 17<sup>th</sup> or 18<sup>th</sup> Century cores) with 19<sup>th</sup> and 20<sup>th</sup> Century casement windows, and late 19<sup>th</sup> and 20<sup>th</sup> Century shop fronts. Further south, there are several groups of three-storey brick buildings with sash windows and inserted shop fronts, and a 19<sup>th</sup> Century Classically-inspired redbrick church with stucco dressings.

- 7.13 Duke Street is a narrow street with narrow footways. At the west end of the street there are residential and commercial buildings of three storeys; the majority of buildings are of two storeys, however. The south side of the street is characterised by 18<sup>th</sup> and 19<sup>th</sup> Century cottages with stuccoed fronts under slate roofs with flat door hoods. There are also two groups 16<sup>th</sup> or 17<sup>th</sup> Century timber-framed one-storey cottages with dormer windows. The north side of Duke Street is more varied with stuccoed, roughcast and rubble cottages of 18<sup>th</sup> and 19<sup>th</sup> Century date; timber-framed houses with brick or plaster infill of 15<sup>th</sup> to 17<sup>th</sup> Century date; a large 18<sup>th</sup> Century inn with a 20<sup>th</sup> Century stuccoed frontage and decorative elements including pilasters, pediments, foliate swags, balusters, tripartite and bay windows; and elegant early 19<sup>th</sup> Century houses with stuccoed fronts, pilasters, tripartite sash windows under moulded pediments and late 19<sup>th</sup> Century shop fronts.
- 7.14 Church Street has a more spacious feel than most other town centre streets; the carriageway and footways are wider, particularly at the north end. Building are of two or three storeys; most are of 18<sup>th</sup> or 19<sup>th</sup> Century date and Georgian appearance (but may conceal earlier cores). Frontages are most commonly of stucco, but roughcast, painted brick, dressed stone and rubble can also be seen. At the south end of Church Street are a number of Victorian brick buildings, including the Market Hall. The main commercial and shopping frontage extends from High Street into Church Street; late 19<sup>th</sup> and 20<sup>th</sup> Century shop fronts are clustered at the south end of the street, particularly on the east side. The Square is a short, wide street on the periphery of the town centre dominated by a row of elegant Regency houses. Several stuccoed houses of similar appearance are located on Mill Street.
- 7.15 A significant number of historical assets are located in the Town Centre. They are, primarily, listed buildings and buildings of local interest, but also include the plan form of the medieval borough, particularly the well-preserved residential plots and lanes, and the stone walls that enclose them. Prominent listed buildings include the following (all Grade II): Wislade's elegant Classically inspired Town Hall at the east end of High Street; in contrast, the Oxford Arms Hotel on Duke Street; the former Chained Swan Inn at 51, 51A, 52 and 53 High Street (now divided into shops and private residences which has resulted in loss of symmetry on the ground floor); the redbrick Victorian Market Hall at the south end of Church Street; the redbrick and stucco Baptist Church on Bridge Street; and the pre-cast concrete former Old Radnor Trading Company building at the north end of Bridge Street.

#### *Bridge Street South*

- 7.16 The character area includes Bridge Street (south of the bridge), Headbrook (north side, part) and Kingswood Road (north side, part). The landscape category is identified as 'urban'. The character is defined as low-density residential suburb.

- 7.17 This small area on the south side of the bridge was settled by the early 17<sup>th</sup> Century and acts as a gateway to the conservation area. The stone-built bridge and causeway, an octagonal, coursed stone tollhouse (Grade II, 19<sup>th</sup> Century), and the Old Armoury, a 19<sup>th</sup> Century stone building of local interest, reinforce the gateway image.
- 7.18 Several other historical assets contribute to the character of the area. Townsend Cottage (Grade II, 17<sup>th</sup> Century) represents the early settlement of the area. This timber-framed house with brick infill panels, in part stone-built and now roughcast, is located at Headbrook, just outside the present boundary of the conservation area. At Kingswood Road, nos. 3, 4, 5 and 6 (buildings of local interest) comprise a terrace of stone cottages with polychrome brick dressings. These cottages are located just outside the boundary of the conservation area.

#### *River Meadows*

- 7.19 The character area includes Mill Street (west end), Crabtree Road, Park Avenue (south side), the Recreation Ground, Kington Town Football Club ground and a touring caravan park. The landscape category is identified as 'park'. The character is defined as primarily recreational open space with some late 20<sup>th</sup> Century high-density residential and commercial elements.
- 7.20 The area comprises low-lying former meadowland, at least part of which is liable to flood, on the north side of the River Arrow. Much of this area is used for recreational purposes. Crabtree Road provides access to a high-density sheltered housing site, a supermarket with an open car park and a garden centre. These developments took place after the designation of Kington Conservation Area. They are not in keeping with the character of the conservation area, but represent an intrusive element.
- 7.21 At the western end of Mill Street is the site of Crabtree Mill. The mill survives as an 18<sup>th</sup> Century stone building, now a residence known as The Nook (a building of local interest).

#### *Bradnor View Estate*

- 7.22 The character area is based on Bradnor View Close. The landscape category is identified as 'urban'; the character is defined as late 20<sup>th</sup> Century high-density residential suburb.
- 7.23 The estate at Bradnor View Close is located on a north-facing slope overlooking Crooked Well and the valley of the Back Brook. This is a modern residential cul-de-sac development of semi-detached, terraced and detached homes. Construction employed modern methods and materials (brick and tile). Most homes are located on small plots with a hard parking pad, and in some cases a small lawn, at the front and a garden at the rear.
- 7.24 The estate does not have any affinity with the character of the rest of conservation area, and represents a modern intrusive element.

#### Adjacent Areas

- 7.25 The character of a number of areas adjacent to the conservation area has been described. They are identified as Broken Bank, Crooked Well and Victoria Road.

*Broken Bank*

- 7.26 Broken Bank is located on the south side of Back Brook in the vicinity of the castle mound (Scheduled Monument). The landscape category is identified as 'semi-rural'; the character is defined as dispersed historic settlement. The area includes significant aspects of the medieval and industrial history of Kington.
- 7.27 The area can be accessed by road via Castle Hill or The Wych, by a footpath following the Old Tram Road, and by a footpath called the Old Road running north from Montfort Road. The most prominent landmark is the castle mound (Scheduled Monument), a steep-sided knoll with some indications of artificial scarping. To the west of the mound is a low-lying paddock with a rubble wall; this may be the site of a medieval fishpond.
- 7.28 Several 19<sup>th</sup> and 20<sup>th</sup> Century houses and a bungalow are located around the foot of the castle mound. Cottages of 19<sup>th</sup> Century date, or earlier, are located on Old Road and, in a small cluster, on the north side of the paddock. The cottages are built of brick (in Flemish bond) and stone (random and regular coursed rubble) under pitched slate roofs with, in most cases, segmental arch heads over ground floor windows.
- 7.29 A mill located on the north side of Back Brook (now a private residence known as Mill House) functioned as a fulling mill during the earlier part of the 19<sup>th</sup> Century. The historic settlement of this area may have been that of a small industrial community associated with the mill and the manufacture of cloth. At least one cottage has large first floor windows, possibly indicative of weaving lofts, associated with local industrial activities. The tramway may have provided a transport link.
- 7.30 On the south bank of the Back Brook, steep slopes with exposed bedrock, heavy tree cover (protected by TPO 007) and the fast-flowing stream give an appearance of wild nature. This is, however, an historic landscape. A public footpath along the stream bank follows the course of the former tram road, the bed of which was quarried out of the bedrock, and a weir on the Back Brook is indicative of control of the stream flow.

*Crooked Well*

- 7.31 Crooked Well is located on the south side of the Back Brook to the east of Broken Bank on the former site of a ford. The landscape category is identified as 'hamlet'; the character is defined as nucleated historic settlement. The area includes significant aspects of the architectural and industrial history of Kington.
- 7.32 The area is accessed by road from the south (this is an extension of Prospect Lane running north from High Street, continuing as Ellin Lane and Common Close), by a footpath following the former tram road, and by a footpath running north-east from Church Road. The historic assets of this area include stone cottages of 18<sup>th</sup> and early 19<sup>th</sup> Century date (Grade II listed buildings and buildings of local interest) one of which has a 17<sup>th</sup> Century timber-framed

core; an early 19<sup>th</sup> Century house designed by local architect Benjamin Wishlade (Byewell, Grade II); a section of iron kerb manufactured at Meredith's Foundry at Sunset.

- 7.33 Cottages are clustered in terraces along both sides of a narrow road with tarmac surface and narrow footpaths (at the south end). Most cottages are of random or coursed rubble construction under pitched slate roofs with rubble chimneystacks. Architectural details include segmental stone arch heads over doors and windows; linked stone drip moulds over (former) doorcase and windows; vertical and horizontal sliding sash windows.
- 7.34 Architectural evidence of local industrial activities is present at a number of cottages in the form of large 'weaving loft' windows. The adjacent tramway may have provided a transport link.

#### *Victoria Road*

- 7.35 Victoria Road is a continuation of the High Street/Duke Street thoroughfare eastwards to the A44 bypass at Sunset. The character area identified here includes Victoria Road (north side), Gravel Hill (part), the Old Tram Road (part) and The Old Foundry buildings (Grade II). The landscape category is identified as 'urban'; the character is defined as Victorian villa suburb with earlier industrial elements. The area includes significant aspects of the architectural, industrial and social history of Kington.
- 7.36 Sunset was established as an industrial suburb in the early 19<sup>th</sup> Century with the construction of an iron foundry and associated workshops. The single storey building is of random rubble under hipped slate roofs, built to a courtyard plan. Architectural details include a dressed stone arch at the main entrance with a pediment and cupola above, and segmental stone arch window heads. The building is surrounded by a sandstone rubble wall. The Old Tram Road is adjacent to the site; the tramway played a significant role in the development of the foundry.
- 7.37 There are several stone-built houses of similar date in the immediate area. They include the Olde Tavern public house (Grade II) built of coursed rubble under a slate roof with later bay windows and timber porch at the front (south) elevation. A sequence of changes of name, including the Wharf Inn and the Railway Inn, indicates the close association of this public house with local industries.
- 7.38 Two buildings of local interest are located on Gravel Hill. Gravel Hill Villa, a large Regency house of stone, brick and stucco was built in 1825 to the design of local architect Benjamin Wishlade. The Board School, a Victorian elementary school, was constructed in 1875 of stone rubble with ashlar and brick dressings.
- 7.39 Following the arrival of the railway in Kington, Victoria Street was laid out as a tree lined suburban avenue. On the north side of the street is a series of well-designed redbrick semi-detached villas, and the former Kington Cottage Hospital (now a youth hostel).

#### Buildings of Local Interest

7.40 A number of unlisted buildings make a positive contribution to the special architectural and historical interest of the area. It is proposed that the following be considered for designation as Buildings of Local Interest (see also Appendix II):

- Place de Marines, Mill Street.
- The Nook, Mill Street.
- Mill House, Broken Bank.
- Nos. 15 and 19 Crooked Mill.
- Nos. 26 and 27 Mill Street.
- Bridge House, Bridge Street.
- Turnpike Cottage, Headbrook .
- Gravel Hill Villa, Gravel Hill Drive.
- Castle Hill House, Castle Hill.
- The Water Tower, Castle Hill
- The National School, Common Close.
- Court House and Police Station, Market Hall Street.
- The Board School, Gravel Hill.
- Kington County Primary School, Mill Street.
- Rosehill, Church Road.
- The Old Armoury, Headbrook.
- Wishlade's Row, Duke Street .
- Rock Cottage, Broken Banks.
- Nos. 3 to 8 Market Hall Street.
- Nos. 3, 4, 5 and 6 Kingswood Road
- Wychbourn, no. 7 The Wych, Church Road
- No. 9 Church Street.

#### Features in the Public Realm

7.41 The following features in the public realm also contribute to the local character of the area:

- Sandstone rubble walls within the conservation area and in adjacent areas:
  - Town Centre including, Prospect Lane, Prospect Place, Board School Lane, Oxford Lane, Sun Lane, Chapel Lane, Furlong Lane, Market Hall Street, Wishlade's Row, Tanyard Lane
  - Bridge Street (south of the River Arrow)
  - Lane south of Mill Street between nos. 18 and 20
  - Church Road, Prospect Road, Castle Hill, The Wych, the churchyard, lane extending north from Church Road to Crooked Well, lane extending south from Church Road to Park View
  - Lanes and footpaths in Broken Bank (including Old Road) and Crooked Well
  - The east end of Old Tram Road and the boundary walls of The Foundry.
- A public footpath following the course of the early 19<sup>th</sup> Century tram road on the south side of the Back Brook; features include: boundary walls of random rubble at the east end, iron pedestrian gates at Crooked Well, sections where the roadbed was hewn out of the bedrock.
- A stone-lined leat extending east along Tanyard Lane associated with the industrial activities of the former tannery.
- War Memorial (Grade II) at The Square; sandstone, shaft with cross, six-sided base with slate tablets, stepped plinth.

- Iron gates at the Recreation Ground (Mill Street) bearing a plaque in Art Nouveau style with text in raised lettering.
- Iron kerbs at Crooked Well (outside nos. 20 to 23) and Duke Street (outside no. 33, formerly The Sun Inn) with text in raised lettering, “MEREDITH”, “KINGTON” (manufactured at Meredith’s Foundry).
- Iron pedestrian gates at Crooked Well (on the route of the former tram road), and at Church Road (near Castle Hill Cottage).
- Two K6 telephone call boxes (both Grade II) at Bridge Street (outside the Baptist Church), and at Church Street (south-east of the War Memorial).

#### Prevalent Building Materials and Local Details

- 7.42 The long history of settlement at Kington, from the medieval period to the present day, is preserved in the fabric and architectural design of the built environment as well as in the plan form of the town. Prevalent building materials used in the construction of the oldest surviving buildings in the conservation area are local sandstone and timber. The walls and dressings of the medieval parish church are of sandstone rubble; the roof is of plain tiles with oak timbers.
- 7.43 It is likely that a significant number of secular buildings with a timber-framed core have survived to the present. Exposed timber-frames are less common, however, but can be seen at The Wych, Church Road and Duke Street. Generally of 15<sup>th</sup> and 16<sup>th</sup> Century date, they are box-framed buildings with plaster or brick (nogging) infill, with rubble (or painted rubble) at minor elevations and rubble chimneystacks. Several have stone tiled roofs; others have been replaced with slate. Buildings of this date were generally constructed as open halls with one or more cross-wings; most surviving buildings of the period have undergone significant alteration. One cruck-framed structure of 14<sup>th</sup> Century date is known, now concealed behind a 19<sup>th</sup> Century façade. There are several stick-framed buildings of 17<sup>th</sup> Century date, also with plaster or brick infill and including stone structural elements.
- 7.44 By the late 17<sup>th</sup> Century, and particularly during the 18<sup>th</sup> and early 19<sup>th</sup> Centuries, sandstone had become the most common building material, and can be seen throughout the conservation area. Much of the stone used was in the form of random rubble, but dressed stone and ashlar were also utilised. Frequently, front or other prominent elevations were finished in stucco or roughcast, or were colour-washed. To a lesser extent, locally manufactured brick, laid in Flemish bond, was also used during the 18<sup>th</sup> and early 19<sup>th</sup> Centuries. Welsh slate was more readily available during this period and became the most commonly used roofing material. Buildings of this period, particularly the larger houses and inns, display the Classically-inspired symmetry characteristic of Georgian architecture under pitched or hipped roofs. Common design features include a central pediment, pilasters, a prominent doorcase with hood and pilasters, and vertical sash windows under flat arch heads. Individual features include modillion eaves, tripartite windows, a round- and ogee-headed window set in central pediment, cast- or wrought-ironwork, and rusticated stucco.
- 7.45 During the second half of the 19<sup>th</sup> Century, mass-produced brick, transported by rail, became cheaper and more readily available. Brick was used in the construction of Victorian urban villas and public buildings with stone, polychrome brick, stucco and terracotta dressings under slate roofs. Rubble (squared uncoursed and regular coursed) continued to be used in the

construction of terraced cottages with polychrome brick dressings, brick chimneystacks and pitched slate roofs.

- 7.46 By the early years of 20<sup>th</sup> Century, brick under slate roofs had become the most widely used building materials. At this time, the first precast concrete building was constructed in Kington. This highly decorative commercial building is in Classical style, and designed to resemble granite.
- 7.47 Many 19<sup>th</sup> and early 20<sup>th</sup> Century shop fronts in the town centre retain traditional features. These include stallrisers, plinths, pilasters, consoles, glazing bars, fascia and cornice.
- 7.48 Prominent sandstone rubble walls found throughout the conservation area are generally of random, but also of coursed, construction. Coping techniques include parallel and vertical (cock-and-hen and half-round tooled) stones, and cement skimming.

#### Positive Areas and Features

- 7.49 Much of Kington Conservation Area can be described as positive. The following elements contribute significantly to the character of the conservation area:
- The town centre area, particularly High Street, Duke Street, much of Bridge Street, the lanes and property boundaries: retains the plan form of the medieval planned borough, and includes a significant number of listed buildings (14<sup>th</sup> to 19<sup>th</sup> Century).
  - The parish churchyard and The Wych: includes listed ecclesiastical buildings, monuments and walls, listed medieval secular buildings, trees and landscaping.
  - Common Close (north side) and Prospect Road: listed Georgian houses and cottages (mid-18<sup>th</sup>/early 19<sup>th</sup> Century), contrasting textures of stone, brick and vegetation.
  - The Square: The Terrace, listed Regency houses (early 19<sup>th</sup> Century).

#### Neutral and Intrusive Elements

- 7.50 Late 20<sup>th</sup> Century residential and other development such as Bradnor View Close, Oak Plock and School Close, Crabtree Road sheltered accommodation, and the town centre supermarket with associated open car parks stand out as intrusive elements within the character of the conservation area.

### **8. Pressures, Capacity and General Condition**

- 8.1 A relatively significant amount of residential development has been undertaken in Kington since the designation of the conservation area in 1969. Much of this has taken place outside the boundary of the conservation area, for instance, at Llewelin Road, Greenfield Drive and Gravel Hill Drive, on sites south of Victoria Road and east of Eardisley Road, and at Sunset (residential and commercial). Some high-density residential development has taken place within the conservation area and some are highlighted in para. 7.50 above. Some infill development (large houses on large plots) has taken place in the Church Hill area. Commercial development includes the town

centre supermarket and associated car parks. There is a coach depot in Mill Street.

- 8.2 There remains pressure for infill development at the rear of plots in the town centre. These plots, together with the lanes and boundary walls that enclose them, are a significant component of the medieval town plan. The disruption or destruction of these features would be detrimental to the unique character of Kington Conservation Area.
- 8.3 The majority of buildings in the conservation area appear to be in a good, or reasonable, state of repair. Several listed buildings are potentially at risk of deterioration because they are vacant or only partially occupied (see below). A section of the churchyard wall (Grade II) has collapsed. The town centre boundary walls are increasingly under threat from development, damage and neglect (see below).

## 9. **Issues**

### Buildings at Risk

- 9.1 The following listed buildings are potentially at risk:
- Perimeter Wall of the Churchyard (Grade II), Church Road: a section of wall on the west side of the churchyard has collapsed.
  - Former Wesleyan Chapel (Grade II), Harp Yard: vacant, awaits conversion to flats.
  - Oxford Arms Hotel (Grade II), Duke Street: vacant or partially occupied, awaits sale.
  - Lamb Inn (Grade II), High Street: vacant or partially occupied, awaits sale.
  - No. 17 Duke Street (Grade II): apparently vacant.
  - Nos. 7, 8 and 9 Duke Street (Grade II): apparently vacant.
  -

### Town Centre Boundary Walls

- 9.2 The medieval plan form of New Kington, including its burgage plots and narrow lanes, has, to a great extent, survived to the present time. The lanes, most of which are enclosed on one or both sides by high, sandstone rubble walls, may be unique to Kington. They provide pedestrian right-of-way access to the town centre from the surrounding residential areas. The survival, and continuing use, of the lanes and boundary walls has also contributed significantly to the preservation of the medieval town plan.
- 9.3 The survival of the lanes and walls is increasingly under threat from development, damage and neglect, however. It is proposed that the significance of the lanes and walls may be recognised, in the first instance, by their designation as Buildings of Local Interest. Where the walls are parts of the curtilage of a Listed Building, consent is required for any changes to them. Measures to protect other parts might usefully be investigated.

### Shop Fronts

- 9.4 Shop fronts of 19<sup>th</sup> and early 20<sup>th</sup> Century date contribute to the historic character of the conservation area and to the vertical rhythm of the streetscape. Where continuous facias or other design elements are



introduced across the front of several adjacent buildings, however, there is a loss of rhythm as a result of the imposition of horizontal emphasis, and an erosion of the historic character of the conservation area.

### Proposed Boundary Changes, Inclusions and Exclusions

#### 9.5 General considerations underlying proposals to change conservation area boundaries include the following:

- i) To include areas of special architectural or historic interest that would contribute to the character of the conservation area.
- ii) To include areas of the landscape that form an integral part of the historic built environment and contribute to the character of the conservation area.
- iii) To exclude neutral or intrusive areas that do not contribute to, or, detract from, the character of the conservation area.
- iv) To exclude areas of the landscape that do not form an integral part of the historic built environment.
- v) To align the conservation area boundary with recognisable features such as field boundaries, property boundaries, roads, lanes or public footpaths, and to maintain coherence of the boundary.

#### 9.6 Proposed Inclusions

- 9.6.1 Broken Bank including Mill House (Building of Local Interest).
- 9.6.2 Area including the following buildings on the north-east side of Montfort Road: Mountford House nos. 8 and 9 The Wych, Church Road, Wychbourne, no. 7 The Wych.
- 9.6.3 Crooked Well, including several listed buildings and buildings of local interest.
- 9.6.4 Victoria Road (north side) including the Old Foundry, Gravel Hill Villa and the Board School, and the Old Tram Road (part).
- 9.6.5 Area including the following buildings on the south side of the conservation area: Townsend Cottage, Headbrook, nos. 3, 4, 5 and 6 Kingswood Road.

#### 9.7 Proposed Exclusions

- 9.7.1 Oak Plock and School Close: residential developments
- 9.7.2 Crabtree Road: sheltered housing development, supermarket and car park.
- 9.7.3 Areas of open landscape in River Meadows, including the Recreation Ground, the football ground and the touring caravan park (recreational open spaces protected from development, Herefordshire Unitary Development Plan, Policy RST4).

Note: It is not proposed to exclude the Mill Street car park or Bradnor View Close, both considered intrusive elements, in order to maintain the coherence of the conservation area boundary.

#### 9.8 Proposed New Boundary:

The following boundary is proposed, based on the above inclusions and exclusions:

- ⇒ From Duke Street, south along the west side of Love Lane, west along the south side of the Cattle Market, south along the eastern property boundary of no. 2 Market hall Street, continuing south along property boundaries, crossing Tanyard Lane, continuing south to the River Arrow, crossing the river.

- ⇒ South-west along the south bank of the River Arrow, south at the first property boundary, continuing south along property boundaries, east then south along the property boundary of The Old Armoury, west long the north side of Headbrook, crossing Headbrook at the junction with Kingswood Road, south-east then west along the property boundary of Townsend Cottage, continuing west then north along the property boundary of nos. 3 to 6 Kingswood, crossing Kingswood Road.
- ⇒ South-west along the north side of Kingswood Road, north at the first property boundary, continuing west then north along property boundaries to the south bank of the River Arrow and crossing the river at the footbridge, north-west along the north bank of the river, north-east at the first property boundary to the south side of the Mill Race, crossing the leat.
- ⇒ North along the west side of Arrow Mill, continuing north along the west side of Furlong Lane, west along the south side of the footpath north of the supermarket, continuing west along the northern property boundary of the sheltered accommodation development to a lane, north along the east side of the lane, east along the property boundary south of nos. 18 to 26/27 Mill Street, north to Mill Street then east along the south side of the street.
- ⇒ North along the east side of Churchill Road, east along the southern property boundary of School Close, then north, then west along the northern boundary of Oak Plock, north along the east side of Churchill Road continuing along a property boundary, south-west along the southern property boundary of Hill Court, continuing south-west, then north, then southwest along property boundaries to the former Lady Hawkins School, north along the western boundary of the former school to Hergest Road, north-east along the south side of the road to the junction with Church Road and Montfort Road.
- ⇒ North-west along the east side of Montfort Road, north then east along the property boundary of Mountford House, north along the west side of Old Road, west along the north side of a lane, north along the western property boundary of no. 23, continuing north, crossing the Back Brook, north-west then east along the property boundary of Mill House, crossing the Back Brook at the footbridge to the south bank.
- ⇒ East along the north side of the public footpath following the course of the former tram road, north-east along the north side of the public footpath on the west side of Crooked Well to the footbridge over the Back Brook, east along the south bank of Back Brook, south along the rear (eastern) property boundaries on the east side of Crooked Well, west along the north side of the public footpath.
- ⇒ South along the east side of the Crooked Well road, east along the northern property boundary of the former National School then south, continuing along the eastern property boundary of The Coach House, crossing Walnut Grove, south-east along the eastern property boundary of the nursing home then east to Ellin Lane, south-east along the east side of the lane.
- ⇒ North-east along the north side of Prospect Lane/Board School Lane, north along the eastern property boundary of the Board School then north-east along the northern boundary, continuing north-east along the northern property boundary of Gravel Hill Villa then south along the eastern boundary to Gravel Hill Drive.
- ⇒ East along the north side of a lane, north-west along the south side of the Old Tram Road, a public footpath, north along the western property boundary of The Old Foundry then east and south-east along the northern boundary, west along the north side of Victoria Road/Duke Street to Love Lane.

## **Appendix I: List of Heritage Assets**

### Scheduled Monuments

- Mound 140m north of the parish church of St Mary the Virgin
- Churchyard Cross in the churchyard of St Mary the Virgin

### Herefordshire Sites and Monuments Record

- 151 records for Kington Conservation Area and adjacent areas

### Listed Buildings

Grade I: Buildings of national importance and exceptional interest.

Grade II\*: Particularly important buildings of more than special interest.

Grade II: Buildings of special interest.

(Note: All Grade II unless shown)

#### *Bridge Street*

##### West Side

- No. 2, Albion House
- No. 3, Shop and dwelling
- Nos. 4 and 5, Shops and dwellings
- No. 6, House now shop and dwelling
- No. 7, House now offices and dwelling
- Nos. 8 and 9, Houses now with surgery
- No. 10, House
- Nos. 11, 12 and 13, Houses
- Nos. 14 and 15, Houses
- No. 16, House
- Nos. 17 and 17A, House
- No. 18, House
- No. 19, House
- Nos. 5 and 5A Baynham's Yard, Cottages now house
- Arrow Lodge
- Arrow Lodge Mill
- Warehouse at Arrow Lodge Mill
- Toll House

##### East Side

- No. 39, Cottage
- Nos. 40-44 (consecutive), Cottages
- Nos. 47, 48 and 49, House now three dwellings
- No. 53, House
- Nos. 61, 61A and 62 including shop, Shop and dwellings
- Baptist Church
- K6 Telephone Kiosk outside Baptist Church
- Queen's Head Inn, House now inn
- Talbot Hotel, Inn now hotel
- Kington Library, formerly Old Radnor Trading Company offices

#### *Church Road*

##### North Side

- Church of St Mary (Grade I)
- Cross in churchyard
- Lychgate in churchyard (Grade II\*)
- Perimeter wall of churchyard to west and south-west of church
- Edmund Cheese Memorial in churchyard
- Eleanor Pyefinch Monument in churchyard
- Hugh Gwalter Memorial in churchyard
- John Morris Memorial in churchyard
- Nos. 1 and 2, The Wych, House now houses
- No. 6, The Wych (Wych House), House
- Castle Hill Cottage, House
- Porch House

South Side

- Nos. 8 and 9, Cottages now house
- Lady Hawkins School
- Beech Cottage
- Church House and attached wall
- Hill Court, House

*Church Street*

East Side

- Nos. 6, 7 and 8, Cottages now shops and dwellings
- K6 Telephone Kiosk south-east of War Memorial
- The Swan Hotel, Inn now hotel
- No. 18, House

West Side

- Nos. 21 and 22, Houses
- No. 23, House
- The Royal Oak Public House including wing to east, Houses now inn
- No. 25, House
- No. 26, House
- Nos. 27 and 28, Houses
- No. 29, House
- Nos. 32 and 33, House formerly The Red Lion Inn now cottages
- Castle Inn, Inn
- Nos. 34 and 35, Houses
- The Market Hall

*Common Close*

North Side

- Nos. 4 to 7 (consecutive) including no. 6A, Sycamore Cottage, Cottages
- Close House, House
- Pitfour, House
- Pitfour Coach House

*Crooked Well*

- No. 19, Cottage
- Nos. 20 to 23 (consecutive), Cottages
- Byewell, House

*Duke Street*

South Side

- Nos. 4 and 5, Mitre House (No. 4), Houses
- No. 6, Pembroke House, House
- Nos. 7, 8 and 9, Houses now shop and dwelling
- Nos. 10, 11 and 12, Cottages
- Nos. 14 to 16 (consecutive), Ye Olde House, Cottages now house
- Nos. 17, 18 and 19, Cottages
- Nos. 21 and 22, Cottages
- No. 23, House
- Nos. 24 and 25, Houses now offices

North Side

- Nos. 32 and 32A including outbuildings to left, Houses now offices
- No 33, House and outbuilding formerly The Sun Inn
- Nos. 34 and 35, Houses now house
- Nos. 36, 37 and 38, House now cottages
- No. 39, House
- Nos. 40 and 41, House now cottages
- Nos. 46 and 46B, Houses now shop and dwelling
- Nos. 47, 47A and 47B, House now flats
- Oxford Arms Hotel

*Headbrook*

South Side

- No. 2, Townsend Cottage

North Side

- No. 19, Cottage

*High Street*

North Side

- Midland Bank, House now bank
- No. 2, Shop and dwelling now offices and flats
- No. 3, House now flats
- No. 4, House now shop and dwelling
- Nos. 5 and 6, House now shops and dwelling
- No. 7, Shop and dwelling
- No. 8, Shop and dwelling
- No. 9, Shop and dwelling
- No. 10, Shop and dwelling
- No. 11, Shop and dwelling now restaurant and flat
- Lamb Inn, Inn
- No. 13, Shop and dwelling
- No. 15, House now shop and dwelling
- No. 19, Shop and dwelling
- Nos. 20, 21 and Wattle Cottage, Shops and dwelling
- Nos. 22 and 23, Shops and dwellings
- Nos. 25 and 26, House now shops and dwelling

South Side

- No. 29, House now shop and dwelling
- Harp Yard, Former Old Wesleyan Chapel, disused
- Nos. 30 and 31, Shops and dwellings
- No. 32, Shops and dwellings
- No. 33, Shop and dwelling
- Nos. 34 and 35, Shops and dwellings
- No. 36, Shop and dwelling
- No. 37, The Wine Vaults Public House, House now inn
- Nos. 38 and 38A, House now shops and dwellings
- Nos. 39 and 40, Houses now shops and dwellings
- No. 43, House now shop and dwelling
- Nos. 44 and 45, Shops and dwellings
- Nos. 46 and 47, Shops and dwellings
- No. 48, Shop and dwelling
- Nos. 49 and 50, shop and dwelling
- Nos. 51, 51A, 52 and 53, House now shops and dwellings
- No. 54, Shop and dwelling

*Mill Street*

- No. 18, Crabtree Cottage, Cottage
- Nos. 20 and 21, Westfield (No. 20), Houses
- Nos. 22 to 25 (consecutive), Cottages

*Montfort Road*

- Mountford House, House

*New Market Street (Market Hall Street)*

- Nos. 14 and 15, Cottages

*The Square*

- No. 1 and attached buildings, House and outbuildings
- Nos. 8, 8A, 8B, 9 and 10 The Terrace, attached gates and railings, Houses
- No. 11, House
- War Memorial

*Victoria Road*

- No. 22, Olde Tavern public house
- The Foundry, former iron foundry, Dwellings and commercial premises

## **Appendix II: Buildings of Local Interest**

- Place de Marines, Mill Street (a public amenity, may have been constructed as a market hall and later used as a coach house): 17<sup>th</sup> Century with later alterations, a single-storey open-sided building of random rubble under a pitched slate roof with a bellcot at the south end, an open entrance at the south gable end with segmental brick arch head and surrounds, open entrances on east and west sides in the form of a triple segmental brick arch head with brick surrounds and pillars.
- The Nook, Mill Street (formerly Crabtree Mill, now a private residence): 18<sup>th</sup> Century, a two-storey building of random rubble under a pitched slate roof, stone chimneystack at west gable end; at the front (north) elevation: central entrance with fanlight and casement windows all under flat stone arch heads.
- Mill House, Broken Bank (a former mill, now a private residence): 18<sup>th</sup> Century, a two-storey building of random rubble under pitched slate roofs; at the front (west) elevation: off centre entrance and casement windows (replaced) under segmental stone arch heads. (Outside the present conservation area boundary in an area of proposed extension.)
- Nos. 15 and 19 Crooked Mill (private residences): probably 18<sup>th</sup> Century, a row of two-storey cottages of colour-washed stone rubble under pitched roofs, rubble end chimneystack with brick shaft, rendered at east end, extended at west end; at the front (north elevation): replaced doors and windows. (Outside the present conservation area boundary in an area of proposed extension.)
- Nos. 26 and 27 Mill Street (private residence): probably 18<sup>th</sup> Century, a two-storey house of random rubble under a pitched concrete tile roof with rubble chimneystack, rounded return to left side; at the front (north) elevation: entrance at left with plank door, replacement windows, stone segmental arch heads over door and ground-floor windows.
- Bridge House, Bridge Street (former tanyard and residence): 18<sup>th</sup> or early 19<sup>th</sup> Century, a two-storey house in painted rubble and pebbledash under a hipped slate roof, external rubble chimneystacks with brick shafts; at the front (west) elevation: central doorcase with pediment over flat hood, bay windows with sashes on each side at ground and 1<sup>st</sup> floor with pediments above, iron railings at the front; building extended to the rear in painted rubble under pitched tile roofs with oriel and casement windows at the south elevation. At the rear: a two-storey building in squared rubble built to courses with stone quoins under a pitched tile roof; at the west elevation: a central carriage drive with stone segmental arch head, to the right a plank double door with painted lintel, casement windows with stone segmental arch heads (at the ground floor). Rubble walls on three sides of the main building; a stone-lined leat aligned east-west on south side.
- Turnpike Cottage, Headbrook (private residence): c.1828, a single storey building in random rubble under a pitched slate roof; at the front (south) elevation: quoins, a central pediment, central doorcase with a small bay window to the left under a tiled pentice, casement windows (replacements) under Georgian flat stone arch heads, with stone cills. (Outside the conservation area boundary.)
- Gravel Hill Villa, Gravel Hill Drive (under redevelopment): built in 1825, a large, two-storey Regency period house of stone, brick and stucco under hipped slate roofs, large sash windows and smaller windows with gothic details, and a canopied iron balcony. Designed by local architect Benjamin Wislade.
- Castle Hill House, Castle Hill (private residence): built in 1824 with later 19<sup>th</sup> Century alterations, two storeys of squared rubble built to courses under pitched slate roofs, sash windows under Georgian flat stone arch heads. May have been designed by Benjamin Wislade.

- The Water Tower, Castle Hill: built in 1831, squared rubble built to courses with brick upper storey in Flemish bond under a pitched slate roof, at north-west gable end: central doorway under stone lintel and two upper access ports.
- The National School, Common Close (a former elementary school now a private residence): built in 1836, a two-storey building of random rubble under pitched slate roofs; at the west elevation: sash windows under segmental brick arch heads, two engraved plaques: “1836” and “NATIONAL SCHOOL”; at the north elevation: sash window under stone lintel with label mould and ashlar quoins. Designed by Benjamin Wishlade.
- Court House and Police Station, Market Hall Street (now Kington Register Office and business premises): built in 1841, a single storey building of random rubble built to courses under pitched tile roofs; at north gable end, rusticated quoins, two entrances (one sealed) and one window under rusticated flat stone arch heads. A 20<sup>th</sup> Century extension at front (west) elevation of former Police Station. Designed by Benjamin Wishlade.
- The Board School, Gravel Hill (a former elementary school awaiting redevelopment): built in 1875, a single storey building of random rubble under hipped slate roofs with conical ventilators mounted on ridges, decorative barge boards, ashlar quoins, segmental brick arch heads and brick surrounds at entrances and windows, and stone cills.
- Kington County Primary School, Mill Street: built in 1894, a single storey building of redbrick in Flemish bond under pitched tile roofs with decorative ridge tiles, ventilators designed as bellcotes, Jacobean-style porches, rubbed brick flat arch heads over windows, and a low brick boundary wall in Flemish bond with stone capping and iron railings.
- Rosehill, Church Road (private residence): 19<sup>th</sup> Century with later 19<sup>th</sup> Century extension, a two-storey house in squared rubble built to courses under pitched concrete tile roofs with yellow brick chimneystacks; at the east elevation: sash and casement windows under segmental stone arch heads, a dormer with a Diocletian window and a dormer with casement window with Gothic tracery, and a lean-to; an extension at the south end: two stories of squared rubble under pitched concrete tile roofs with yellow brick chimneys, yellow brick quoins, sash windows, yellow brick segmental arch heads and surrounds at doors and windows.
- The Old Armoury, Headbrook (private residence): 19<sup>th</sup> Century, a two-storey building of random rubble built to courses under pitched slate roofs, rubble external chimneystacks; at south elevation: a central porch with Gothic arch entrance, sash windows with flat stone arch heads and stone cills.
- Wishlade’s Row, Duke Street (private residences): 19<sup>th</sup> Century, a terrace of two-storey cottages of rubble built to courses under a pitched slate roof; at the front (west) elevation: small, wooden porches under pitched slate or corrugated iron roofs, and casement windows (replaced) under flat stone arch heads.
- Rock Cottage, Broken Banks (private residence): 19<sup>th</sup> Century, a two-storey house in random rubble under pitched slate roof with a brick chimneystack; at front (west) elevation: yellow brick quoins, sash and casement windows yellow brick segmental arch heads and surrounds. (Outside the present conservation area boundary in an area of proposed extension.)
- Nos. 3 to 8 Market Hall Street (private residences): 19<sup>th</sup> Century, a terrace of two-storey cottages of squared rubble built to courses under pitched slate roofs with redbrick chimneys; at the front (west) elevation: a plinth of rusticated stone blocks, segmental arch and surrounds of yellow brick at doors and windows (and cills), a

string course of yellow and blue bricks, doors and windows fitted with modern replacements.

- Nos. 3, 4, 5 and 6 Kingswood Road (private residences): 19<sup>th</sup> Century, a terrace of two-storey cottages of squared rubble under pitched slate roofs with yellow and blue brick chimneys; at the front (north) elevation: yellow brick quoins, sash windows and glazed doors with segmental yellow and blue brick arch heads with a central keystone, and yellow and blue brick surrounds; each cottage has a small garden with stone boundary wall at the front. (Outside the present conservation area boundary in an area of proposed extension.)
- Wychbourn, no. 7 The Wych, Church Road (private residence): 19<sup>th</sup> Century, a two-storey, polychrome brick house under pitched slate roofs with yellow ridge tiles and polychrome brick chimneys with square yellow pots, yellow brick quoins, sash windows with stone lintels and yellow brick decorative chevrons above, and yellow brick surrounds; at the south elevation: entrance porch under a pitched slate roof; at the west elevation: canted bay windows in yellow brick; surrounded by gardens with a low stone wall and hedges. (Outside the present conservation area boundary in an area of proposed extension.)
- No. 9 Church Street (shop with residence above): 19<sup>th</sup> Century, two storeys with attic, redbrick with polychrome dressings on a stone plinth under a pitched slate roof; at the front (south-west) elevation: yellow brick quoins, string courses and cornice; an original shop front with wood pilasters, panelled stallriser, painted wooden signboard above yellow brick cornice; at first floor two round headed sash windows with Gothic arch brick heads and yellow brick surrounds, a similar dormer window above.
- Town Centre Boundary Walls at Prospect Place, Prospect Lane, Board School Lane, Oxford Lane, Sun Lane, Chapel Lane, Furlong Lane, Wishlade's Row, Love Lane and Tanyard Lane: sandstone rubble walls delineating narrow lanes that are a component of the medieval planned borough of Newington.

### **Appendix III: Sources**

#### Planning Documents and Guidance

Department of the Environment and Department of National Heritage (1994) *Planning Policy Guidance: Planning and the Historic Environment*.

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## CONSULTATION ON PLANNING APPLICATION REQUIREMENTS

**Report By: Head of Planning Services**

### Wards Affected

County-wide

### Purpose

1. To inform members about new planning application procedures, to confirm the outcome of consultation on the document "Planning Application Requirements (Local)" and to approve it for use on a date to be determined by the meeting.

### Financial Implications

2. None.

### Background

- 2.1 At the meeting in September 2007 this Committee received a report on the new planning application procedures and agreed to a programme of consultation. The key elements of that report were as follows.
- 2.2 The Government has decided to introduce a National Standard Planning Application form which will be mandatory from April 2008. It is known by the project title "1-APP". In association with 1-APP the Government has set out minimum standards for planning application submissions which must be met by applicants to form a valid planning application. There will be national minimum standards, to be known as Planning Application Requirements (National). The government has also provided for local planning authorities to set their own local requirements, known as Planning Application Requirements (Local). In order for these local requirements to be enforceable they must be publicised and consulted on before being brought into use. The programme for consultation was agreed by Planning Committee at its meeting on 28<sup>th</sup> September 2007.
- 2.3 There will be benefits in having a suitably prepared set of Planning Application Requirements (Local). At present, legally, applicants only have to submit fairly basic details with a planning application in order to make it valid. Additional items such as wildlife surveys, tree surveys and a wide range of other essential information can be requested before a decision is made – but can not always be demanded at the start of the process. This frequently leads to delays. The basic concept is to raise the standard of planning application submissions at first submission.
- 2.4 In theory, at least, this will benefit the local planning authority because the "rules" for what constitutes a valid application will be made more clear and it gives local planning authorities the ability to demand high standards of planning application submissions.

- 2.5 It is, however, important to stress that the creation of a set of Planning Application Requirements (Local) will not prejudice the decision of the local planning authority on a planning application once submitted.

### **3 The Consultation Process**

- 3.1 The consultation process was delayed because the government failed to publish the anticipated guidance until December 2007. Since then the Consultation Draft has been prepared and a copy has been copied to all Members of this Committee prior to this meeting.
- 3.2 The consultation process included:
- Presentation of the draft PAR(L) to an Agents' Forum in January 2008
  - Written consultation with City, Town and Parish Councils in January and February 2008
  - Written consultation with normal statutory consultees on planning applications at the same time
  - Written consultation with a selection of non-statutory consultees taken from the list in the Council's Statement of Community Involvement, i.e. including those with County-wide interests and who comment most frequently on planning applications – also in January and February 2008
- 3.3 The six week consultation period specified by the government advice has now expired.
- 3.4 At the time of drafting this report seven responses had been received, with one in support and the others suggesting minor drafting changes. None of the responses conflict with the basic principles of the document and the points raised can be incorporated into the document with minor drafting changes where appropriate.
- 3.5 Further comments may yet be received prior to the meeting on 29<sup>th</sup> February and a verbal update will be given at the meeting of any significant new responses.
- 3.6 It is therefore proposed that, having completed the consultation process in accordance with government advice, the document be approved by this Committee for use along with any further minor amendments delegated to officers prior to its publication in final form on the Council's website.
- 3.6 The Planning Application Requirements (Local) document is itself part of a wider set of changes in the Planning System in that it relates directly to the Government's proposals to introduce a standard national planning application form with effect from 7<sup>th</sup> April 2008. A verbal update will be given to the meeting on progress with implementing 1-APP in Herefordshire.
- 3.7 As a separate matter this Council is likely to adopt and bring into operation its new Supplementary Planning Document on Planning Obligations in the near future (as reported to the January meeting of this Committee). This is significant because developers will then be expected to submit draft heads of terms of any planning obligation agreement with planning applications when they are first lodged – thereby ensuring that Parish and Town Councils see the Heads of Terms at an early stage. It will, therefore, be very helpful to bring the new PAR(L) procedures into operation to coincide with the adoption of the SPD on planning obligations and related procedural changes.

- 3.8 Taking the above points together it is proposed that the PAR(L) document is brought into effect on a date to be agreed with the Chairman but, in any event, no later than the local implementation date for the new 1-APP national planning application and the final adoption date of the Supplementary Planning Document on Planning Obligations.
- 3.4 Because this matter is a procedural one it is not necessary for it to be referred to Cabinet

**RECOMMENDATION**

**THAT;**

**That the Planning Application Requirements (Local) document be adopted for use subject to any minor drafting changes to be agreed with the Chairman, and be brought into operation on a date also to be agreed with the Chairman but in any event, no later than the implementation date for the standard planning application form 1-APP and the final adoption of the Supplementary Planning Document on Planning Obligations.**



**LOCAL GOVERNMENT “CALL IN”****DIRECTIONS CONSULTATION****Report By: Head of Legal and Democratic Services****Wards Affected**

All

**Purpose**

To inform members of the current consultation issued by the Department for Communities and Local Government with regard to the call in procedures in relation to planning applications.

**Financial Implications**

The implications of the consultation have not cost implication. However if the proposals set out in the consultation are progressed as part of Government Policy this may have a financial implication on both planning officer's and legal officer's time as in effect call ins will be reduced and local authorities will be expected to deal with additional matters in addition to their present workload.

**Background**

The Department for Communities and Local Government issued a consultation paper in December 2007 regarding the call in directions for matters to be considered by the Secretary of State. The government's view is that the Secretary State's call in process is in effect delaying the process of dealing with planning applications and therefore his intention is to ensure that as many applications are dealt with at a local level by the local authorities concerned.

The consultation paper is attached for consideration by committee members.

**Recommendations****THAT**

- (a) **the committee's observations on the consultation be noted and reported to the Department for Communities and Local Government**
- (b) **an update report to be made available to the committee following the publication of the final guidance by the Communities and Local Government Department.**

## **Appendices**

Appendix 1 – Consultation document entitled “Communities and Local Government the “Call In” directions consultation.

## **Background Papers**

None identified



## Review of 'Call in' Directions Consultation



## Review of 'Call in' Directions **Consultation**

January 2008  
Department for Communities and Local Government: London

Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 020 7944 4400  
Website: [www.communities.gov.uk](http://www.communities.gov.uk)

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## Introduction

1. This consultation paper fulfils the commitment given in paragraphs 9.36-9.38 of the Planning White Paper published on 21 May 2007<sup>1</sup> to consult on measures intended to reduce Secretary of State involvement in casework. Your comments are invited on the proposals described in this paper. The proposed changes can be achieved without amending either primary or secondary legislation, as they take the form of directions contained within Departmental Circulars.
2. Currently, provisions are contained in:
  - Circular 15/93: Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993;
  - Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998;
  - Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999;
  - Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005; and
  - Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding)(England) Direction 2007.
3. All the proposals set out in this consultation paper relate to England only, and none of them would preclude the Secretary of State from exercising her discretion to call in a particular planning application for her own determination. This power is exercised having regard to the criteria set out in the current call in policy statement<sup>2</sup>.

## The current position

4. Section 77 of the Town and Country Planning Act 1990 empowers the Secretary of State to make directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to her instead of being dealt with by local planning authorities. The directions currently in force are those set out in paragraph 2 above.

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<sup>1</sup> Planning for a Sustainable Future: White Paper

<sup>2</sup> Richard Caborn MP in reply to a written PQ from Bill Michie MP on 16 June 1999 (Hansard, col 138) – text set out at page 11

Where a local planning authority is minded to grant permission for a planning application which falls within the scope of the directions, the application is referred to the regional Government Office in the first instance.

5. In 2006–07 the number of applications referred to the Government Offices as a result of the directions amounted to 786. These were then considered against the current call in policy statement as to whether they should be decided by the Secretary of State following public inquiry. Subsequently 36 of these referred applications were called in (less than 5%), together with 15 applications that were brought to Government Offices' attention by third parties.
6. Although this means that of the 650,000 planning applications submitted each year in England, less than 0.01% are called in for a decision by the Secretary of State, we consider that some elements of the directions appear to be an unnecessary burden in terms of financial and staffing resources for local planning authorities and Government Offices as well as causing uncertainty and delay for developers.

## Advantages of reducing the number of cases referred to Government Offices

7. This consultation paper therefore sets out measures to reduce the number of applications referred to Government, and potentially the number eventually called in. The principal effect will be felt in the Government Offices in terms of the reduction in referrals. The resulting reduction in workload should then enable Government Offices to spend more time on the complex cases, which in terms of decision making, tend to be finely balanced and therefore time consuming. This will enable us to fulfil the commitment given in the White Paper to require 80% of decisions on whether or not to call in referred cases to be made within three weeks, and 90 per cent to be made within five weeks.
8. The Secretary of State's performance in determining called in planning applications and recovered appeals has improved significantly from an average of 32 weeks from the closure of the inquiry in 2001/2002 to the current position where some nine out of ten cases dealt with in 2006/07 were being determined within 16 weeks. Given that relatively few referred cases are ultimately called in, the effects of this paper would be more marginal at this stage. But

we intend to maintain our high level of performance, despite the fact that the more selective approach to calling in cases will mean that a higher proportion of the remaining cases will be particularly complex ones.

9. This paper sets out proposals for reducing the number of applications that have to be notified to the Secretary of State by;
  - eliminating notification requirements which are outmoded or represent an inappropriate restriction on local decision making;
  - ensuring that the thresholds for notification in those directions which are retained are set at an appropriately high level; and
  - consolidating all remaining directions into a single direction.
10. In addition, the recent White Paper issued by the Department for Culture, Media and Sport<sup>3</sup>, undertook to introduce specific notification and call in requirements for significant development affecting World Heritage Sites.
11. As stated in the White Paper, the Government has reviewed the guidelines set out in the current call in policy statement, and considers that they represent useful examples of the types of case where the intervention of the Secretary of State may be justified. We do not therefore propose to amend the overarching guidelines as currently set out (see page 11).
12. In line with the White Paper proposals, we propose that all of the current directions will be withdrawn, and a single new direction issued, containing those elements of the current directions which the Government wishes to see retained, together with the proposals relating to World Heritage Sites. A copy of the proposed new direction is attached at Annex A, and discussion of each of its elements takes place below.

**Provisions of *Circular 15/93: Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993***

13. This direction requires local planning authorities to refer cases where they are minded to grant planning permission for development of gross shopping floorspace of 20,000 square metres, or lesser amounts which would exceed 20,000 square metres when aggregated with other shopping floorspace. We consider this direction is complicated in its wording and its application and is

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<sup>3</sup> *Heritage Protection for the 21st Century*, published March 2007

somewhat out of date in the context of current town centre policy. We know, for example, that some planning authorities often refer applications to Government Offices under the direction on a 'safety first' basis even though some proposals do not strictly need to be referred. **We therefore propose to withdraw this direction.** Ministers do, however, still wish to ensure that certain retail proposals are referred to them for consideration where authorities are minded to grant planning permission. Our proposals are set out in paragraph 15 below, where the retail and town centre element of the Departures Direction is discussed.

**Provisions of *Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998***

14. This direction requires local planning authorities to refer cases which they are minded to grant planning permission for, where Sport England have objected to the planning application, either because of the existing or resulting deficiency in local provision of playing fields, or where alternative provision proposed would not be equivalent in terms of quantity, quality or accessibility. **We propose to retain the requirements of this direction unchanged.** It does not lead to a great number of referrals, and Ministers still wish to offer protection to playing fields, due to the interaction with a number of other Departments' policies on important areas – health, obesity, etc.

**Provisions of *Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999***

15. This Circular sets a number of criteria/thresholds for requiring the referral of specific applications to the Secretary of State for consideration. The following section sets out the components of the direction, together with suggested actions aimed at reducing referrals and call ins.
- More than 150 houses or flats – Planning Policy Statement 3: Housing was published in November 2006, and is the planning policy framework for delivering the Government's housing objectives most recently set out in the Housing Green Paper published in July this year. The new policy approach gives local authorities more flexibility to shape new development according to the needs of their local areas, and allows them to make decisions on where new housing should be located in those areas. Through PPS3, we have put in place a clear policy framework for increasing the supply of housing through both plan making and development control decisions, and have given local authorities more flexibility to determine how and where new housing development should be built in their area. Alongside this, they have



greater responsibility to ensure those homes are built and that they are to high standards, both in terms of design and environmental impact. In keeping with the wider devolutionary approach and the cancellation of the Greenfield Land and Density Directions from April this year, **we propose to delete the requirement to refer housing cases of more than 150 houses and flats from a new direction.**

- More than 5,000 square metres of gross retail, leisure, office or mixed commercial floor space – **we propose to retain this requirement only for proposals on sites in edge or out of centre locations (as defined in Planning Policy Statement 6: Planning for Town Centres, or in adopted development plans) and which are not in accordance with an up to date development plan document prepared in accordance with PPS6. We also propose to extend this requirement to include some proposals for increases of existing floor space of over 2,500 square metres, where the total would then exceed 5,000 square metres. Details are set out in the attached draft direction.**
- Land belonging to the local planning authority or development of any land by such an authority – we consider that this requirement has led to large numbers of minor referrals, very few of which are ultimately called in. We propose to delete this requirement from the new direction.
- Any other development which would ... significantly prejudice the implementation of the development plan's policies and proposals. In line with the wider devolution agenda that local planning authorities should be responsible for the delivery of their plans and accountable to their electorate for their decisions, **we propose to delete this requirement.**

**Provisions of *Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005***

16. This direction was issued fairly recently, and came into force on 3 January 2006. The Government remains committed to the protection of Green Belt areas, and **we propose that the requirements of this direction be retained unchanged.** Its current components require referral for developments in the Green Belt of:

- Building(s) with floor space of more than 1,000 square metres
- Any other development [with] significant impact on openness

**Provisions of *Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding)(England) Direction 2007***

17. This direction requires any case for major development in a flood risk area to be referred to the Secretary of State if the Environment Agency

has made an objection which it has been unable to withdraw after discussions with the local planning authority and the applicant. It is intended to achieve an appropriate balance between putting a stop to development in vulnerable areas and allowing development in unsuitable locations. It is a very recent direction, the intent of which we consider to be desirable, and **we propose to retain its requirements unchanged.**

### **Proposals set out in White Paper issued by the Department for Culture, Media and Sport**

18. The White Paper states that: “as part of a wider review of the Call in Directions, we intend to introduce specific notification and call-in requirements for significant development affecting World Heritage Sites”. We propose to give effect to such requirements by requiring authorities to refer cases where English Heritage have objected on the grounds that a proposed development could have an adverse impact on the outstanding universal value and significance of a World Heritage Site or its setting, and has been unable to withdraw that objection after discussions with the local planning authority and the applicant. The Secretary of State will take into account the views of English Heritage in deciding whether or not to call in any applications referred for this reason.

## Conclusion

19. Taking all of the above into account, **we propose that all existing directions be withdrawn, and a single new call in direction be issued with the following 5 requirements for referral:**
- Playing fields – as currently provided for
  - Green Belt – as currently provided for
  - Flooding – as currently provided for
  - Town Centres – as proposed in paragraph 15 above
  - Heritage – as proposed in paragraph 18 above
20. We would draw the attention of consultees to the fact that it would still be open to individuals or organisations to request that an application be called in, by approaching their regional Government Office in the first instance. All such requests will be considered against the call in policy set out at page 11.

### **Questions on which views are sought**

- Do you agree with proposal to consolidate requirements in a single

new direction?

- If so, do you agree with the proposed content and wording of the new direction?

**The period of consultation will last 12 weeks and responses should be submitted to arrive by 31 March 2008. You are recommended to submit any comments as soon as possible.**

If responding, please it make clear as to which element of the consultation paper you are commenting on and, where possible, it would be helpful if comments could be supported with evidence, even if only “anecdotal”.

Please send any comments to

Review of Call-In Directions Consultation  
PCC Division  
Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London, SW1E 5DU  
e-mail: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

When commenting, please say whether you represent an organisation or group, and in what capacity you are responding. A summary of responses will be published on the web site within three months of the end of the consultation period together with an account of how the concerns raised have influenced policy. Hard copies of the summary can also be obtained thereafter by contacting the above address.

All responses will be made public on request, unless confidentiality is requested. Should consultees require the information they provide to be treated as confidential, we will take full account of the reasons behind this request and accommodate them wherever possible in line with the statutory Code of Practice with which public authorities must comply. The automatic confidentiality disclaimer generated by your IT system will not be respected unless you specifically include a request to the contrary in the main text of your response. In any event, the substance of responses may be included in statistical summaries of comments received.

## The consultation criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation. Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg under

European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless ministers conclude that exceptional circumstances require a departure.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full consultation code may be viewed at  
[www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm](http://www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm)

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Albert Joyce,  
Communities and Local Government Consultation Co-ordinator  
Zone 6/H10  
Eland House  
Bressenden Place  
London SW1E 5DU  
or by e-mail to: [albert.joyce@communities.gsi.gov.uk](mailto:albert.joyce@communities.gsi.gov.uk)

Please note that responses to the consultation itself should be sent to the contact shown within the main body of the consultation.

**Mr. Bill Michie:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about his policy on calling in planning applications under section 77 of the Town and Country Planning Act 1990. [87392]

**Mr. Caborn:** My right hon. Friend's general approach, like that of previous Secretaries of State, is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. It is right that, in general, they should be free to carry out their duties responsibly, with the minimum of interference.

There will be occasions, however, when my right hon. Friend may consider it necessary to call in the planning application to determine himself, instead of leaving the decision to the local planning authority.

His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved. Such cases may include, for example, those which, in his opinion:

- may conflict with national policies on important matters;
- could have significant effects beyond their immediate locality;
- give rise to substantial regional or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments

However, each case will continue to be considered on its individual merits.

## Annex A – Draft Circular and Direction

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

*Communities and Local Government Circular xx/2008*  
**Department for Communities and Local Government**  
**Eland House, Bressenden Place, London SW1E 5DU**

xx xxxxxxxx 2008

### THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2008

#### INTRODUCTION

1. Section 77 of the Town and Country Planning Act 1990 allows the Secretary of State to give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to her instead of being dealt with by local planning authorities.
2. Article 10(3) of the Town and Country Planning (General Development Procedure) Order 1995 gives the Secretary of State power to issue directions to local planning authorities requiring them to consult with specified persons before granting planning permission for certain types of development. Article 14(1) gives the Secretary of State power to issue directions restricting the grant of planning permission in respect of specified development – either indefinitely or for a specified period. This Circular replaces the provisions contained in existing directions, and introduces a new requirement relating to development which may adversely impact on World Heritage Sites. The Circular is intended to ensure that Ministerial involvement takes place only where necessary, and that all decisions are taken at the appropriate level.

#### COMMENCEMENT AND EXTENT

3. With effect from xx xxxxxxxx 2008 the Guidance contained in this Circular and the annexed direction will replace the provisions of the following directions, which will be cancelled, insofar as they apply in relation to England-
  - Circular 15/93: Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993;

- Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998;
  - Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999;
  - Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005; and
  - Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding)(England) Direction 2007.
4. This Circular applies only in relation to England.

#### **THE DIRECTION**

5. A copy of the direction, which comes into force on xx xxxxx 2008, forms the annex to this Circular. When the direction comes into force, it will require local planning authorities to consult the Secretary of State before granting planning permission for certain types of development.

#### **PURPOSE AND SCOPE**

6. The new direction clarifies the arrangements and criteria for consulting the Secretary of State. The purpose of the direction is to give the Secretary of State an opportunity to consider whether to exercise her call in powers under section 77. It also simplifies the process, consolidating all requirements into a single new direction. The effect of the direction is to require local planning authorities to refer any application for planning permission which falls within paragraphs 3-8 of the direction, and in respect of which the authority does not propose to refuse planning permission, to the Secretary of State at the appropriate regional Government Office, in accordance with the provisions in paragraphs 9-12 of the direction.

#### **WORLD HERITAGE SITES**

7. The direction introduces a new requirement for local planning authorities to refer applications where they are minded to grant planning permission in circumstances where English Heritage have objected on the grounds that a proposed development could have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent, and has not withdrawn that objection.



## THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2008

The Secretary of State for Communities and Local Government (“the Secretary of State”), in exercise of powers conferred by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995<sup>4</sup> (“the Order”) directs as follows:

1. This Direction shall come into force on [ ] 2008 and applies in relation to England only

2. In this Direction –

“flood risk area” means land in an area within –

- (a) Flood Zones 2 or 3; or
- (b) Flood Zone 1 which has critical drainage problems and which has been notified for the purposes of article 10 of the Order to the local planning authority by the Environment Agency;

“Flood Zone” has the same meaning as in article 10(2)(o) of the Order;

“floorspace” means the gross floor space in a building or buildings measured externally;

“inappropriate development” has the same meaning as in Planning Policy Guidance note 2: “Green Belts”, dated January 1995 (PPG2);

“major development” means development involving one or more of the following

- (a) the provision of dwelling-houses where –
  - (i) the number of dwelling-houses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (a)(i);
- (b) the provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more;
- (c) development carried out on a site having an area of 1 hectare

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<sup>4</sup> S.I. 1995/419 to which there are amendments not relevant to this direction

or more;

“PPS6” means Planning Policy Statement 6: “Planning for Town Centres” dated 2005;

“playing fields” has the same meaning as in article 10(2)(l) of the Order;

“requisite notice” means notice in the appropriate form set out in Schedule 3 to the Order or in a form substantially to the same effect; and

“setting” means the area around a World Heritage Site (including any buffer zone or its equivalent) in which development is capable of having an adverse impact on the World Heritage Site, including an adverse impact on views to and from the World Heritage Site.

3. This Direction shall apply in relation to any application for planning permission which –
  - (a) is for Green Belt development, out of town development, World Heritage Site development, playing field development or flood risk area development; and
  - (b) is either received by a planning authority on or after [ ] 2008 or is received before [ ] 2008 but has not been determined by that date.
4. For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-
  - (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
  - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 5.(1) For the purposes of this Direction, “out of town development” means development which consists of or includes retail, leisure or office use, and which –
  - (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town as defined in PPS6;
  - (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the

development is to be carried out; and

(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is-

(i) 5,000 square metres or more; or

(ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floorspace, would exceed 5,000 square metres.

(2) In calculating the area of existing floorspace for the purposes of development referred to in paragraph 5(1)(c)(ii) this shall include any retail, leisure or office floorspace within a 1 kilometre radius of any part of the proposed development which –

(a) is already provided;

(b) has been substantially completed within the period of 5 years immediately preceding the date an application for development to which this Direction applies has been made;

(c) in respect of which an application for planning permission has been made but not finally determined on the date an application for development to which this Direction applies has been made; or

(d) in respect of which an application for planning permission has been granted within the period of 5 years immediately preceding the date an application for development to which this Direction applies has been made.

6. For the purposes of this Direction, “World Heritage Site development” means development which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent, being development to which English Heritage has objected, that objection not having been withdrawn.

7. For the purposes of this Direction, “playing field development” means development of a description mentioned in paragraph (z) of the Table<sup>5</sup> in article 10 of the Order where –

(a) the land (or any part of the land) which is the subject of the application –

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<sup>5</sup> Paragraph Z was inserted by S.I. 1996/1817.

- (i) is land of a local authority;
    - (ii) is currently used by an educational institution as a playing field; or
    - (iii) has at any time in the five years before the making of the application been used by an educational institution as a playing field; and
  - (b) the Sports Council for England has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
    - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
    - (ii) that the proposed development would result in such a deficiency; or
    - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.
8. For the purposes of this Direction, “flood risk area development” means major development in a flood risk area to which the Environment Agency has objected and that objection has not been withdrawn.
9. Where a local planning authority does not propose to refuse an application for planning permission to which this Direction applies, the authority shall consult the Secretary of State.
10. Where, by virtue of paragraph 9, a local planning authority is required to consult the Secretary of State, they shall as soon as practicable send to the Secretary of State at the appropriate Government Office for the Region –
- (a) a copy of the application (including copies of any accompanying plans, drawings) and supporting information;
  - (b) a copy of the requisite notice;
  - (c) a copy of any representations made to the authority in respect of the application;

- (d) a copy of any report on the application prepared by an officer of the authority;
  - (e) unless contained in a report supplied pursuant to subparagraph (d)), a statement of the material considerations which the authority consider indicate a departure application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004<sup>6</sup>.
11. Subject to paragraph 12 below, where, by virtue of paragraph 9, a local planning authority is required to consult the Secretary of State, they shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date advised in writing by the Secretary of State to the authority as the date she received the material specified in paragraph 10 above.
  12. If, before the expiry of the 21 day period referred to in paragraph 11, the Secretary of State has notified the authority that she does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the authority may proceed to determine the application.
  13. The following directions are cancelled –
    - (a) Circular 15/93: Town and Country Planning (Shopping Development) (England and Wales)(No 2) Direction 1993;
    - (b) Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998;
    - (c) Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999;
    - (d) Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005; and
    - (e) Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding) (England) Direction 2007.

Signed by authority of the

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Name & address of

<sup>6</sup> 2004 c. 5.

signatory

Secretary of State

Date

## Annex B

<b>Summary: Intervention &amp; Options</b>		
<b>Department/Agency:</b> <b>Communities &amp; Local Government</b>	<b>Title:</b> <b>Impact Assessment of proposals to reduce the number of call-in referrals, and ultimately, the number of called-in cases.</b>	
<b>Stage:</b> Partial 1A	<b>Version:</b> v1	<b>Date:</b> 25 Julv 2007
<b>Related Publications:</b> Consultation paper on Review of Call-In Directions		

**Available to view or download at:**

<http://www.communities.gov.uk>

**Contact for enquiries:** Andrew Lynch

**What is the problem under consideration? Why is government intervention necessary?**

The problem is that there are a large number of cases being referred to Government Offices (and a lesser number onwards to Ministers) under a variety of Directions (Departmental Circulars). Government Offices then decide whether applications for planning consent which local authorities are minded to grant should be subject to public inquiry and ultimate decision by Ministers.

The Planning White Paper gave a commitment to reduce these numbers, in order to make best use of resources and ensure all decisions are taken at the appropriate level.

**What are the policy objectives and the intended effects?**

To reduce the number of applications caught by thresholds and criteria which require them to be referred to Government Offices for consideration of whether to call in. To ensure that only the right cases are actually called in for ministers to decide. Ministers will retain the right to call in any application should they see fit.

The intended effects are to speed up the decision-making process, make more efficient use of resources and ensure that all decisions are taken at the appropriate level.

**What policy options have been considered? Please justify any preferred option.**

The options are:

(i) to do nothing or

(ii) make the appropriate adjustments to the thresholds and criteria. The justification for the proposed action is to reduce the burden on local authorities by reducing the numbers of referrals, to reduce the burden on Government Offices by reducing the cases considered, reduce the costs and time taken to decide cases by having fewer public inquiries, and ultimately reduce the level of direct ministerial involvement in the determination of planning cases, thereby saving time and resources.

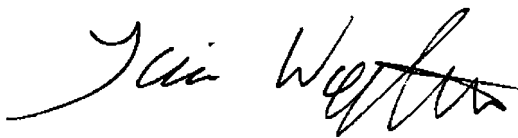
**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?**

The proposals would need to have been in place for at least a year to measure their efficacy.

**Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:



**Date:** 16/10/07



## Summary: Analysis & Evidence

Policy Option:  
ii

Description: Make adjustments to call in criteria in order to reduce the number of applications called in for minister's to

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' No transitional costs or annual costs, only net savings.
	<b>One-off</b>	<b>Yrs</b>	
	£		
	<b>Average Annual Cost</b> (excluding one-off)		
	£		<b>Total Cost (PV)</b> £
Other <b>key non-monetised costs</b> by 'main affected groups'			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' No one-off benefits. Potential annual saving in GOs, PINS, CLG and staff costs of up to £500,000 pa, depending on the number of cases.
	<b>One-off</b>	<b>Yrs</b>	
	£		
	<b>Average Annual Benefit</b> (excluding one-off)		
	£500.000	10	<b>Total Benefit (PV)</b> £4.158.000
Other <b>key non-monetised benefits</b> by 'main affected groups' Applicants who would receive swifter decisions. Local authorities in swifter decision-making with fewer referrals. GOs and CLG by concentrating resources on major proposals which justify Ministerial intervention.			

**Key Assumptions/Sensitivities/Risks**

<b>Price Base Year</b> 2007	<b>Time Period Years</b> 10	<b>Net Benefit Range (NPV)</b> £	<b>NET BENEFIT (NPV Best estimate)</b> <b>£4,158,000</b>
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What is the geographic coverage of the policy/option?		England		
On what date will the policy be implemented?		not before 01 04 08		
Which organisation(s) will enforce the policy?		no enforcement		
What is the total annual cost of enforcement for these organisations?		£ savings		
Does enforcement comply with Hampton principles?		N/A		
Will implementation go beyond minimum EU requirements?		N/A		
What is the value of the proposed offsetting measure per year?		£ nil		
What is the value of changes in greenhouse gas		£nil		
Will the proposal have a significant impact on		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations	Yes/N	Yes/N	N/A	N/A

<b>Impact on Admin Burdens Baseline (2005</b>	<b>(Increase –</b>
Increase of £0	Decrease of <b>Net Impact £500,000</b>

Key:	<b>Annual costs and benefits: Constant Prices</b>	<b>(Net) Present Value</b>
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## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### Proposal

- The proposal is to reduce the number of planning applications referred to Government Offices for decision on whether they should be “called” in by Ministers for their own decision. To ensure that all decisions are taken at the appropriate level, and that resources are properly focussed where needed. Last year, 786 planning applications were referred to Government Offices for consideration, of which only 36 were called in, less than 5% of cases referred.

### Background

- The current system uses up staff resources within local authorities, Government Offices, The Planning Inspectorate (PINS) and CLG which could otherwise be used for more significant cases/other high priority work. It also means that applicants for planning permission have to wait for a further significant period before receiving a decision (with potential opportunity costs caused by that delay).

### Rationale for change

- The time and resource savings which would arise if Government Offices are focussed only on cases which they need to see would ensure a better and quicker service for applicants. In cases which would no longer be called in, the savings arising from not having to hold a public inquiry under a planning Inspector, who then writes a report to the Secretary of State making recommendations on an application, is quite substantial. It is important that Ministers use to their powers to intervene only in those cases where it is justified. By using those powers more selectively, savings in terms of time and resource can be made under the proposed system.

### Objective

To change the requirements for cases to be referred to GOs for consideration of whether to call in, specifically:

- Deleting the requirement to refer cases of over 150 houses;
- Deleting the requirement to refer cases of local authorities developing

their own land, or being the applicant for development;

- Deleting the requirement to refer cases which would prejudice local authorities' implementation of their own plans;
- Reducing the requirement to refer certain types of retail proposals;
- Introducing a new requirement to refer proposals which may have a significant adverse impact on the outstanding universal value and significance of a world heritage site or its setting;
- All other requirements remain unchanged.

## Options

### Option i: Do Nothing

Maintain the current process of referrals, with no likely reduction in Government Office workload, Ministerial involvement or savings.

### Option ii: Amend the current requirements for cases to be referred

Make the appropriate changes to the relevant Directions to reduce the number of referrals to Government Offices, and the number of cases ultimately called in, while retaining the ability of the SoS to call in applications where Ministerial intervention is justified and appropriate.

- Benefits and Costs
- Sectors and Groups Affected
- Government Offices
- Communities and Local Government.
- Local planning authorities.
- The Planning Inspectorate.
- Applicants.

### Option i

No new or additional costs or benefits have been identified under this option.

### Option ii

#### Benefits

*Cost Savings to Communities and Local Government and other Government Departments*

The main savings will be for Government Offices, in dealing with fewer referrals and needing to consult Ministers on fewer occasions. There may be cost savings for other Government departments where a case linked to a decision for them will no longer be called in. There could also be savings to



the Planning Inspectorate and Planning Central Casework, if fewer inquiries on call-in cases are held. These costs are hard to quantify given that the amount of time staff spend on these cases varies with the workload. We have estimated £500,000 as an approximate overall administrative saving.

#### *Cost Savings to Applicants*

Applicants will get their decisions quicker as these will be granted directly by the local planning authority without reference to Government. Given the lack of a public inquiry, this could involve decisions being received up to a year earlier.

#### *Cost Savings to Local Authorities*

Local Authorities are required to take “in principle” decisions for the cases which are currently called in due to the criteria. The proposal should not therefore impose any additional costs upon them as the costs of reaching these “in principle” decisions should be equivalent to the cost of reaching final decisions. Local authorities will however save from not having the costs associated with referring cases to government offices.

#### *Social benefits from having world heritage sites decisions called in*

Calling in decisions which may have a significant adverse impact on the outstanding universal value and significance of a world heritage site will allow these decisions to be decided on a national basis. This should have social benefits as any adverse impact on these sites universal value would have a cost to the nation as well as the locality.

### **Costs**

While some new requirements are introduced for cases relating to World Heritage Sites, the additional costs of this requirement will be more than offset by the savings arising from the reduction of other requirements. No additional net costs have therefore been identified.

### **Specific Impact Assessments**

No specific assessment tests have been undertaken as we do not believe that the proposed changes would have any specific impacts on particular sectors of society. However, one of the purposes of the consultation exercise will be to provide an opportunity for interested persons to produce evidence to the contrary.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No



**DCNW2007/3633/F - CHANGE OF USE FROM  
AGRICULTURAL LAND TO 6 HOLIDAY LODGES  
(LODGE STYLE CARAVANS) AT PARK GATE FARM,  
LYONSHALL, HEREFORDSHIRE, HR5 3HY**

**For: B J Layton & Co, John Lambe Associates, Bryn  
Cynan Fawr, Pontllyfni, Caernarfon, Gwynedd.  
LL54 5EE**

**Date Received:**  
21st November 2007

**Ward:**  
Pembridge &  
Lyonshall with Titley

**Grid Ref:**  
33285, 57106

**Expiry Date:**  
16th January 2008

Local Member: Councillor R. J. Phillips

Introduction

This application was considered by the Northern Area Planning Sub-Committee at its meeting on 16<sup>th</sup> January 2008 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 16<sup>th</sup> January 2008 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to polices DR2, LA2, E12, RS14 and LA4 of the Herefordshire Unitary Development Plan 2007. The proposed development by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan as well as the objectives of PPS7, Sustainable Development in Rural Areas.**

In the debate the Members of the Area Sub-Committee gave weight to the relatively secluded nature of the site which would limit the impact of the proposed lodges in the wider landscape. They also felt that the nature of this type of tourism was car based anyway and, consequently, the argument against the development on grounds of its likely encouragement of the use of private transport was not appropriate. They did not feel that the presence of the unregistered park carried significant weight. Overall, they felt that the scheme would help to boost tourism. They also noted that the current scheme for 6 lodges had been scaled down from the initial proposal for 12 lodges

It was resolved to grant planning permission subject to conditions to secure full disabled access to all the lodges and to restrict the length of stay in them (to prevent them becoming permanent residential units).

The application raises the following issues:

1. The site is outside any identified settlement boundary and remote from services and facilities. On those grounds alone the development is in conflict with Unitary Development Plan policies designed to discourage development which would itself encourage the use of private transport
2. Unitary Development Plan Policy RST.14 deals specifically with proposed caravan and chalet parks and requires that such proposals must not damage the landscape qualities of the site and surroundings. In this case the change from an open paddock to a caravan park will have a directly detrimental effect, domesticating an otherwise undeveloped open field.
3. There is no support for the scheme from the Council's own tourism advisor and neither does it represent farm diversification in the ordinary way.
4. The proposal is in an unregistered park and would change its character to its detriment.
5. The requirement suggested by members to require disabled access may well have practical consequences for the layout of the site (which is not level). The provision of level access to all the units would require ground level changes and ramps which would increase the impact of the development on the appearance of the site and further "domesticate" the character of this otherwise open field.
6. In these circumstances an approval would be contrary to the Council's policies to exercise strict control over proposals for new development in the open countryside.

In conclusion it can be seen that the proposal conflicts with the development plan policies which seek to restrict development in the open countryside without special justification. Consequently the application is referred to this meeting for further consideration.

The original report to the Northern Area Planning Sub-Committee follows, updated as appropriate to take account of further representations which have been received since the meeting in January

## **1. Site Description and Proposal**

1. The application site comprises a secluded parcel of land approximately 1.65 hectares in size. The site is accessed from the C1027 that leads from the A44 north towards the B4355 (Titley to Presteigne) utilising an existing access point. The site itself is grassland, sloping to the South towards an existing lake. The Site is surrounded on three sides by mature woodland and is barely visible from public view. The land has been described as having a parkland feel, although it is understood that the lake was created 13 years ago and the land recreated by the applicant since this time. The site is an unregistered historic park.
2. The proposal is described as being a farm diversification project for the change of use of the land for the siting of 6 lodges. From the detail made available within the application, these lodges are caravans (including a static caravan) as defined within section 13 of the Caravan Sites Act 1968. The lodges would be timber construction with shallow pitch roofs. The application submission also shows decking and steps surrounding these lodges. One of these units would be adapted for disabled use. The six units would be sited along the lower contours of the site to the plateau area nearer the lake. An access track and parking constructed of hardcore (crushed stone) is proposed to the south of the line of units and a cycle rack is proposed next to each

unit. Informal scattered groups of planting are also proposed. Access to the site would be from the existing access with some improvements to visibility splays and surfacing.

3. The use of the 'lodges' is proposed to be for both letting and owner occupation (purely for holiday purposes).
4. The application was accompanied by an ecological habitat Survey Report, Topographical survey, Scaled layout drawing, including landscaping, site photographs and examples of the types of lodges that would be sited.

## **2. Policies**

### Unitary Development Plan (2007)

S1 - sustainable development  
S7 - Natural and historic heritage  
S8 - Recreation, Sport and Tourism  
DR2 - Land use and activity  
DR3 - Movement  
E12 - Farm Diversification  
LA2 - Landscape character and areas least resilient to change  
LA4 - Protection of historic paths and gardens  
LA6 - Landscaping Schemes  
NC1 - Biodiversity and development  
NC5 - European and nationally protected species  
NC6 - Biodiversity Action Plan priority habitats and species  
NC7 - Compensation for loss of Biodiversity  
NC8 - Habitat creation, restoration  
NC9 - Management of features of the landscape important for fauna and flora  
RST12 - Visitor Accommodation  
RST13 - Rural and farm tourism development  
RST14 - Static Caravans, chalets, camping and touring caravan sites

### National Planning Policy:

PPS1 - Delivering Sustainable Development  
PPS 7 - Sustainable Development in Rural Areas  
PPG13 - Transport

Good Practice Guide on Planning and Tourism

## **3. Planning History**

- 3.1 NW2007/2478/F - Change of use from agricultural land to Holiday lets (12 lodges) - withdrawn
- 3.2 NW2006/2856/F - proposed storage building for game keepers equipment in connection with Lyonshall shoot.- Approved with conditions

#### 4. Consultation Summary

##### Statutory Consultations

4.1 The Forestry Commission notes that the application is within 500m of semi-natural woodland, bordering Lyonshall wood. However, the scale of the proposals is such that there will be no effect on the woodland and consequently we have no comments to make.

4.2 Hereford and Worcester Gardens Trust make the following comments:  
As the enclosures with this application indicate, this is an especially beautiful corner of Herefordshire, which would be spoilt by the development of 6 lodge-style caravans immediately in front of the lake. We can appreciate that certain types of quiet tourism would benefit herefordshire but here the visitors will spoil the very beauty they come to admire. We would suggest that the lodges should be built within the hamlet of Nextend, perhaps adjacent to the existing farm buildings at Parkgate Farm.

As with so many of the other fine landscapes in Herefordshire, the wood-pasture character of this site, to the west of Lyonshall Castle, derives its special qualities from its earlier history as a deer park, which provided venison and pleasure for the aristocratic owners of the castle. The history of the park is set out briefly in D. Whitehead, *A Survey of the Historic Parks and Gardens of Herefordshire* (2001), p. 259. History, and past agricultural practice, as well as the sensitivity of recent owners, have given us something valuable here, which should be preserved. With all the present pressures upon the Herefordshire countryside there is an urgent need to protect the remaining areas with outstanding landscape value. They often come in isolated pockets, like Lyonshall deer park. The Trust would urge the Council to ask the applicant to think again.

##### Internal Council Advice

4.3 The Conservation Manager makes the following comments:

Landscape Officer – Despite the reduction from 12 to 6 units my original comments remain relevant to this proposal which are as follows:

The previous comments made on application number NW2007/2478/F were as follows:

In brief, I have serious reservations about the potential impact of the proposal on both the quality and character of the landscape and would recommend the application be refused as contrary to policies LA2 and LA4, amongst others, of the UDP. The particular issues that concern me are as follows:

- The site is located within the '*Wooded Estatelands*' landscape type as defined in the Herefordshire Landscape Character Assessment. This landscape is described as primarily defined by "large, discrete blocks of woodland" and a number of secondary characteristics. The description of this landscape goes on to point out the impact that agricultural intensification has had in recent years, fragmenting and deteriorating the defining elements in the landscape and concludes that even the "...introduction of small scale elements does as much harm to the character as the loss of the inherent features".

Whilst it is acknowledged that the proposal is not in a visually prominent location and, in fact, could be barely seen from the public domain, it is also worth noting that the 'experience' of a landscape is also to be appreciated as a tourist. Any development that does not make a positive contribution to the character and quality of a landscape devalues both the experience of that landscape and ultimately its aesthetic and economic value: the very reason for seeking to locate holiday chalets.

- One possible area of weakness in the Herefordshire LCA is a failure to fully acknowledge the depth of history that influences our modern landscape. Interestingly, the description of this landscape type does allude to the influence of historic and principally mediaeval emparkment. The site in question would appear to lie at the eastern boundary of a 13<sup>th</sup> century park, referred to in 'A Survey of Historic Parks and Gardens in Herefordshire' (Whitehead, 2001) as "*Lyonshall deer-park*". The park would appear to extend north from the site of the 12<sup>th</sup>/13<sup>th</sup> century castle (site of) just north of the A44, ultimately bounded to the west and north by the river Arrow. It is likely that little remains of the original park pale to the east, destroyed through agricultural improvement and the construction of a railway branch-line, although it may be reasonable to assume that the park did not extend beyond the line of the current minor road from Lyonshall to Titley Mill. The name, Parkgate Farm, clearly alludes to the presence of a park boundary although this does not appear until the 1840 tithe map, suggesting that the boundary was still acknowledged, if not fully defined at this time. Although pure supposition, it is possible that the western boundary of the park utilised the *Offa's Dyke* bank and ditch system, reducing the costs of establishing new park boundaries, again lost to the construction of the railway line.

Early nineteenth century enclosure introduced regular field boundaries into an otherwise sinuous landscape, although more recent removal of these boundary lines has inadvertently reinstated a 'parkland' character, particularly to the application site. Given the backdrop of mixed broadleaf woodland, individual standard trees and the large body of water the site could easily be mistaken for a designed parkland landscape.

Whilst I appreciate the need for diversification in farm enterprise and the potential that tourism has in this area, I am concerned this application does not draw on either the current character of the landscape, the topography of the site and the defining elements in the landscape, but also fails to acknowledge and respond to the cultural and historic significance of the site. It is worth noting that the existence of an eight hundred year old 'designed' landscape can still be traced.

A proposal for fewer chalets, more sympathetically distributed throughout the site with a well-considered landscaping scheme, acknowledging and enhancing the parkland character of the site may be considered acceptable.

### Ecology

I note that the extended Phase I survey was carried out in March, which is not an ideal time to assess vegetation. Some of the pond species were missed such as water mint, lesser spearwort and water forget-me-not. I also noted that one of the mature trees in the field had fallen over during the recent wet weather. However, the location of the holiday chalets is within the improved pasture area dominated by perennial rye grass and white clover. I accept the findings of the report regarding the potential impact on

the adjacent Special Wildlife Site. There should be no direct drainage from the chalets into the lake and provided that the drainage/disposal of foul water issues are clarified prior to determination, I do not foresee an ecological impact as a result of this development. The planning ecologist should be consulted on any proposals for a reed bed system.

I have no objection to approval of this application subject to the inclusion of the following non-standard conditions:

The proposals set out in the Recommendations section of the ecologist's report should be followed in relation to nature conservation and wildlife enhancement.

A habitat enhancement scheme based upon the recommendations of the of the ecologist's report should be specified in a method statement for submission to Herefordshire Council and implemented as approved in order to enhance the habitats on the site."

Reason: To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity, and to meet the requirements of PPS9 Biodiversity and Geological Conservation.

4.4 The Transportation Manager makes the following comments:

No objection, but with following comments;

Visibility adequate for estimated speeds on road.

Site not very sustainable - remote from services, implying reliance on private motor vehicles for transport.

On balance, unreasonable to refuse on highway grounds.

4.5 The Tourism Officer makes the following comments:

Due to the large number of planning applications for the change of use, conversion and build of self catering accommodation, it was deemed appropriate to conduct an assessment of trends of self catering establishments. It was found that the occupancies for self catering had fallen by 4%, with new starts fairing worst.

We believe that we are reaching tipping point for the "standard" self catering establishments, however, there is still scope in the consideration of planning applications. The development would need to be fully compliant with wheelchair access to comply higher than level 1 or level 2 of the National Accessibility Scheme.

4.6 The Public Rights of Way raises no objection to the application

## 5. Representations

5.1 Lyonshall Parish Council make the following comments:

The Council recognise that there have been substantial moves to meet the previous objections. It therefore, supports the application but believes that the following conditions should be imposed:

1. Tight specification should be made for the quality of the chalets. An example was given from a separate approval where the planning department had laid down a requirement that the chalets should be at least equal in quality to a trio of named types.
  2. There should be a restriction on the number of months of the year when the chalets could be occupied
  3. The lodges should be for holiday lets and should not be residential
  4. The local roads, including the drainage of the roads should be improved
  5. 6 lodges seem appropriate so there is likely to be opposition to any future developments on this site
- 5.2 Letters of representation have been received from Mr Allan Carter, Nextend cottage, Nicola Reynolds, The Stagg Inn Titley, Evelyn Bradley, Litfield Bank, Lyonshall, Nigel Layton, Primavera, Lyonshall. These letters can be summarised as follows:
- No objection to the application,
  - Support the application, as it would be good for the local economy with the increase in Tourists to the area
  - Mr Laytons scheme should prove to be successful method of increasing visitors to the area where there is plenty of space, hopefully benefiting local businesses at the same time.
  - Would like to see family friendly accommodation and also some disabled accommodation as this is lacking locally.
- A further letter has been received since the application was reported to the Northern Area Planning Sub Committee. This letter from Mrs Hilditch, Whittern Farms, Lyonshall. This letter notes that they support the details of the officers report and suggests that a site nearer the farm may be more appropriate.
- 5.3 A letter from Animal Funeral Services, Litfield House, Lyonshall has also been received which can be summarised as follows:
- I have no objection to the proposed increase in tourist accommodation in the area as this would help underpin the local rural economy but doubt that Parkgate Farm is a suitable location for such accommodation.
  - The business operates as an animal carcass incinerator from Litfield House.
  - Whilst the business operates under a variety of legislation and causes no harm to the locality; I doubt that a site in close proximity is suitable for provision of tourist accommodation.
  - Concern that the use would impinge upon the lawful use of the incineration business and may restrict its operation in time.
- 5.4 The application submission also includes a supporting document that details the history of the site and withdrawal of the previous application and reduction of the number of units for 12 to 6 in order to address issues of landscape impact and highway network capacity.

The submission also details the proximity of Lyonshall, which has a post office, public house and farm shop. It states that these can be accessed via a public footpath from

the site, lying one mile away. It also notes the proximity to The Stag Inn at Titley (1 mile) and The New Inn at Pembridge (3 miles). It notes that a bus stop is approximately half a mile away which runs to Hereford and Llandrindod Wells (via Kington). The site is also near a designated on road National Cycle network between Kington and Presteigne. The nearest railway station is at Leominster (10 miles). Kington lies 3 miles from the site which has a range of facilities.

The holiday park would be managed and operated from Park Gate Farm and that the units would be both letting and owner occupied (purely for holiday purposes)

- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The main issues for consideration in the appraisal of this proposal are:

- The policies and principle of the change of use of land from agriculture to a holiday lodge / chalet park
- Sustainability of location
- Farm Diversification
- Economic Benefits
- Landscape Impact in relation to scale and character
- Ecology

### Policies and principles

- 6.2 There are policies of the UDP which are broadly supportive of such proposals and these chalet / caravans parks can be successful tourism based facilities within the County where of an appropriate scale and in a suitable location.
- 6.3 Policy RST14 of the Unitary Development Plans deals explicitly with the creation of new chalet and caravan sites. In particular new parks will not be permitted where they would cause harm to the character and appearance of the countryside. In other locations the success of proposals will depend on a number of criteria. Amongst others these include requirement that the site is well screened, or capable of being screened, from roads viewpoints and other public places. The proposal would also need to be of a scale, which relates sensitively to its location, is well laid out, designed and landscaped. Traffic generated must be safely accommodated on the local highway network and arrangements must be made to ensure that the units are retained for holiday use.
- 6.4 Policy E12 makes allowances for farm diversification to generate income for the businesses as long as the proposal is consistent in scale with its rural location, serving to retain the open character of the countryside and use is made on existing buildings in accordance with policies HBA12 and HBA13 and developed areas wherever possible, with and new development of a scale and design which is appropriate to its rural surroundings.
- 6.5 Planning Policy Statement 7 sets out the governments specific objectives to promote sustainable patterns of development in rural areas. It recognises that diversification into non-agricultural activities is vital to the continued viability of many farm enterprises and suggests that local authorities should be supportive of well conceived farm diversification that contribute to sustainable development objectives and help to



sustain the agricultural enterprise. It also notes that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

#### Sustainable Location

- 6.6 Unitary Development Plan Policies S1, S6, DR2 and DR3 aim to ensure that new developments be sited in locations which are located and designed so as to facilitate a genuine choice of mode of travel, including public transport, cycling and walking as alternative to the private car. The Good Practice Guide on Planning for Tourism also make reference to the siting of parks where local services may be accessed by means other than by car. Paragraph 35 of PPS7 also where new or additional facilities are required these should normally be provided in, or close to, service centres or villages.
- 6.7 The application submission makes reference to the proximity to facilities in the village of Lyonshall and town of Kington. Whilst it may be possible to walk to the bus stop or village along the Public Right of Way, realistically the predominant mode of transport will be the private motor car. The scale of development also then become relevant where there will be additional car movement for 6 units (potentially 3/4 bed). This is considered inappropriate and a level of development which would increase traffic movements to the detriment of the environment and locality.
- 6.8 Notwithstanding the above, the Transportation Manager raises no objection in terms of highway safety. The access to the site can be adapted to provide a suitable and safe access.

#### Farm Diversification

- 6.9 The application makes reference to this being a farm diversification project. Policy can support such schemes subject to the criteria discussed above. This application submission divulges little information regarding the way in which this would support the farm or the thought behind this. Nor does it offer any exploration of any other projects that may have been explored such as barn conversions or sites for lodges immediately adjacent to the farm. On this basis little weight can be given to this argument.

#### Economic Benefits

- 6.10 It is accepted that the there these new units may support rural businesses nearby. Equally, if a proportion of these are sold off (application states both letting and owner occupied) as second homes, then the units may be empty for large parts of the year and not contribute much at all to the local economy. Households that own a unit as a second home might be less inclined to re-visit local attractions since they will be familiar with them from earlier visits. Given the lack of public transport in the immediate vicinity, they will inevitably be car borne and may bring much of their food and household supplies with them. As such the economic benefits of the proposal do not outweigh the harm of the change to the landscape character and the unsustainable location.

#### Landscape Impact and Scale and Character of Development

- 6.11 The application site itself is secluded and well screened from the public vantage points. However, the scale of the development would have an impact on the rural character of this area. These units would inevitably acquire a clutter of domestic

paraphernalia such as decking, washing lines, parasols and outside seating, barbeques and vehicles parking. The introduction of six units (shown on the submitted plan to be 13m by 6m) would unavoidably make this site more assertive in the landscape, not least because of the sheer presence of 6 households in terms of movement or people and vehicles. The intensification of activity and density would have a more urban nature and would change the character of the area, eroding its extremely quite and rural qualities. The 6 new buildings and their domestic clutter would be tightly grouped development compared to the typical scattered development hereabouts. It cannot help but have an urban manicured nature which would fundamentally change the character of the rural area. Given the containment of the site, in the folds of the landscape and the proposed further planting it is accepted that the proposal would not have any far reaching landscape impact. As such the proposal is considered to be contrary to policies DR2, LA2, E12 and RST14 of the Unitary Development Plan (2007).

#### Ecology

- 6.12 An ecological survey has been submitted and although there may be ecological implications, this is a matter which could be controlled with an appropriate condition.
- 6.13 It remains a central tenet of government policy to protect the countryside for its own sake. The fact that development may be well screened is not justification for that development.

#### Historic Park and Garden

- 6.14 The site lies within an unregistered historic park, where Policy LA4 applies.

Development which would destroy, damage or otherwise adversely affect the historic structure, character, appearance, features or setting (including the designed rural envelope) of a registered park or garden will not be permitted.

The policy advises that such proposals should be accompanied by a historic landscape appraisal report and restoration scheme. No such report was received with this application.

The policy concludes by advising that unregistered parks and gardens will be afforded similar protection.

- 6.15 The concerns expressed by the Hereford & Worcester Gardens Trust are shared by your officer, consequently the proposal is considered to be contrary to Policy LA4.

#### Conclusion

- 6.16 Whilst policies are generally supportive of chalet / caravans parks in appropriate locations, the proposed siting of six holiday lodges on a site which is considered remote from services and facilities is considered contrary to policies S1, S6, DR2 and DR3 as well as the principle and aims of PPS7 and the Good Practice Guide for Tourism. Whilst it is accepted that the proposal would not have a far-reaching landscape impact the development of this scale, would, by its nature, change the character of the locality to the detriment of the landscape quality. As such it is considered to be contrary to policies DR2, LA2, E12 and RST14 of the UDP (2007). There may be benefits locally and to the continuation of the farm, but these, on the

basis of the information provided, do not outweigh the objections on the grounds outlined above. As such the application is recommended for refusal.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

**The proposed development , by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to polices DR2, LA2, E12 RST 14 and LA4 of the Unitary Development Plan 2007. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Unitary Development Plan as well as the objectives of PPS7 Sustainable Development in Rural Areas.**

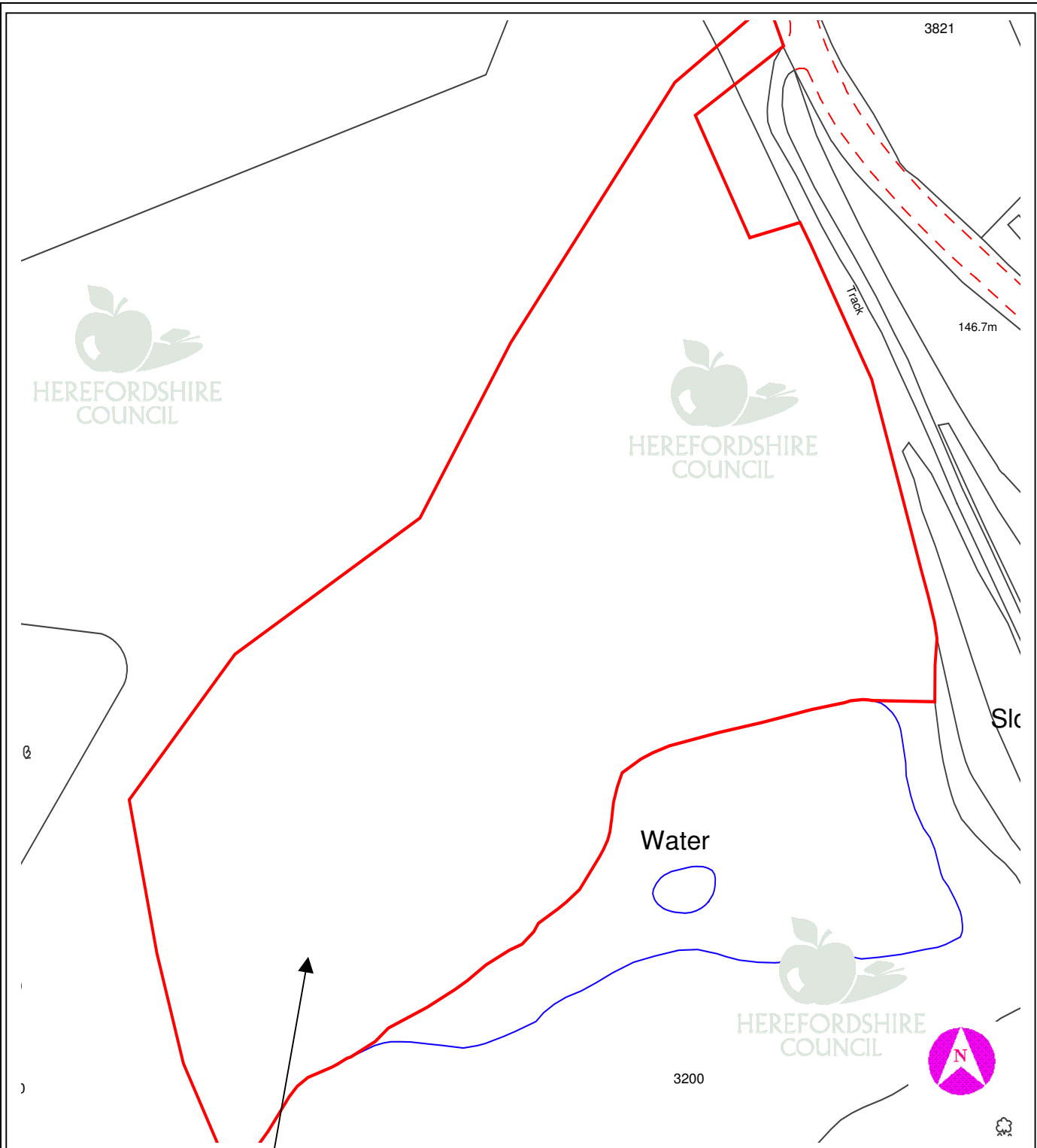
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2007/3633/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Park Gate Farm, Lyonshall, Herefordshire, HR5 3HY

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**DCCW2007/3403/F - PROPOSED CONVERSION OF EXISTING STONE BARN AND ATTACHED ANCILLARY BUILDING INTO 2 NO. RESIDENTIAL UNITS AT WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP**

**For: Mr. & Mrs. P. Eagling, Woodfields Farm, Tillington Common, Herefordshire, HR4 8LP**

**Date Received: 30th October 2007    Ward: Burghill, Holmer & Lyde    Grid Ref: 45548, 46359**

**Expiry Date: 25th December 2007**

Local Member:    Councillor Mrs. S.J. Robertson

This application was considered by the Central Area Planning Sub-Committee at its meeting on 23rd January, 2008 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 23rd January, 2008 the Central Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The conversion as proposed would require the substantial extension of the buildings and the re-use/replacement of elements of the complex which are not worthy or capable of conversion without major reconstruction. The proposal is therefore contrary to policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan 2007.**

In the debate the Members of the Area Sub-Committee gave weight to the local origins of the applicant and the stated desire to accommodate members of their extended family in the two new units. They felt that the additional units would help to sustain the rural area in general and Tillington in particular and was an appropriate form of affordable housing, albeit not affordable housing in strict policy terms. The new development would not occupy a larger footprint than the buildings currently on site and would not extend the range of farm buildings into the countryside. In view of the local circumstances and the full support of the Parish Council they felt that permission should be granted, possibly on the basis of a personal permission.

It was resolved to grant planning permission

The proposal raises the following points:

1. The re-use of the stone barn for one unit would comply with planning policies and could, in isolation, be supported by planning officers.
2. The second unit would be created by rebuilding and extending outbuildings which are not capable of conversion without substantial redevelopment. The degree of rebuilding needed is such that the structures currently on site would, effectively, be

removed and replaced with a new structure to form the second dwelling unit. This element is directly contrary to policies HBA12 and HBA13 and amounts to a new dwelling house outside a settlement with no justification by way of agricultural need.

3. The proposals do not take the form of affordable housing as specified in planning policy. The site is owned by the family and therefore there is no cost to them for the site. However, there is no intention of making this accommodation available to satisfy the housing need identified in the Housing Needs Survey for the parish, or for developing the site in co-operation with a Registered Social Landlord. In the absence of any evidence as to how this meets an identified local need the development should not be considered as affordable housing.
4. In these circumstances an approval for the second unit would be contrary to the Council's policies to exercise strict control over proposals for new residential development outside settlements and would also fail to comply with the Council's policies regarding barn conversions.

In light of the above points it can be seen that the proposal conflicts with the development plan policies which seek to restrict barn conversions where substantial redevelopment of former barns is required to create a new residential unit to modern standards. Consequently, the application is referred to this meeting of the Planning Committee for further consideration.

The report to the Central Area Planning Sub-Committee on 23rd January, 2008 follows and includes the updates given at that meeting.

## 1. Site Description and Proposal

- 1.1 Woodfields Farm is located at Tillington Common on the northern side of the unclassified 73000 road linking Tillington and Badnage.
- 1.2 The proposal is to convert and replace a range of stone, timber, concrete block and tin former agricultural buildings into two dwellings.
- 1.3 The stone two storey barn runs parallel with the road with two single storey lean-tos at either end, one of which would be rebuilt as part of this proposal. To the rear of the stone barn a single storey tin, concrete block building runs at right angles out into the courtyard. This building will be demolished and replaced with an extension to the stone barn to create a dining room, covered parking and store.
- 1.4 Woodfields Farmhouse is located to the west of the site across the farmyard.
- 1.5 The planning application is supported by reports on marketing for commercial re-use and ecology.

## 2. Policies

### 2.1 National:

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation

## 2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy DR1	-	Design
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy HBA12	-	Re-use of Rural Buildings
Policy HBA13	-	Re-use of Rural Buildings for Residential Purposes

## 2.3 Supplementary Planning Guidance:

Re-use and Adaptation of Traditional Rural Buildings

**3. Planning History**

3.1 None.

**4. Consultation Summary**Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Raises concerns regarding steepness and lack of visibility of access and sustainability of location.

4.3 Conservation Manager (Historic Buildings): "Although the main barn building and small lean-to extension to the west are capable of conversion the remaining ancillary buildings are not and as such the proposals would be contrary to policy. The buildings would be capable of conversion to either a single dwelling or a two-bedroom house in the eastern part of the barn with a much smaller dwelling in the remaining section although given the bat mitigation measures required this may not be possible. A full landscaping scheme would also be required."

4.4 Conservation Manager (Ecology): "I visited the site last year as part of pre-application enquires and noted the presence of numerous bat droppings on the first floor. I have received the ecological report by Anton Kattan dated 20/09/07 and note the presence of brown long-eared bats utilising the building. The mitigation strategy requires provision of a bat loft in the development proposals.

I have no objection to approval of this application subject to the inclusion of a non-standard planning condition."

**5. Representations**

5.1 Burghill Parish Council: Has no objection to this application.

5.2 Four letters of support have also been received confirming the applicants are local people who support community events.

- 5.3 In addition an e-mail has been received from Mr. Stephen Vaughan stating that the report is not correct as the whole scheme is for conversion with all the buildings being retained and that there are no extensions.
- 5.4 The applicant has submitted the following additional information.
1. We have lived in Tillington for almost 30 years where we raised our two sons and know the benefits of living in a small community.
  2. Our sons would like to bring their families to live in the village.
  3. Converting the barn would provide affordable housing for both families and bring young blood into the community and support for the local school.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 Planning permission is sought to convert and extend a range of outbuildings at Woodfields Farm into two dwellings.
- 6.2 The buildings comprise an attractive stone barn roofed in slate together with a concrete block and tin sheeted addition which runs at right angles to the stone barn. The proposal seeks to demolish this building and adjoining lean-to and extend the stone barn on its footprint. The site is located in the open countryside, and Policies HBA12 and 13 of the Herefordshire Unitary Development Plan 2007 support the re-use of rural buildings provided they are capable of bona fide conversion without major reconstruction and have a character and appearance that are worthy of retention. Whilst the stone barn is worthy of conversion, the lean-to and the tin and concrete additions are not worthy of retention and fail this policy. Conversions should also be achieved without the need for extensions. This scheme requires the extension to enable two dwellings to be provided. Subject to a suitable design, it is considered that the stone barn could be converted into one dwelling but it is too small to convert into two dwellings without extensions. Your Officers are therefore satisfied that the report accurately reflects the proposal before Members which includes substantial demolition of buildings.
- 6.3 The concerns over the access are noted, however it has historically provided access to the farmyard and farmhouse and provides a reasonable access off the unclassified road which is not heavily trafficked.
- 6.4 In accordance with the Council's SPG, alternative uses have been marketed with both a local agent and the buildings have been placed on the Council's Property Register. There has been little interest and no tenants have been secured.
- 6.5 Finally, the ecological report confirms that bats use the barns as a roosting site and any approval will need to provide mitigation.
- 6.6 In conclusion the scheme as proposed represents an unacceptable conversion for the buildings with extensions required to the stone barn to make it viable.



**RECOMMENDATION**

**That planning permission be refused subject to the following reason:**

- 1. The conversion as proposed would require the substantial extension of the buildings and the re-use/replacement of elements of the complex which are not worthy or capable of conversion without major reconstruction. The proposal is therefore contrary to Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan 2007.**

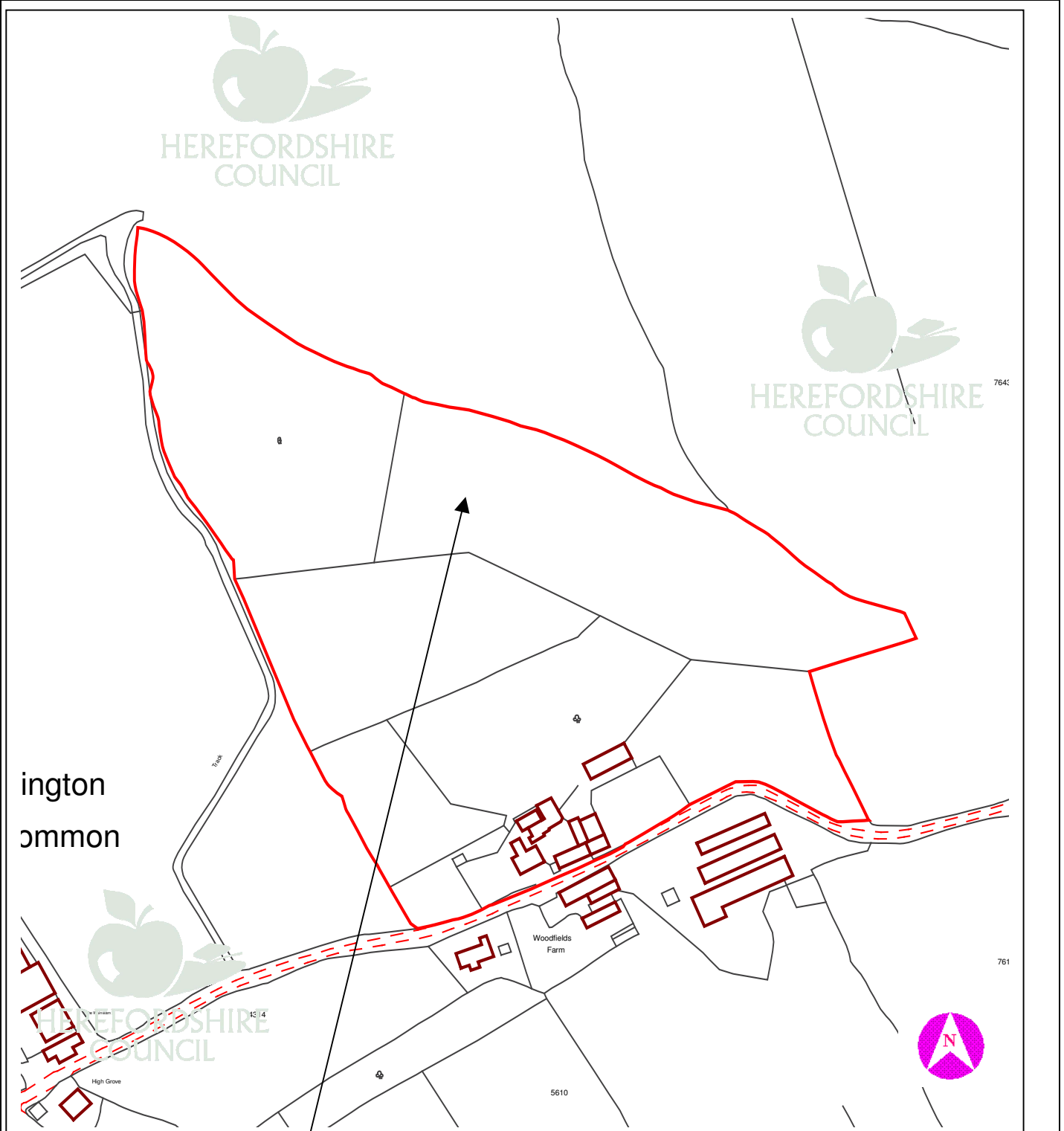
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/3403/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Woodfields Farm, Tillington Common, Tillington, Herefordshire, HR4 8LP

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**DCSW2007/3515/F - THE ERECTION OF A DETACHED FARM DWELLING WITH GARAGE AND SMALL STORE, UPPER NEWTON FARM, VOWCHURCH, HEREFORD, HR2 0QU**

**For: Mr M Powell per Mr D Cave, Sychar Cottage, The Downs, Bromyard, Herefordshire, HR7 4NU**

**Date Received: 9th November 2007**      **Ward: Golden Valley**      **Grid Ref: 33370, 32910 South**

**Expiry Date: 4th January 2008**

Local Member: Councillor J. B. Williams

### **Introduction**

An earlier application was considered by the Southern Area Planning Sub-Committee at its meeting on the 15<sup>th</sup> August 2007 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration. A site visit was carried out before the Planning Committee meeting on 28<sup>th</sup> September, 2007.

It has been referred to Planning Committee given the previous known support of the Southern Area Planning Sub-Committee.

In the debate the members of the Area Sub-Committee gave weight to the nature of the farm and the family circumstances of the applicant, who currently lives 9 miles away, and his parents who currently live in the existing farmhouse. They considered that the needs of the farm were sufficient to justify a second dwelling and that the existing barns on the site were not suitable for conversion. They also considered that, given the low level of traffic, the highways objection was not one they could support. They also noted that the applicant has the full support of the Parish Council.

It was resolved to grant planning permission with an agricultural occupancy condition on the new dwelling, but not the current farmhouse.

This application is a re-submission of the earlier planning application, it has though not been presented to the Southern Area Planning Sub-Committee but brought directly to this Committee.

The updated report, following re-submission, is as follows:

#### **1. Site Description and Proposal**

- 1.1 Upper Newton is reached off the western side of the u/c 74205 road that leads south skirting Lower Maescoed and then onto the eastern fringes of Longtown. The unclassified road leads north to Middle Maescoed and St. Margarets. The farmstead comprising farmhouse, modern and traditional farm buildings has panoramic westward views across the Escley Brook Valley. It is proposed to erect a dwelling, some

110 metres south-east of the main farmstead. There is a line of established hedging and trees just outside the western boundary of the roughly square plot.

- 1.2 It is proposed to erect a 4 bedroom dwelling with integral double garage. The dwelling will be faced in random rubble local stone together with a render finish on the rear and side or gable elevations, under a dark grey coloured fibre cement tile roof.
- 1.3 The farm has 135 acres, together with 80 acres of long term rental land, a total of 215 acres. The enterprise is one of 29 single suckler cows and 425 ewes with the intention to increase to 500 plus ewe lambs for replacements and 15 rams.

## 2. Policies

### 2.1 Planning Policy Statement

PPS7 - Sustainable Development in Rural Areas

### 2.2 Herefordshire Unitary Development Plan 2007

Policy H7 - Housing in the Countryside Outside Settlements  
Policy H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

## 3. Planning History

- 3.1 DCSW2007/2010/F - Erection of a farm dwelling with double garage - Refused 28.09.07

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 Traffic Manager recommends objection, given limited visibility achievable.
- 4.3 The Council's Property Services Manager's observations are awaited.

## 5. Representations

- 5.1 Newton Parish Council 'strongly support the application'.
- 5.2 In a covering letter the applicant's agent states that:
  - new application following refusal by Planning Committee on 28th September, 2007
  - amended agricultural appraisal and design and access statement and 9 letters of support
  - included second store room with garage, smallest bedroom (no. 4) is now shown as a box room (gross floor area is the same)
  - applicant willing to accept normal agricultural occupancy condition upon house proposed.

5.3 In a Design and Access Statement that accompanied the application the following main points are made:

- 215 acre holding plus some rented land. Farmed by Mr. J. D. & Mrs. M. M. Powell, together with their married son, Mr. Mark Powell, whom lives 9 miles away in rented accommodation at Kentchurch. Farmhouse too small, extending not an option either, given proximity to farm buildings. Farmhouse also base for catering business.
- Site for dwelling in corner of field. Applicant needs to live on farm for emergencies, particularly for lambing and calving, and be on hand otherwise.
- PPS.7 relevant
- Need to expand enterprise.
- Mr. J. Powell able to undertake some tasks, but not strenuous tasks. Therefore his son needs to be on site.
- Farm enterprise established for over 40 years, as regards requirements for 3 years in PPS.7.
- Farm income estimated (at 10th March 2008) is 21,578. The appraisal stated a need for second dwelling to meet requirements of security, supervision and comply with animal health and welfare standards.
- Modest 3 bedroom house would cost 168,000 to build. Funding new house, without affecting viability of farm business from Mark's Kentchurch house.

5.4 An Agricultural Appraisal accompanied the application, it comprised a functional appraisal and a financial appraisal.

- 135 acre holding, plus tenants for further 80 acres
- some 230 metres above sea level. Farm almost entirely permanent pasture
- range of traditional stone buildings, plus steel framed modern buildings
- grass based, suckler herd of 29 cows and replacement heifers. Cattle sold as stores in Jan/Feb at 20/24 months old
- sheep enterprise: 425 ewes, intends to expand it further, ie. 425 to 500 ewes, plus ewe lamb replacements and 15 rams
- Mark Powell undertaking all physical work on the farm due to father's incapacity
- farm adversely affected by Foot and Mouth outbreak
- new perspectives for EU Rural Development supports agriculture in remote regions, and the need for promoting the quality of life in rural areas (endorsed in guiding principles in Unitary Development Plan)
- current Standard Man Day is 2 labour units
- farming business will recoup reduction in income from Common Agricultural Policy (CAP) by joining Entry Level Environmental Stewardship Scheme
- farm accounts show it has been profitable for 3 years
- dwelling can be financed without being a drain on the farm's resources
- there are no other dwellings on the holding. No redundant farm buildings either or suitable tied dwellings for sale in area
- siting well related to farmstead. Can be no highway objections
- enterprise is economically viable
- dwelling proposed is commensurate with the established financial requirements
- proposal satisfies requirements of UDP Policies H.7 and H.8. Agricultural and financial appraisals submitted demonstrate this
- barns not redundant, cost of conversion 349,000, 181,000 above cost of new dwelling
- interest costs will be 12,654 a year, more than that for a new dwelling, as proposed.

- 5.5 9 letters of support accompanied the application from the CLA, R G & R B Williams (Chartered Surveyors), and National Sheep Association. 4 letters from residents in area, including a Parish Councillor, local Vicar and veterinary surgeon.
- need to keep young farmers in countryside. Maintains social structure, economy, environment and landscapes in marginal rural areas
  - farm suffered during Foot and Mouth outbreak
  - applicant's father has a serious health problem
  - very good quality of stock sold in our market
  - younger generation of farmers will be lost if provision not made
  - not on for farmhouse to be passed on by parents, given existence of established catering business run from it
  - enterprise to be expanded to 500 ewes to maintain economic viability
  - close supervision required particularly at lambing and calving time
  - applicant spent long hours in last few years on farm, in addition to milking job
  - assists local food production: reduces food miles, need for more vigilance with disease control
  - if cost of converting building, creating a problem for other working buildings - then it should not be a consideration.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 This new application is updated from that originally presented to the Southern Area Planning Sub-Committee and Planning Committee. Additional and revised information relating to current stocking levels which have increased, increased labour requirement and updated financial appraisal (notwithstanding that the accounts are not audited ones) have been received. There is also an additional supporting letter from the National Sheep Association. The appraisal submitted by both the agent and agricultural advisor also contends the feasibility of utilising one of the working stone barns primarily on financial grounds.
- 6.2 It is incumbent upon planning authorities to carefully scrutinise applications for dwellings in the open countryside. Applications for agricultural dwellings need to satisfy functional as well as financial criteria. This is set out in Annex A to PPS.7 – Sustainable Development in Rural Areas. The relevant local planning policy is H.8 contained in the Unitary Development Plan (UDP).
- 6.3 It has to be established that there is an essential requirement for a second dwelling. It is evident that there is a need for a dwelling on the site given the case advanced; this requirement for the proper functioning of the enterprise is met by the existing farmhouse. It is not essential for two dwellings to provide accommodation for key workers. The application needs to satisfy a functional requirement as set out in PPS.7 and Policy H.8 in the UDP. The functional requirement, determined usually by the SMD (Standard Man Days), is now estimated to be 2 which equates to the equivalent of two key workers. Therefore the application would appear to satisfy this fundamental benchmark. However, it is evident that the applicant is carrying out a lot of work on the farm given the poor health of his father. It is not made clear whether or not this situation will continue as currently, i.e. the applicant's father will not be undertaking the strenuous tasks on the farm. This places the application in the possible category of providing what could be a retirement property in the existing farmhouse even though it

is incumbent upon the local planning authority to impose an agricultural tie on the existing farmhouse as set out in Government advice in PPS.7 and in Policy H.8 in the UDP.

- 6.4 The second related issue is the need to establish whether or not the enterprise is financially viable. There is also a need to satisfy criteria such as the siting and size of the dwelling. The Council's Property Services Manager advised previously that on the evidence available the enterprise does not generate sufficient income for two key agricultural workers wages. This is still contended to be the case. Therefore, the enterprise is not viable as determined by the criteria set out in PPS.7 and UDP Policy for agricultural workers dwellings. This is notwithstanding the updated financial accounts. Applications need to satisfy this key requirement. It is not sufficient to argue that an agricultural enterprise could expand more were there to be two key workers living on the site. The planning authority can only determine applications on the basis of the needs of the enterprise, i.e. how much labour is required to manage the enterprise effectively and secondly that the enterprise is economically viable.
- 6.5 It is considered that the siting for the dwelling is acceptable given the known problems with drainage in the vicinity of the site. The site utilises trees and hedges on the western side of the site as a backdrop. The dwelling is of a size commensurate with the needs of the enterprise were this site to be approved. However, it is considered that in accordance with the provisions of Policy H.8 in the UDP it has not been sufficiently established why at least one of the stone buildings to the west of the farmhouse could not be utilised. It is stated in the case submitted that they are not redundant, however the nearest barn is only used, it is understood, partly as a kennel, with the first floor being used for fodder storage. It is stated that the costs of conversion would be higher for a new dwelling which is acknowledged for greenfield development, however this does not outweigh the need for suitable alternative buildings to be considered as required by Policy H8 in the Unitary Development Plan.
- 6.6 The final issue relates to the objections raised by the Transportation Manager. This is as regards the visibility achievable at present for vehicles joining the unclassified road (u/c 74205). Whilst visibility is satisfactory to the north it is very poor in a southerly direction. Northbound vehicles would not be visible to vehicles leaving the farm nor vice versa. This is a matter that was addressed by the Planning Committee, and therefore does not provide an additional reason for refusal.

## RECOMMENDATION

**That planning permission be refused for the following reason:**

- 1. Having regard to Policies H7 and H8 in the Unitary Development Plan 2007, the proposed dwelling is considered to be unacceptable. The proposal constitutes development in open countryside, divorced from any settlement and there is considered to be insufficient justification such that an exception should be made to these policies. This is also with regard to the need to utilise existing buildings in preference to new development. In addition, the erection of a dwelling in this location would be contrary to the provisions of PPS7 that seeks to protect the countryside for its own sake from unwarranted development.**

Decision: .....

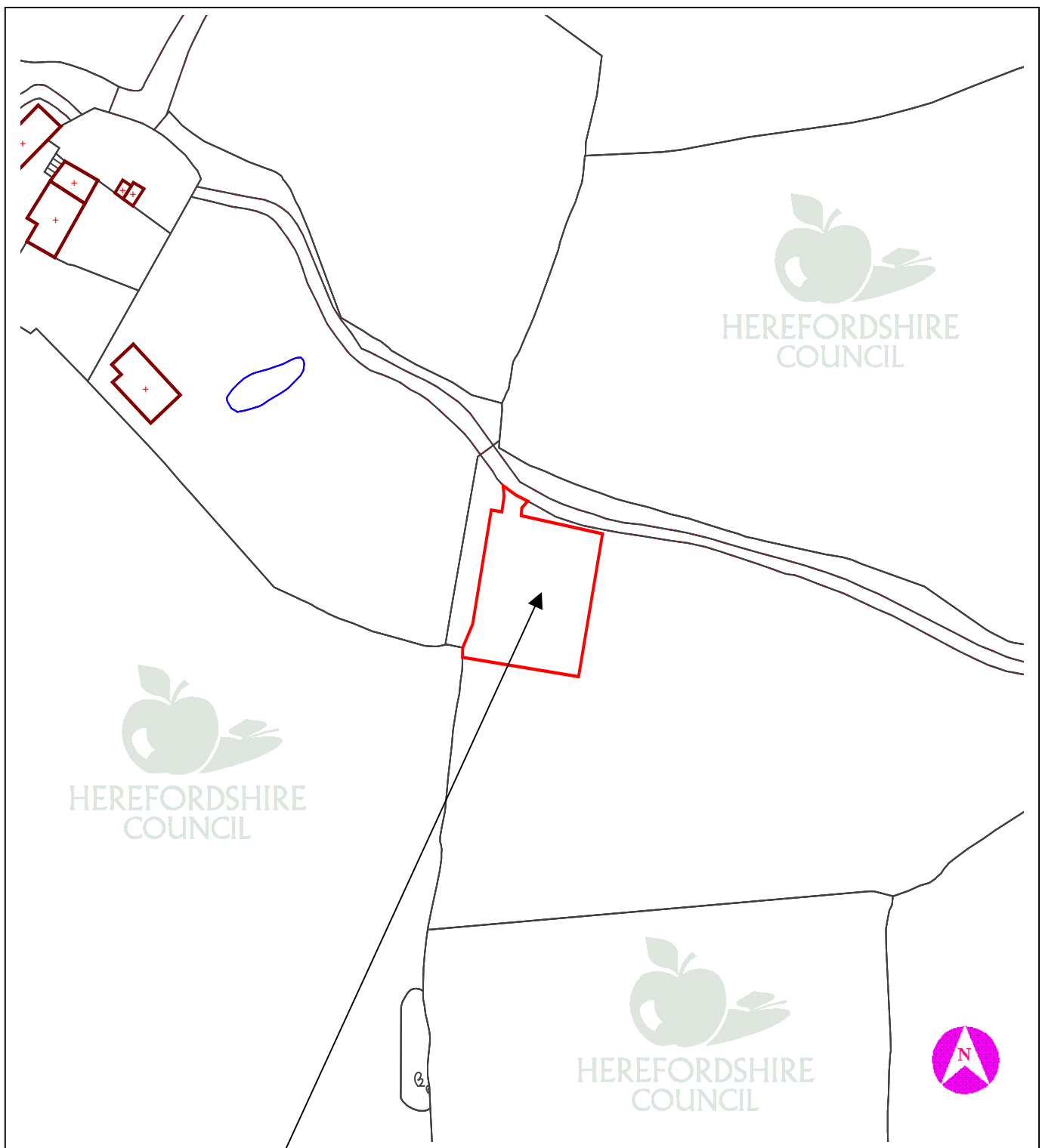
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSW/2007/3515/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Upper Newton Farm, Vowchurch, Herefordshire, HR2 0QU

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**DCSE2007/3931/F - INSTALLATION OF SINGLE STOREY STRUCTURE FOR EXTENDED SCHOOLS SERVICES UNIT. JOHN KYRLE HIGH SCHOOL, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AJ**

**For: Director of Children Services per Property Services Manager, Herefordshire Council, Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB**

**Date Received: 21st December 2007    Ward: Ross-on-Wye West    Grid Ref: 60438, 25251**  
**Expiry Date: 15th February 2008**

Local Members: Councillor G Lucas and Councillor C Bartrum

## **1. Site Description and Proposal**

- 1.1 John Kyrle High School occupies a large site at the north-eastern end of Ledbury Road, Ross on Wye. The buildings are concentrated at the western end of the site. Immediately to the south of the main complex is a triangular area not currently occupied by buildings, which adjoins the rear gardens of houses in Three Crosses Road and Springfield Road. It is proposed to install a 6-bay prefabricated structure, 18 m long x 8.4 m wide and about 3.2 m high, within this open area for the use of the Extended School Services.
- 1.2 The new unit would have a smooth blue pastisol finish with white PVCu windows and doors, with 3 timber access and emergency ramps and safety railings. It would be sited about 5.5 m (at the nearest) to the Three Cross Road houses and about 9.5 m from the Springfield Road houses. There is a conifer hedge along the school side of the boundary with these properties.
- 1.3 The unit would be used by the Ross Partnership for Extended Schools and would provide a GP's surgery, counselling room office and (provisionally) a family room. Further details of the use are given in paragraph 5.1 below.

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan 2007**

Policy S11	-	Community Facilities and Services
Policy CF5	-	New Community Facilities
Policy S2	-	Development Requirements
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity

### 3. Planning History

- |     |                 |                                       |   |                        |
|-----|-----------------|---------------------------------------|---|------------------------|
| 3.1 | DCSE2000/2833/F | Erection of replacement arts block.   | - | Approved<br>20.12.2000 |
|     | DCSE2003/2916/F | 2 storey extension to sixth form area | - | Approved<br>10.3.2003  |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 The Traffic Manager recommends that conditions be imposed regarding secure cycle parking and a travel plan.

### 5. Representations

- 5.1 A Design and Access Statement explains that:

- (1) the unit would provide extended school services for pupils as well as the local community and would be used by various social based groups (e.g. Ross Partnership, youth workers and family support services), PCT professionals, a GP and the school nurse
- (2) the family room could provide various multi-use functions
- (3) in appearance the structure should convey a fresh, modern and clinical appearance in order to blend in with a nearby school extension and give the impression of appropriate accommodation for professional health and social services.
  - In addition further information has been received explaining the extended schools programme:
- (4) The Ross Partnership of Extended Schools is made up of 13 feeder primary schools and John Kyrle High School and Sixth Form Centre. The partnership aims to deliver extended services to all of these schools and their communities.
- (5) The Government aim is that all schools should have reached the target of being designated Full Core Offer by 2010. The Full Core Offer consists of
  - High Quality Wraparound Childcare from 8 am - 6 pm, 5 days per week 48 weeks per year where the need is identified.
  - A varied menu of activities and study support.
  - Parenting Support.
  - Swift and Easy Access to Targeted Services.
  - Community Access.
- (6) This is a very wide remit and in order to fulfil this with quality, we need to have a dedicated centre from which to co-ordinate and deliver services. It is vital that the co-ordinator is based in the lead school.

- (7) The weekly GP clinic is vital for the wellbeing of young people. The site has been carefully chosen so that the lower school can access the clinic without having to pass through the area where older students congregate and for older students it is in a space where they will not be challenged when accessing the facility. In addition the school nurse will have access to use this site for confidential additional drop-in clinics.
- (8) The new ES building would provide a base for a speech and language support worker and for other vital agencies (e.g. Education Welfare Officer)
- (9) Evidence shows that a regular presence of uniformed CSOs/Police on a school which the unit would allow lowers the incidence of disruptive behaviour.
- (10) Members of the community will be made aware of local CSO drop-in sessions, there may be a job point facility for residents this side of town, the Primary Care Trust may use the unit. The Adult Education Centre plan to run daytime courses.
- (11) Plans are to run summer childcare provision from the centre and possibly an after school club.
- (12) The remit for parenting support is varied and initial plans are to build on engaging parents and supporting strategies to improve behaviour.
- (13) The ES building is planned to be sited close to the site manager's residence and will be securely fenced at the rear to prevent access between the back of the building and the rear of the adjoining properties, and the building will be alarmed.
- (14) CCTV covers the main areas of the school and may be increased to add to security at the rear of the proposed structure.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The proposed prefabricated structure would not be attractive but would be well screened from public view by existing houses and boundary planting. The conifer hedge would also provide screening from at least the ground floor and gardens of the adjoining houses. These houses have quite long gardens so that the proposed structure would be about 30 m from the nearest house in Three Crosses Road and about 25 m from the nearest house in Springfield Road. Despite its appearance then the prefabricated structure would not be unduly obtrusive from public or private viewpoints and would not therefore harm unacceptably the visual amenities of the area.
- 6.2 The prefabricated unit is not intended to accommodate large numbers of children and neighbours are unlikely therefore to be disturbed by noisy activities. Access is via a pedestrian path only with cars being parking in the existing car park.
- 6.3 The remaining issue raised in the representations is the security of local residents. The unit would be used by small numbers at any one time and there would always be adult supervision, judging from the activities listed in paragraph 5.1 above. There is already good CCTV surveillance of the school and school grounds and it is being

checked whether this would cover the narrow gap (3 or 4 m) between unit and boundary hedge and if not whether an additional camera could be installed. Nevertheless there is no reason to think that the school will not be able to supervise adequately this additional facility. I consider therefore that the unit would not reduce to any appreciable extent the security of neighbours nor harm significantly their amenity. Furthermore the unit would be appropriate in scale to the needs of the local community and be located within the community that it is to serve. Accordingly the proposal complies with policy CF5 of the Council's Unitary Development Plan.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

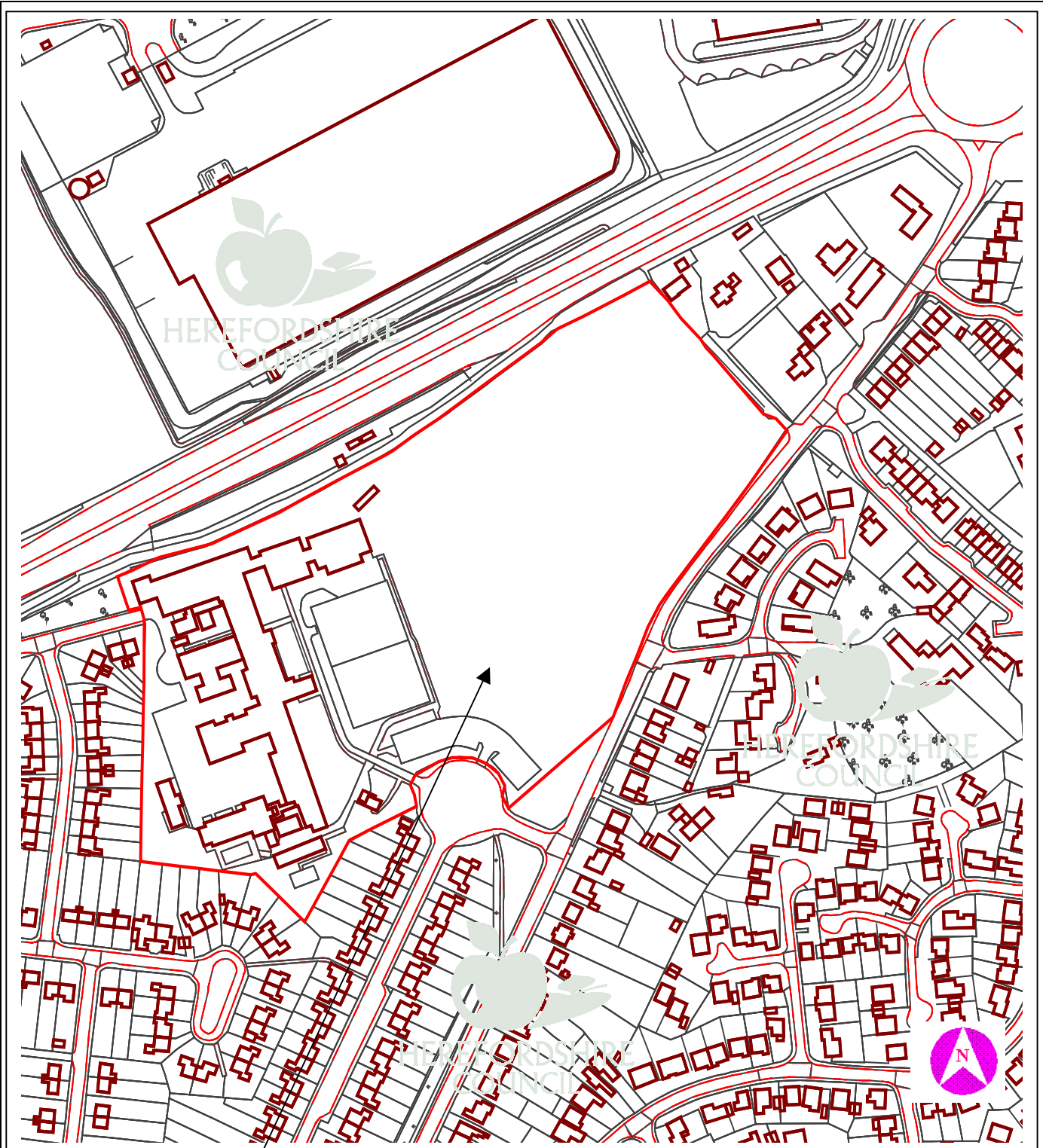
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3931/F

**SCALE :** 1 : 3000

**SITE ADDRESS :** John Kyrle High School, Ledbury Road, Ross-On-Wye, Herefordshire, HR9 7AJ

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