

AGENDA

Planning Committee

Date: **Friday 7 August 2009**

Time: **10.00 am**

Place: **The Assembly Room, Town Hall, St Owen's Street,
Hereford**

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

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

Tel: 01432 260428

Email: pmartens@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260428 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor PM Morgan
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
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.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 3rd July, 2009.	1 - 16
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee meeting held on 22nd July, 2009.	17 - 18
7.	NORTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 1st and 29th July, 2009.	19 - 20
8.	SOUTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 8th July, 2009.	21 - 22
9.	ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT To inform members of the comments received to the Draft Planning Archaeology and Development Supplementary Planning Document (SPD) published for consultation purposes in June 2008, and to consider appropriate changes. Wards: County-wide	23 - 86

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| <p>10. DCNC2009/0435/CD & DCNC2009/0436/L - PROPOSED REMOVAL OF EXISTING MINOR EXTENSIONS, INTERNAL ALTERATIONS AND NEW EXTENSION TO FORM OFFICES AND COMMUNITY ROOMS FOR RENT AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL</p> <p>For: S T Walker & Duckham per Herefordshire Council 14 The Tything Worcester WR1 1HD</p> <p>Ward: Leominster South</p> | <p>87 - 100</p> |
| <p>11. DCSE0009/1139/CD - ALTERATIONS AND AN EXTENSION OVER TWO FLOORS TO PROVIDE COUNCIL INFORMATION, LIBRARY AND MEETING FACILITIES AT ROSS ON WYE LIBRARY, CANTILUPE ROAD, ROSS ON WYE, HEREFORDSHIRE HR9 7AN</p> <p>For: Mr B Williams per AMEY, Caburn House, Brooks Road, Lewes, East Sussex BN7 2BY</p> <p>Ward: Ross-on-Wye East</p> | <p>101 - 108</p> |
| <p>12. DCCE0009/0950/F - PROPOSED AMENDMENT OF 39 PREVIOUSLY APPROVED RESIDENTIAL DWELLINGS AND THEIR ASSOCIATED PARKING TO 51 RESIDENTIAL DWELLINGS TO PLOTS 99-137 & 505-517 CREATING AN ADDITIONAL 12 DWELLINGS AND THEIR ASSOCIATED PARKING AT LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY</p> <p>For: Taylor Wimpey per Focus on Design, The Old Brewery, Lodway, Pill, Bristol, BS20 0DH</p> <p>Ward: St. Martins & Hinton</p> | <p>109 - 120</p> |
| <p>13. DCCW0009/0958/F - CONSTRUCTION OF NEW SECONDARY SCHOOL BUILDINGS INCLUDING LANDSCAPING AND OTHER ASSOCIATED WORKS AND DEMOLITION OF EXISTING SCHOOL BUILDINGS AT HEREFORD ACADEMY (FORMERLY WYEBRIDGE SPORTS COLLEGE), STANBERROW ROAD, HEREFORD, HR7 7NG</p> <p>For: Mr P Morgan per AEDAS Architects, 1st Floor, Clifton Heights, Clifton, Bristol, BS8 1EJ</p> <p>Ward: St. Martins & Hinton</p> | <p>121 - 140</p> |
| <p>14. DATE OF FORTHCOMING MEETINGS</p> <p>18th September & 23rd October, 2009</p> | |

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- 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.
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HEREFORDSHIRE COUNCIL

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shirehall, St Peter's Square, Hereford on Friday 3 July 2009 at 10.00 am

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

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

In attendance: Councillors AJM Blackshaw, H Bramer, JP French, RC Hunt, JG Jarvis, MD Lloyd-Hayes, PJ McCaull, SJ Robertson and AM Toon

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Committee noted that at the extraordinary meeting of Council on 12th June, 2009, Councillor TW Hunt was re-elected as Chairman and Councillor RV Stockton was re-appointed as Vice-Chairman of the Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors KS Guthrie and AP Taylor.

3. NAMED SUBSTITUTES (IF ANY)

Councillor KG Grumbley was appointed named substitute for Councillor KS Guthrie and Councillor PA Andrews for AP Taylor.

4. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Item	Interest
PM Morgan DW Greenow	Agenda item No. 15 DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye	Prejudicial – left the meeting for the duration of the item Personal
DW Greenow, JW Hope & DC Taylor	Agenda item No. 10 DCCW2008/0262/F - proposed construction of replacement livestock market with associated car and lorry parking at land adjacent to Veldifer	Personal

	Cottages, Roman Road, Stretton Sugwas, Hereford	
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5. MINUTES

RESOLVED: That the Minutes of the meeting held on 15th May, 2009 be approved as a correct record and signed by the Chairman

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman outlined the procedural arrangements for the meeting.

7. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 3rd June, 2009 be received and noted.

8. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 7th May and 24th June, 2009 be received and noted.

9. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 13th May and 10th June, 2009 be received and noted.

10. DCCW2008/0262/F - PROPOSED CONSTRUCTION OF REPLACEMENT LIVESTOCK MARKET WITH ASSOCIATED CAR AND LORRY PARKING AT LAND ADJACENT TO VELDIFER COTTAGES, ROMAN ROAD, STRETTON SUGWAS, HEREFORD, HR4 7AN

The Principal Planning Officer presented a report about an application for the proposed relocation of the livestock market from its present location in Hereford City Centre to a site of Roman Road Credenhill as precursor to the Edgar Street Grid (ESG) redevelopment. The proposal was for office accommodation, cafe, auction space, vehicle wash down area, parking for HGV's and cars together with a covered livestock building. The site would be accessed off Roman Road with a driveway approximately 150 metres long. The access would entail the removal of an oak tree which was located on the roadside and there would be a boundary hedge together with additional landscaping in and around the remainder of the fields in which the site was located. External materials of the livestock building were proposed as Yorkshire boarding with a green-sheeted profiled steel roof. The two sales areas would have vertical timber cladding and the offices, cafe, toilets and ancillary plant rooms would have sandstone coloured block work walls with a flat roof.

He advised that the following additional representations had been received since the report had been completed:

- the applicants had amended the access to provide for a traffic light junction with various warning signs at the approaches this enables traffic to exit the site in both directions.

- Mr B Clay, an objector to the application, had estimated that the new market was approximately five times greater in footprint than Hereford Cathedral. The Council had the opportunity to create an iconic building but this would be a monolithic shed.

The view of the Officers was that no new issues were raised in the representations. The Principal Planning Officer felt that the modification to the access with the provision of a traffic light system he found the application to be acceptable. The Environment Agency was satisfied with the arrangements for disposing of surface water and that there were no links to water courses that caused flooding elsewhere in the city. He also said that if the Committee was mindful of granting permission, the application would need to be submitted to the Government Office for the West Midlands because it constituted a departure from the Council's planning policies.

In accordance with the criteria for public speaking, the following spoke about the application:

Parish Councils – Mrs Morawiecka Breinton PC; Mr McHarg Stretton Sugwas PC; & Mrs Reynolds Burghill PC;

Objectors – Mr Clay and Mr Hilder;

Supporters – Mr Hyde (Hereford Market Auctioneers) and Mr Wittle (Hereford NFU)

The Committee noted the comments that had been made by the speakers about the application and in particular the impact it was likely to have on nearby residents, schools highways and flooding and the viability of the market which would necessitate considerable investment. This had to be balanced against the benefits for the ESG development and the need to provide more modern facilities for users in a more easily accessible location.

Ward Members and adjoining Ward Members were also invited to give their views on the proposals. Councillor SA Robertson said that she had been to six consultation meetings and that if the application was approved, matters needed to be put in place to address the concerns that had been raised by local residents and highlighted by the speakers. In particular she felt that Towtree Lane should be prevented from being used as a short-cut from Tillington Road to Roman road and that there should be speed restrictions at the access point to the market on Roman Road. She also had concerns about Bridge Sollars being used by large vehicles as a by-pass for market users travelling from the south. Safe pedestrian crossing places needed to be provided and more highway safety provision made to the access routes to nearby schools. There had been flooding of the adjoining properties and fields in adverse weather conditions and there needed to be guarantees that the situation was not exacerbated by the proposals. Suitable conditions needed to be in place to cover all the areas of concern which had been raised. Councillor PJ McCaull said that he recognised the need for the market to be relocated but was concerned at the significant costs involved.

Councillor A Toon had concerns at the Environmental impact of the scheme on the local community and a proposal to divert the Yazor Brook into the River Wye as part of the ESG development. She was of the view that there was a need for greater emphasis on water recycling rather than disposal. She was concerned at the security issues on the site and the need for traffic lights. She felt that traffic congestion would be moved to other parts of the City such as Westfaling Street and roads in the Whitecross area with issues for school children crossing roads at busy times. She also agreed with the objectors that there was a need to limit the start and finish times of construction work to reduce noise nuisance in the early mornings and at weekends whilst the market was under construction.

Councillor MD Lloyd-Hayes questioned the need for considerable expenditure on relocating the market when there were good locations in Ross-on-Wye and Ludlow already used by Herefordshire farmers. There was also on-line selling which she felt was healthier than having animals herded into pens. She felt the proposals to be visually intrusive and of poor design

The Head of Planning and Transportation reminded the Committee of its regulatory role and the need to consider the application on its merits in accordance with UDP policies, rather than the issues which were being dealt with by the Council's Executive such as the financing of the scheme and its relation to the success of the ESG. At the UDP Inquiry the Planning Inspector had supported the concept of an out-of-town market. Late amendments to a scheme were not unusual and the market by its nature was a functional building and had to be designed around practical issues. A considerable amount of time had been spent on the proposals to ensure that all the practical issues and concerns were addressed, and that the requirements of the various Council departments as well as the statutory consultees and interested parties were met before the scheme could proceed.

Councillor RI Matthews was disappointed that the legal issues about the historic obligations for relocating the market had not been included in the report and was concerned at the potentially high cost of the scheme. He felt that too great an emphasis had been placed on users of the market rather than local residents and the taxpayers of the County. He was also concerned about pollution and the effect of water abstraction on Wyvale. The Principal Planning Officer said that both issues would be covered by appropriate conditions and that there would be on-site water harvesting so effectively less use. In answer to a question about future development of the site, he said that this was limited to the livestock market only and that planning permission would need to be sought for any other uses. Councillor Matthews said that there was a need for a comprehensive landscape scheme to be prepared in conjunction with local members and residents. The issues raised by parish councils and the objectors about the infrastructure, flooding, local highway network and improvements to school pedestrian routes would also need to be provided for in any planning permission. Access from the south of the County would need to be via the A49 from the starting Gate roundabout rather than from Westfaling Street or the Whitecross routes.

Councillor PA Andrews had reservations for the need for a large complex given the fact that 60 markets had closed in the country since 2003. She felt that a smaller enterprise on a brownfield site near the Rotherwas relief road would be preferable and that it should be paid for by users. Councillor DC Taylor was of the view that additional passing places needed to be on the routes from Madley to Lulham and Bridge Sollars. Councillor GFM Dawe echoed the concerns of the parish councils about the lack of information regarding the environmental impact addendum and the legal opinion.

Councillor PM Morgan felt that the new site had considerable merit and would help reduce the congestion problems in the City on market days. Appropriate planning conditions would meet the concerns that had been raised. Councillor JE Pemberton was also in support of the proposals. Councillor GW Greenow said that the proposals were for a safe modern facility that would be much better for animal welfare than the existing market. He felt that the perceived highway problems could be addressed by the appropriate conditions and that on balance the proposals were to be welcomed. He was disappointed however that there was not an education facility provided on site for young people to visit to gain an insight to agriculture.

The Head of Planning and Transportation referred to his report and outlined the appropriate steps that were detailed within it to deal with all the concerns that had been raised about issues such as water usage, flooding, the local highway network and safety

for school users, and the conditions that could be imposed to address the concerns. He also drew attention to the views of the highways Department and the statutory consultees in this respect. The Principal Planning Officer said that the proposals had been arrived at after a number of years study into the present day requirements for a livestock market including the evaluation of a number of sites.

Rotherwas had been considered but 70% of users were from the west of the County and would need to travel through the City to get to it. The application site was the preferred option with the appropriate conditions and safeguards.

Having carefully considered all the issues that had been raised, the Committee decided in favour of the proposals.

RESOLVED

That, taking into account the Environmental Statement Addendum Report and associated documents and the results of consultation on it, the application be submitted to the Government Office for the West Midlands and that subject to its approval, the Officers named in the Scheme of Delegation to Officers be authorised to approve it, subject to a satisfactory landscaping scheme being first submitted for approved by the Officers in consultation with the Chairman and Local Ward Members; and 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. C01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. E01 (Site investigation – archaeology).

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

4. F03 (Restriction on hours of opening).

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

5. F06 (Restriction on Use).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

6. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

7. **G04 (Protection of trees/hedgerows that are to be retained).**
Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.
8. **G10 (Landscaping scheme).**
Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.
9. **G11 (Landscaping scheme – implementation).**
Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.
10. **G14 (Landscape management plan).**
Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.
11. **H03 (Visibility splays).**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
12. **H05 (Access gates).**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
13. **H06 (Vehicular access construction).**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
14. **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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.
15. **H17 (Junction improvement/off site works).**
Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
16. **H20 (Road completion in 2 years).**
Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
17. **H21 (Wheel washing).**

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

18. H28 (Public rights of way).

Reason: To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan.

19. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

20. 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

21. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

22. I18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

23. I21 (Scheme of surface water regulation).

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

24. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

25. I26 (Interception of surface water run off).

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

26. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

27. I41 (Scheme of refuse storage (commercial)).
- Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.
28. I43 (No burning of material/substances).
- Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.
29. I44 (No burning of materials/substances during construction phase).
- Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.
30. I51 (Details of slab levels).
- Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.
31. I53 (Storage for manure).
- Reason: In order to safeguard the amenity of the occupiers of the adjoining residential property and to comply with Policy DR2 of Herefordshire Unitary Development Plan.
32. I54 (Burning of manure etc).
- Reason: In order to safeguard the amenity of the occupiers of the adjoining residential property and to comply with Policy DR2 of Herefordshire Unitary Development Plan.
33. I55 (Site Waste Management).
- Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.
34. K4 (Nature Conservation – Implementation).
- Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.
35. K2 (Nature Conservation – site protection).
- Reason: To ensure that the nature conservation interest of the site is protected. So as to comply with Policy NC1 of the Herefordshire Unitary Development Plan.
36. K3 (Barn Conversion – owl box)
- Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981 and

so as to comply with Policies NC5 and NC6 of the Herefordshire Unitary Development Plan.

36. K5 (Habitat Enhancement Scheme).

Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

37. Development shall not commence until full surface water drainage details, incorporating sustainable drainage principles, have been submitted in full and approved by the local planning authority. Any approved scheme shall be implemented in accordance with the approved details before the development is completed or occupied.

Reason: To ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments.

38. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme and results, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

Reason: To prevent pollution of the water environment.

39. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To ensure investigation and remediation of any contamination and protect controlled waters.

40. 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.

41. M10 (Unsuspected contamination).

Reason: To prevent pollution of controlled waters and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

(Note to above - No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the remediation proposals. Officers should provide reasons for believing there may be previously unidentified areas of contamination at the site, based on the information submitted with the application.)

42. Prior to the development commencing details of proposed means of water supply shall be submitted for approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure the development conforms with Policy DR6 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN07 - Section 278 Agreement.**
- 5. HN17 - Design of street lighting for Section 278.**
- 6. HN23 - Vehicular use of public rights of way.**
- 7. HN25 - Travel Plans.**
- 8. N19 - Avoidance of doubt - Approved Plans.**
- 9. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

11. DCNC2009/0435/CD & DCNC2009/0436/L - PROPOSED REMOVAL OF EXISTING MINOR EXTENSIONS, INTERNAL ALTERATIONS AND NEW EXTENSION TO FORM OFFICES AND COMMUNITY ROOMS FOR RENT AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL

The Northern Team Leader presented a report about an application for alterations to Grange Court Leominster which is a Grade II* listed building; for a scheme to provide office and community use. The building was used by Herefordshire Council as office accommodation but this had diminished over recent years as the Council rationalised the disparate nature of its services. Grange Court was originally erected in 1633 in Broad Street and was used as a market hall. During the 19th century it was considered to be a traffic hazard and was dismantled and later reconstructed in its current location in 1853 for use as a residence. It underwent significant alterations with the ground floor being enclosed to create two rooms and the addition of a central stone staircase. The

previously open space at first floor level was sub-divided to create smaller rooms and significant one and two-storey brick extensions were added to the side and rear.

The Northern Team Leader presented the following representations which had been received since the report was prepared:-

- a petition containing 309 signatures against the proposal and 2 in favour.
- a plan of an alternative proposal has also been submitted by Mr Ian Gaskin together with a number of critical points which are similar to those already set out in the report.
- a letter dated 29th June has been received from MADE –Design review for W.Mids. It considers the uses to be a suitable and that the location of the extension is appropriate. It agrees that it is appropriate to remove the later partitions and Victorian staircase to recreate the impressive first floor room for community use. It was critical of the handling of the new entrance and foyer space and calls for a distinction between the old building and the new additions. It found the position of the foyer awkward – half in and half out of the existing building, the external appearance of the junction between old and new appears clumsy. It considered that a single wing running east with office space either side of a central corridor would have been more efficient in terms of construction and running costs. There is ambiguity between the circulation space/garden should it be garden or cloister? It found the cross sections through the office wings and selection of external finishes to be unnecessarily elaborate and questioned the use of so many different roof materials. Subject to the above caveats the Panel warmly supports the project.

In accordance with the criteria for public speaking, the following spoke about the application:-

Leominster Town Council – Councillors Westwood and Thomas

Objectors – Mr Gaunt & Mrs Butler

Supporters – Mr Jackson; Mr Duckham & Mr Baines

Councillor RC Hunt, one of the Local Ward Members welcomed the proposals to preserve and bring the building back into use but was of the view that the retention of the Victorian stone staircase was essential and that the potential loss of an Austrian black pine was regrettable. Councillor J French, another Ward Member, welcomed the principle of the scheme but not the removal of the staircase and pine. She pointed out that the Council was unlikely to favour such an application from a private individual and should therefore not do so with its own property. She also dismissed a suggestion that the building would be allowed to fall into disrepair without the scheme because maintenance was undertaken by the Council. She suggested a deferral to allow further negotiations over these issues. Councillor PA Andrews echoed these views, stating that The Grange was an important part of Herefordshire's history and that local concerns needed to be heeded.

The Committee considered the various aspects of the scheme and the proposed internal and external layout. The Conservation Manager described the status of the pine which was approximately 120 years old with an age range from 150 to 250 years. The Committee noted that the trees had originally been planted to frame the view of the building and felt that the loss of one of the black pines would create a visual imbalance as well as an important asset to the town.

The Head of Planning and Transportation drew attention to the policy issues at stake, which were finely balanced. The tree was an important local feature but the proposals would be of long-term benefit to a significant historic building and lottery funding could be lost if the scheme was delayed. Notwithstanding the views of the Officers however, the Committee decided that in view of the issues involved, the matter should be deferred.

RESOLVED THAT

Further consideration of the planning application be deferred for negotiations with the applicants about the issues raised regarding the Victorian staircase and the black pine

12. DCNC2009/0168/F - PROPOSED CHANGE OF USE FROM AGRICULTURAL TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN MOBILE HOMES AND DEMOUNTABLE PORTABLE BUILDINGS AND SPORTS PITCH ON LAND AT BRIERLEY COURT FARM, BRIERLEY, HEREFORDSHIRE HR6 0NU

The Chairman said that since the preparation of the report there had been a considerable amount of information sent in by the objectors which raised a number of issues which needed to be addressed by the officers. It was not felt to be practical to deal with this by way of a large update and Counsel had considered the matter and advised that deferral was the best option to enable the new issues that had been raised to be addressed. Councillor PGH Cutter felt that there was ample information available in the report for a decision to be made. Mr D Park who was at the meeting to advise the Committee as Counsel, outlined the contents of a letter which had been received from Arrow Valley Residents Association about the application and said that the points raised needed to be dealt with. The Committee agreed with this proposal in respect of this application and the following two applications.

Those who had registered in accordance with the criteria for public speaking, reserved their right to speak when the applications were determined.

RESOLVED:

That consideration of planning applications DCNCW2009/0168; DCNCW2009/0167 and DCNCW2009/0166 be deferred to enable the Officers to address the additional representations which had been received.

13. DCNC2009/0167/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

See Minute 12 above

14. DCNC2009/0166/F - RETROSPECTIVE APPLICATION TO RETAIN PRIVATE PACKAGE SEWAGE TREATMENT PLANT ON LAND AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

See Minute 12 above

15. **DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE**

The Senior Planning Officer presented a report about an application for an agricultural storage building and kennels at Brilley Wood. The application had been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to refuse it, being concerned about noise, odor and the impact on the character of the area. Consideration of the application was deferred at the last meeting of the Planning Committee for a site inspection at the application site and also to an operational kennels at Tedstone Wafre.

The Senior Planning Officer presented the following representations which had been received since the report was prepared:-

A further letter has been received from Marc D. Willis from Willis & Co. Chartered Town Planners. The letter states that the officer's report to the committee still does not address many of the issues referred to in earlier letters. The issues highlighted are as follows;

- no justification for the agricultural use,
- no reliance on dried food for the hounds and the potential for the use of fallen stock for feed,
- the impact on the footpaths
- the noise report being flawed and unreliable,
- no protected species assessment,
- no detailed assessment of the search for an alternative site,
- no consideration to employment policies,
- the use of the highway for exercising the hounds is a material consideration
- conditions do not take into account the agricultural and breeding activity.

The Senior Planning Officer was of the view that the matters raised were covered in the report. She said that a satisfactory wildlife protection and enhancement scheme would need to be submitted for her approval by the applicants prior to permission being granted.

In accordance with the criteria for public speaking, the following spoke on the application.

Brilley Parish Council – Cllr White

Objector – Mr Watts

Supporters – Mrs Lloyd

Councillor JW Hope, the Local Ward Member, said that he had received some 60 – 70 letters and a petition with 161 signature. He said that he was not opposed to the site being developed but felt that the application before the Committee was for an inappropriate use. He proposed refusal of planning permission for the application based on the following reasons:

- the detrimental affect on residential amenity,
- the unacceptable odour from such a development and
- the character of the surrounding area would be detrimentally affected.

Councillor GW Greenow drew attention to the considerable opposition to the application by the Sub-Committee. He said that he could not support the application as the kennels were not in the interests of the local community and that there would be problems of noise and nuisance arising from hounds. Councillor H Davies was also concerned about

the noise issue. Councillors Walling and Cutter also shared these views. Councillor KG Grumbley said that the roads surrounding the proposed development were narrow and felt that this would create danger for road users, hunt personnel and the hounds. He felt that sometimes the behaviour of hounds could be unpredictable on the roads and lead to further potential hazards.

Councillor Mrs JE Pemberton felt that the recent site inspection had proved to be very informative. She could see no objection to rural activities in a rural area. Councillor TW Hunt said that there had been no complaints about the kennels visited by the Committee in Tedstone Delamere and that the hounds were well disciplined on the road. He felt that most of the objections were based on supposition and that there were insufficient grounds for the application to be refused.

The Senior Planning Officer said that there were no complaints about other hunt kennels in the County and that the Environmental Health officers had raised no objections to the application. Notwithstanding the views of the Officers, the Committee felt that problems would arise for local residents and that the recommendation of the Northern Area Planning Sub-committee for refusal should be supported.

RESOLVED

That the application be refused on the following grounds:

- (i) the proposed development would be detrimental to the residential amenity of the surrounding area;**
- (ii) the odour from the proposed development would be detrimental to the residents of the surrounding residential area;**
- (iii) the proposed development would be detrimental to the character of the surrounding area; and**
- (iv) a satisfactory wildlife protection and enhancement scheme wildlife survey had not been prepared by the applicants.**

16. REGIONAL SPACIAL STRATEGY: CONSULTATION ON PHASE THREE OPTIONS

The Planning Policy Manager presented a report to seek the views of the Committee about consultation by the West Midlands Regional Assembly on the Phase Three revision of the Regional Spatial Strategy (RSS). The eight-week "Options" consultation which was runnings from 29th June to 14th August, focused on the following issues:

1. rural services;
2. Gypsies, Travellers and Travelling Showpeople;
3. culture sport and tourism;
4. quality of the environment; and
5. Minerals

This was the third and final phase of the revision of the RSS which was first approved by the Secretary of State in 2004. Since then Phase 1 relating solely to the Black Country had been approved in 2007 and Phase 2 which set out revised targets for housing,

retailing and employment, had been the subject of Examination in Public in April, May and June this year. The report about Phase 2 was not expected until the autumn and final approval during next year. The Government intended to complete the Phase 3 revisions during 2011 and by then the RSS would be completely revised. Any Development Plan Documents produced by local planning authorities in the West Midlands had to be compliant with the RSS as a whole.

A "Stakeholders' Event" had been arranged for 7th July at The Courtyard for a representative of the Regional Planning Body to explain the details of the consultation and to invite comments. In view of the importance of the consultation on "Critical Rural Services" parish council representatives had been invited together with other interest groups. Members had also been advised of the event. The Cabinet would determine the response to the consultation on behalf of the Council and a report would be presented to the meeting of Cabinet on 30th July.

The Committee discussed the document and commented on various issues including travellers, public transport in the rural areas and renewable energy. There were concerns that there was more of an urban-based approach which concentrated development and resources on the market towns and Hereford City, which may be to the detriment of the rural areas. The Cabinet Member (Environment and Strategic Housing) said that another concern was the possible over-allocation of Traveller sites in the County. The Council had been successful in providing facilities to date but appeared to have been allocated more based on its success, despite the fact that the existing facilities were under-used. Any other views that Members had could be submitted to the Cabinet Member or Planning policy Manager before the Cabinet meeting on 30th July, 2009

RESOLVED THAT

The views of the Committee on the consultation be reported to Cabinet on 30th July 2009 and be taken into account in the Council's response.

17. DATE OF FORTHCOMING MEETINGS

The meeting ended at 3.40 pm

CHAIRMAN

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 22 July 2009

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, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.

PLANNING APPLICATIONS

1. The Sub-Committee has met once since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 2
 - (b) applications minded to refuse contrary to recommendation - 2 (1 referred to Head of Planning and Transportation)
 - (c) site inspections - 1
 - (d) number of public speakers - 1 (1 supporter)

PLANNING APPEALS

2. The Sub-Committee received information reports about three appeals that had been received.

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meeting held on 22 July 2009**

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 1 July and 29 July 2009

Membership

Councillors:

JW Hope MBE (Chairman)
PJ Watts (Vice-Chairman)

LO Barnett, WLS Bowen, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, PJ McCaull, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne.

PLANNING APPLICATIONS

1. The Sub-Committee has met once since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 7
 - (b) applications refused, contrary to recommendation - 1
 - (c) applications deferred for further information - 3
 - (d) applications deferred for site inspection - 1
 - (e) number of public speakers - 7 (1 Parish Councillor, 3 supporters, and 3 objectors)

PLANNING APPEALS

2. The Sub-Committee received an information report about six appeals that had been received and seven appeals that had been determined (three allowed, three dismissed, and one withdrawn).

JW HOPE MBE
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meetings held on 1 July and 29 July 2009**

PLANNING COMMITTEE

7 AUGUST 2009

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 8 July 2009

Membership

Councillors:

PGH Cutter (Chairman)
MJ Fishley (Vice-Chairman)

**CM Bartrum, H Bramer, BA Durkin, MJ Fishley, AE Gray, JA Hyde, JG Jarvis, G Lucas,
PD Price, RH Smith, DC Taylor and JB Williams.**

PLANNING APPLICATIONS

1. The Sub-Committee has met once since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 4
 - (b) applications deferred for site inspection - 1
 - (c) number of public speakers - 3 (3 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about three appeals that had been received and 4 that had been determined (2 allowed and 2 dismissed).

PGH CUTTER
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meeting held on 8 July 2009**

ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

Report By: Head of Planning Services

1 Wards Affected

Countywide

2 Purpose

To inform members of the comments received to the Draft Planning Archaeology and Development Supplementary Planning Document (SPD) published for consultation purposes in June 2008, and to consider appropriate changes. This document is being produced as part of Herefordshire's Local Development Framework. It will set out the Council's policy and approach to dealing with Archaeology and Development.

3 Financial Implications

- 3.1 The costs of preparing this document are being met through existing budgets.

4 Background

- 4.1 This SPD is being produced to expand upon and provide additional information and guidance in support of policies and proposals in the Herefordshire Unitary Development Plan. In particular, Plan Policies ARCH1 – ARCH8 of the UDP relate to Archaeology and Development. The SPD follows Government guidance on archaeology and planning provided in Planning Policy Guidance 16 (PPG 16).
- 4.2 The purpose of an SPD is to make clear to interested parties the Council's relevant policies and practices. Once adopted, the guidance contained within it will be a material consideration in the determination of planning applications.
- 4.3 Initial consultation on the SPD during 2008, helped inform the draft document which was presented to Planning Committee in June of that year. The draft SPD was accompanied by a Sustainability Appraisal and a Statement of Consultation. Consultation on the draft was subsequently undertaken in accordance with the Council's Statement of Community Involvement. The response to the consultation was very limited. Several hundred people or organisations were directly consulted, and the general public also had the opportunity to respond. Despite this, only eleven replies were received. Therefore, it would be reasonable to assume that the content of this SPD is largely uncontentious.

5 Aims of the SPD

5.1 The aims of the SPD are 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;
- Facilitate a speedier response from the authority to development proposals.

The SPD will therefore assist in pre-application discussions and provide a transparent and accountable procedure by which archaeology and development matters are dealt with by the Council.

6 SPD Outline

6.1 The SPD has been drafted to address the following areas:

- Part 1: Archaeology in Context.
- Part 2: Guidance for Applicants.

7 Comments Received and Suggested Amendments

7.1 The comments received in relation to the specific questions raised in the consultation draft SPD are considered in general terms in the table below, with an explanation as to how they have been addressed in the final SPD given in Appendix 1. Some consultees did not address the specific questions, but rather provided particular comments of their own (also in table).

All written comments are summarised recorded and responded to Appendix 1 to this report.

Councils Consultation Question	General response	How addressed in SPD
1. Do Sections 2 to 5 provide sufficient background information to enable you to understand the issues covered and show the importance of archaeology to the County's identity, or do they go into too much detail in these respects? What other issues might be addressed here?	General agreement, although there was some concern that these sections are over-complex. However, some consultees fully supported the level of detail provided	A short explanatory summary will be provided at the start of the SPD. This will précis the document, and provide guidance for the easy use thereof

<p>2. Are the processes involved in carrying out preliminary archaeological investigations explained satisfactorily and the requirements made sufficiently explicit?</p>	<p>General and full agreement, although there was some concern that the explanations given might be over-complex</p>	<p>A short explanatory summary will be provided at the start of the SPD. This will précis the document, and provide guidance for the easy use thereof</p>
<p>3. Is the balance between when desk based assessments and/or field evaluations are required pitched at the correct level?</p>	<p>Support from most consultees, although some were unsure of the meaning of the question</p>	<p>The issue was about the question itself, not the content of the SPD</p>
<p>4. Do you agree with the emphasis given to protecting archaeological remains of known or likely national importance?</p>	<p>Clear support from national bodies such as English Heritage, and supported in general by others. However, a minority of consultees wanted more emphasis</p>	<p>Section 8 of the SPD will be briefly amended to make it clearer that there are different means of 'protecting sites', and that only in particular cases is complete preservation <i>in situ</i> needed or justified</p>
<p>5. Do you consider there may be a case to protect remains of lesser than national importance, and if so when might that be?</p>	<p>Where directly answered, there was in most cases agreement with this. One consultee raised issue of costs of protection/recording</p>	<p>Section 4 of the SPD will be briefly amended with a better explanation of funding issues</p>
<p>6. Has sufficient guidance been provided upon when and how remains should be preserved in situ or information investigated, recorded and archived?</p>	<p>General agreement, although occasional concern was raised about the clarity of the guidance to a lay audience</p>	<p>Section 9 of the SPD will be briefly amended to achieve greater clarity here</p>
<p>7. Is the emphasis placed on negotiating enhancements according to the merits of each case the correct one? Can you please explain any views you have in this respect.</p>	<p>Where directly answered, there was good support, although limited reference was made to issues of proportionality. One consultee questioned whether it was reasonable to expect a developer to pay for enhancements</p>	<p>Section 11 of the SPD will be briefly amended to give better explanation of the public benefit of enhancements</p>

<p>8. Is placing emphasis on the council and the developer working together to safeguard unexpected archaeological discoveries the correct approach? It would be helpful if you could give reasons for your view.</p>	<p>Firmly supported in the clear majority of cases. Limited concerns were raised regarding the justification for 'additional' work</p>	<p>Section 12 of the SPD will be briefly amended to make it clearer what work might be justified in what cases</p>
<p>9. Is the Council's Approach to enabling the public to be consulted upon and informed about archaeological works on development sites sufficiently explicit and appropriate?</p>	<p>Two consultees questioned the clarity and suitability of the approach. However the clear majority were supportive, in some instances strongly so. There was evident endorsement from (for instance) parish councils, and from Advantage West Midlands</p>	<p>Section 15 of the SPD will be briefly amended to clarify the approach being adopted, and to explain any alternatives</p>
<p>Comments unrelated to Council's questions</p>	<p>Comments made</p>	<p>How addressed in SPD</p>
<p>a) Coal Authority requirements</p>	<p>The Coal Authority, as part of its strongly supportive response, advised that the matter of Coal Authority permissions under the Coal Industry act 1994 was not included</p>	<p>The Coal Authority's advisory note will be summarised at the end of Section 5 of the SPD</p>
<p>b) English Heritage further comments</p>	<p>Various comments in the broadly supportive English Heritage response, pointing out a number of technical matters requiring slight adjustment</p>	<p>A number of minor amendments will be made to relevant parts of the SPD in order to take account of these comments.</p>
<p>c) Overall comments on the SPD</p>	<p>Very broad and non-specific statements of (eg) criticism or support</p>	<p>These comments were too general to either require or allow any changes</p>

8 Conclusions

- 8.1 Despite the limited response the comments received on the draft SPD have been helpful and amendments recommended that should result in a more informed and inclusive document.
- 8.2 The SPD will assist in pre-application discussions and will provide a transparent and accountable procedure by which archaeology and development matters will be undertaken in the County. When introduced, it will be a material consideration in the determination of planning applications.

RECOMMENDATION

that the Committee agree any changes to the draft SPD on Archaeology and Development, and recommends to Cabinet that the amended document be adopted as part of the Council's Local Development Framework.

Background papers Statement of Community Involvement (Adopted March 2007)
Herefordshire Unitary Development Plan (Adopted March 2007)

APPENDIX 1: Summary of written comments received from consultees.

CONSULTEE	COMMENTS
<p>Tony Fleming (English Heritage)</p>	<p>(Q1) Considered there was plenty of detail; The term “Archaeology” could have been defined earlier in the SPD; More weight to the archaeology of buildings; The role of Secretary of State was not clearly stated; Heritage consents are not same as planning consents, more explanation needed; Importance of ‘setting’ could have been emphasised</p> <p>(Q2) Agreed with SPD stress on early consultation</p> <p>(Q3) Consider inclusion of desk-based assessments within heritage statements</p> <p>(Q4) Agreed with the SPD priorities as regards heritage management; Need to edit sections on national designation system.</p> <p>(Q5) Agreed with SPD</p> <p>(Q6) Sufficient guidance provided</p> <p>(Q7) Unsure of question</p> <p>(Q8) Agreed the approach was correct</p> <p>(Q9) Agreed the approach was sufficiently explicit and appropriate</p>
<p>Mark Pearce (Advantage West Midlands)</p>	<p>Supported the objectives of the SPD.</p> <p>Viewed SPD as a positive step in helping to deliver WMES, and in promoting the region’s heritage.</p>
<p>Rachael Bust (Coal Authority)</p>	<p>Considered SPD to be well presented, detailed and useful</p> <p>Requested a specific paragraph be added to the SPD, relating to specific notification requirements under the 1994 Coal Industry Act</p>

<p>Virginia Morgan</p>	<p>(Q1) Referred to procedures for 'unusual' archaeology</p> <p>(Q2) Did not agree with the preliminary processes (in relation to the so-called 'Rotherwas Ribbon')</p> <p>(Q3) Did not know</p> <p>(Q4) Although broadly in agreement with the emphasis, did not agree protection was always early enough</p> <p>(Q5) Agreed that lesser remains should be protected early in process</p> <p>(Q6) Did not know, but was concerned about the continuance of development (on the 'Rotherwas Ribbon' site)</p> <p>(Q7) was concerned about briefness of public access (to the 'Rotherwas Ribbon' site)</p> <p>(Q8) Suggested that the approach (to the Rotherwas Access Road works) was not reversible</p> <p>(Q9) Did not agree that the Council's approach was explicit and appropriate</p>
<p>Roger Onions (Luston Parish Council)</p>	<p>Agreed with the sentiments of the report</p> <p>Pointed out the tourism potential of archaeology</p>

<p>Arthur Fraser</p>	<p>(Q1) Considered the SPD too long, and the detail and justifications given unnecessary</p> <p>(Q2) Thought the SPD was insufficiently clear and explicit about requirements</p> <p>Use of the 'boxes' might cause confusion, as might poor definition in some paras</p> <p>(Q3) Again considered there was too much detail</p> <p>Thought there were potential contradictions between different paragraphs of the SPD</p> <p>(Q4) Need to state basics</p> <p>Pointed out that the Council might need to justify actions</p> <p>(Q5) Stated that the council had a responsibility to fund any continued maintenance and display of sites preserved <i>in situ</i></p> <p>(Q6) Regarded the case for preservation <i>in situ</i> as being over stated, and that approaches involving controlled removal should be given due prominence.</p> <p>(Q7) Was concerned that developers might be liable to disproportionate costs here</p> <p>(Q8) Was concerned about the costs of 'additional' work that might be required</p> <p>Cross referencing to relevant sections of the UDP?</p> <p>(Q9) Refer to LDF. Control needed to keep costs reasonable</p>
<p>Sutton St Nicholas Parish Council</p>	<p>(Q1) Regarded SPD as too detailed</p> <p>(Q2) Agreed, but felt the explanations were over complex</p> <p>(Q3) Did not understand the question</p> <p>(Q4) Agreed</p> <p>(Q5) Agreed. Local interest rarity or research value</p> <p>(Q6) Agreed</p> <p>(Q7) Agreed. Each case to be looked at individually</p> <p>(Q8) Agreed</p> <p>(Q9) Agreed</p>

<p>Roger Cullimore (Moreton C Cullimore Gravels Ltd)</p>	<p>Considered archaeological interest of mathon pit</p>
<p>Judy Stevenson (Herefordshire Heritage Services)</p>	<p>(Q1) Regarded SPD as providing an excessive amount of information</p> <p>(Q2) Agreed</p> <p>(Q3) Agreed and understood, but pointed out that <i>the public</i> might not understand the question</p> <p>(Q4) Agreed</p> <p>(Q5) Agreed. Local interesst rarity or research value</p> <p>(Q6) Agreed, although it might seem complicated to the public</p> <p>(Q7) Agreed. Each case to be looked at individually</p> <p>(Q8) Agreed. Partnership working is important</p> <p>(Q9) Agreed</p> <p>Overall the principles are sound, but the document is over-long.</p>

<p>Jim Beard (Colwall Parish Council)</p>	<p>(Q1) Stated that the SPD was a well - balanced approach to the subject which would invoke interest</p> <p>(Q2) Agreed</p> <p>(Q3) Agreed</p> <p>(Q4) Agreed</p> <p>(Q5) Agreed, particularly in cases in which there was a specific local link</p> <p>(Q6) Agreed</p> <p>(Q7) Indicated that all archaeological finds were of public interest</p> <p>(Q8) Considered that this approach was dependent on the willingness of developers to co-operate</p> <p>(Q9) Suggested that the parish/town council should be informed whenever development takes place that has archaeological implications.</p> <p>Pointed out the particular archaeological interest of Colwall and its environs, and the local knowledge of this that existed.</p>
<p>Stephen Challenger (Diocese of Hereford)</p>	<p>Confirmed agreement with the SPD</p> <p>Mentioned the liaison that takes place between Hefordshire Council and the Diocese in relation to archaeology</p>



HEREFORDSHIRE
COUNCIL

ARCHAEOLOGY AND DEVELOPMENT

SUPPLEMENTARY PLANNING DOCUMENT

JULY 2009

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FOREWARD

This document has been produced to provide guidance upon, and additional information in relation to, the archaeological policies in the Herefordshire Unitary Development Plan (and any successor plans or planning frameworks). The document follows central government guidance on archaeology and planning, and is a material consideration in the determination of planning applications.

GUIDE

This document is necessarily detailed. Although Herefordshire Council recommend that the document should be read and considered in its entirety, it is recognised that some users may wish to consider particular sections only (eg):

Readers particularly requiring details about the broader statutory and procedural background to archaeology should refer to sections 4-5.

Readers particularly requiring details about early stage archaeological discussions and surveys, and the submission of archaeological information as part of a planning application, should refer to sections 6-7.

Readers particularly requiring details about the preservation of archaeological remains, and related development issues, should refer to sections 9 and 12.

Readers particularly requiring details about archaeological projects or measures required as a condition of planning permission should refer to Section 10.

1. Introduction: Purpose of the Supplementary Planning Document

- 1.1 Herefordshire's archaeology is extremely important to defining the County's cultural identity and is a significant contributor to its distinctive character¹. 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 remade². 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 1979³. 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 hectares⁴.
- 1.3 For this reason it is not always possible to indicate where important *archaeological deposits or features* may be encountered. Consequently a heavy emphasis has to be placed upon investigating whether any archaeological remains (above or below ground) 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 staff⁵.
- 1.4 This Supplementary Planning Document sets out those measures that Herefordshire Council, as Local Planning Authority, will employ where below or above ground 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 Planning⁶.
- 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'⁷ 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:

¹ See section 2, below.

² 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.

³ See section 5, below.

⁴ 2810 km². Source: Herefordshire Council Information Services fact-sheet, 2001.

⁵ See sections 6 and 7, below.

⁶ See section 3, below.

⁷ 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.

1.7 At the moment a parallel system applies. Where works, whether requiring planning permission or not, are proposed that affect a Scheduled Monument (SM), a Scheduled Monument Consent 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, part III.

1.8 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.

1.9 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'⁸. 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 rainfall⁹. 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 country¹⁰. 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

⁸ 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*.

⁹ Paul White, 2003: 'The Arrow Valley, Herefordshire: Archaeology, Landscape Change and Conservation'

¹⁰ 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 appreciated¹¹.

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,

¹¹ 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 20th 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 dabblings 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 writing¹².

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.

¹² 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 them¹³.
- 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 development¹⁴.

¹³ See section 9, below

¹⁴ See section 11, below and Appendix 1, parts XIV and XV

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 any 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 for particularly important or at risk remains, and 'preservation by record' (i.e. archaeological recording), are explained, along with the nature of appropriate arrangements 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, Part VI).

(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 Monument¹⁵. 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 monument¹⁶), 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.

¹⁵ 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'.

¹⁶ 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 flooding¹⁷. 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 Under the Coal Industry Act 1994, there are a number of historic coal industry sites within Herefordshire, sites which are subject to a specific notification procedure in relation to works and operations on those sites. The Coal Authority should be contacted for details of this.
- 6.10 Finally, it is important to note that the system for designation and protection of archaeological remains may be subject to change.

¹⁷ 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.

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. An early consultation of this nature will also help developers to understand the various and potentially complex steps of the archaeological processes that might be involved.

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 archaeologists 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 Swindon¹⁸. 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 a 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.

¹⁸ 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.

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 requirements¹⁹. Archaeology should be considered clearly and specifically in any assessment report.

6.8 Early consultation is also advisable 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.”

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

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 application²⁰. 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 assessment will be required where the nature of the archaeological interest is insufficiently 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 archaeological²¹, 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.

²⁰ 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.

²¹ 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 archaeologists 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 situ²². 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

²² See section 9, below

immediate and summary reporting²³. 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 commissions²⁴.

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 enclosure²⁵. 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.

²³ See paragraph 4.2, above, and Appendix 1, part X.

²⁴ See section 10, below

²⁵ 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 further 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 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 a Monument is made by the relevant Secretary of State upon advice from English Heritage and scheduling may not necessarily follow. However, this will not affect the assessment of their importance for the purposes of determining whether planning permission should be granted or not, nor in what form.

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 where particularly important remains are known to be present or are discovered, is for preservation in situ. Essentially, the remains will be preserved unaltered by the presence or proximity of development²⁶. 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.

²⁶ 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 archives²⁷.

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. 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.

²⁷ 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)²⁸.

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 standing or buried remains within a specific application site may not in themselves be sufficiently important or sensitive to merit an outright refusal, the presence of linked, perhaps more significant remains close by might lead to a refusal. This would be on the basis of damage to the integrity of the remains in total, where that integrity adds to the importance of the remains in question.

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.

²⁸ 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 sought²⁹.
- 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 miniscule, 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 20th 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.

²⁹ 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 archaeological service for guidance specific to that particular case.

The advisory archaeologist will normally supply a *brief* for an archaeological project³⁰. 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 still 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

³⁰ 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 referred to 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 work³¹.

In particular, the advisory archaeologists will take steps to ensure that where appropriate, and 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.

³¹ 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*³².

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.³³ It is advisable therefore for the applicant, developer or their agent to keep well apprised 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.

³² 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).

³³ 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 interest³⁴. 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.

³⁴ 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 plan³⁵ 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.

³⁵ See Appendix 2 for a definition of a conservation management plan

12. Unexpected Discoveries

- 12.1 It is made clear 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 that 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 development³⁶. 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.”

³⁶ 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.

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. **The exact procedures that may obtain are set out below under separate headings.** 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 required³⁷. 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

³⁷ See Appendix 1, parts III and V, for further information.

the potential interception of important archaeological remains, both known and 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 mitigation advice to the Diocesan Advisory Committee on churches.

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 Museum³⁸.

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.

³⁸ 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 project³⁹.

³⁹ 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. 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 including 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 19th 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 for 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 development has the potential to intercept important archaeological deposits relating to the history of that settlement in the Medieval or other periods. 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

A statutory 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. Owing to the advent of PPG 16 in 1990, only five AAls were ever registered, for the historic city cores of Canterbury, Chester, Exeter, Hereford and York.

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 order for it to be registered as valid. Such statements may require an assessment of the site's archaeological potential, and the likely impact of development on any remains present (see 'Planning Application Requirements' Herefordshire Council – January 2008). Section 7 of this document suggests the elements of what this may comprise and the 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 five standard planning conditions for archaeology in current use in Herefordshire.

E01 Site investigation – archaeology

“No development shall take place until the developer 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 and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

E02 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 recording of the building/site during or prior to development and to comply with Policy ARCH6 of the Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

E03 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 and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

E04 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 ground-works 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 in order to comply with the requirements of Policy ARCH2 of the Herefordshire Unitary Development Plan.

[Note: This condition will only apply in the circumstances listed in Policy ARCH2]

E05 Protective fencing

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

Reason: In order to protect [name of monument] during development and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

Appendix 4: Contact information

Herefordshire Council County Archaeological Service

PO BOX 230
Blueschool House
Blueschool Street,
HEREFORD
HR1 2ZB

Tel – 01432 260470
Fax – 01432 261970

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

English Heritage

West Midlands Regional Office
The Axis
Holliday Street
Birmingham
B1 1TG

Tel - 0121 625 6820
Fax - 0121 625 6821
Email – westmidlands@english-heritage.org.uk

Association of Local Government Archaeological Officers (ALGAO)

Tel – 019755 64071
Email – admin@algao.org.uk

**DCNC2009/0435/CD & DCNC2009/0436/L - PROPOSED
REMOVAL OF EXISTING MINOR EXTENSIONS,
INTERNAL ALTERATIONS AND NEW EXTENSION TO
FORM OFFICES AND COMMUNITY ROOMS FOR RENT
AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER,
HEREFORDSHIRE, HR6 8NL**

**For: S T Walker & Duckham per Herefordshire Council
14 The Tything Worcester WR1 1HD**

Date Received: 12th March 2009 Ward: Leominster South Grid Ref: 49917, 59074

Expiry Date: 7th May 2009

Local Member: Councillors RC Hunt and PJ McCaull

Introduction

This application was deferred by the Planning Committee on 3rd July 2009 following a request for officers to undertake further negotiations about removal of an Austrian Black Pine and the Victorian staircase. The receipt of additional representation was also reported verbally to the committee. The report has been updated to take account of these matters. However, ultimately the scheme has not been amended since being originally considered by the Planning Committee.

1. Site Description and Proposal

- 1.1 Grange Court is a Grade II* listed building and is very much a landmark in the town. It is located on the eastern side of The Grange, a large open space at the heart of Leominster and set within a mature landscape. The area is also within Leominster's Conservation Area and the outer precinct of Leominster Priory, the town's only Grade I listed building and also a Scheduled Ancient Monument.
- 1.2 The building is currently used by Herefordshire Council as office accommodation. This use has diminished over recent years as the Council seeks to rationalise the disparate nature of its services. Limited car parking is provided through an area of tarmac directly in the foreground of the building and is accessed via an existing entrance onto Pinsley Road. A large public car park is located approximately 100 metres to the west of the site where parking is free for a limited period. A second free car park is located at the bottom of Broad Street, approximately 300 metres away, where all day parking is available.
- 1.3 The building is also within 200 metres of the town's main shopping area and the area is generally one of frequent public activity with pedestrians either using The Grange as an informal open space or as a through route to and from the town centre.
- 1.4 The history of Grange Court is unusual, and it is this which has brought about its Grade II* listed status. It was originally erected in 1633 at the top of Broad Street in the town and was used as its market hall. The building was designed by John Abel, who later went on to become the King's Carpenter, and features particularly fine carvings

throughout the timber frame. Like those in Ross on Wye and Ledbury, it is typically a timber framed structure with panelling and was originally designed with a completely open ground floor.

- 1.5 During the 19th century the building was considered to be a traffic hazard and was dismantled. It was eventually bought by John Arkwright, grandson of the famous industrialist Richard Arkwright, who was also responsible during the same period for the renovation of Hampton Court at Hope Under Dinmore. The building was reconstructed in its current location in 1853 with the purpose of being used as a Victorian gentlemen's residence. At this time the building was to undergo some significant alterations. The ground floor was enclosed to create two rooms and a central stone staircase added. The previously open space at first floor was sub-divided to create smaller private rooms and significant one and two storey brick extensions added to the side and rear, whilst a detached coach house was newly constructed to the north east.
- 1.6 The application is made by Herefordshire Council and is for the adaptation and extension of Grange Court, including some elements of demolition, to provide a range of uses for community and voluntary organisations and local businesses.
- 1.7 Central to the scheme is the provision of a new extension to Grange Court. This is to take the form of a single storey 'L' shaped addition attached to the southern elevation with wings projecting in both southerly and easterly directions. This is of a contemporary design with mainly flat roofs finished either with lead, or a 'Green Roof System'. A steep mono-pitched roof runs as a band along both roofs and provides an opportunity for high level glazing, ventilation and the installation of solar energy collectors.
- 1.8 Both wings incorporate a high proportion of glazing in order to maximise natural daylight and are otherwise finished in a combination of timber boarding or concrete panels with a rendered finish.
- 1.9 It is intended that the new elements will provide flexible office accommodation, easily adaptable if a particular user requires a larger spaces and easily returned to smaller units as may be necessary.
- 1.10 The wings are linked by a central foyer/reception that gives access to all parts of the building. This attaches directly to the two storey Victorian brick extension which is to be adapted in order to incorporate a new lift and staircase and this gives access in turn to the upper floor of the original timber framed building.
- 1.11 The alterations to Grange Court as it currently exists include the demolition of several brick elements projecting from the north, south and east elevations. As mentioned above, two storey brick extensions to the east are to be retained and incorporated into the revised design of the building, acting primarily as a link between old and new elements.
- 1.12 The most sensitive alterations occur within the timber framed part of Grange Court. A centrally located stone staircase is proposed to be completely removed in order that the rooms at first floor can be opened up to create an open plan function room. The effect at ground floor level is to create an entrance hall with a new double door opposing and leading through to the new staircase beyond. It is anticipated that this part of the scheme will be used for formal functions such as civil wedding ceremonies, concerts, conferences or public meetings.

- 1.13 Externally, the wings combine with the existing boundaries of Grange Court to create a central walled garden, with a second courtyard created through a combination of the east wing and the existing coach house. The latter is to be utilised as an area for parking, accessed via the existing point of entrance to the site from Pinsley Road. In total, 27 car parking spaces are to be provided, including 3 disabled spaces. The plans also indicate the inclusion of cycle parking. An existing service access to the rear of Grange Court, originally intended to serve this parking area, is now simply to continue to be used as a service access.
- 1.14 The plans show that eight trees are to be removed as part of the proposed scheme, and the application is accompanied by an arboricultural survey. The most significant of these is an Austrian Black Pine, which is located to the south of Grange Court and is within seven metres of the proposed south wing. With a root protection zone of 15 metres, this is considered by the applicant to be too close for the long term health and vitality of the tree. The same is applicable to two Yew trees and a Mulberry, all of which are proposed to be removed.
- 1.15 As well as an arboricultural survey, the application is supported by an ecological survey and archaeological evaluation, an architects report and a study of the history and architecture of Grange Court. Details of community involvement and a draft business plan have also been provided and form part of the consideration of the proposal.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S7	–	Natural and historic heritage
Policy S11	–	Community facilities and services
Policy DR1	–	Design
Policy DR3	–	Movement
Policy E7	–	Other employment proposals within and around Hereford and the market towns
Policy E8	–	Design standards for employment sites
Policy TCR10	–	Office development
Policy T8	–	Road hierarchy
Policy LA5	–	Protection of trees, woodlands and hedgerows
Policy LA6	–	Landscaping schemes
Policy NC1	–	Biodiversity and development
Policy HBA1	–	Alterations and extensions to listed buildings
Policy HBA4	–	Setting of listed buildings
Policy HBA6	–	New development within conservation areas
Policy ARCH3	–	Scheduled Ancient Monuments
Policy CF5	–	New community facilities

National Guidance

PPG15 – Planning and the Historic Environment

3. Planning History

- 3.1 92/0007 – Proposed construction of council chamber and office wing joining on to Grange Court – Planning permission and listed building consent were approved following referral to the Secretary of State. **This permission has not been implemented.**

3.2 77/0893/L – Demolition of buildings to the rear of Grange Court - Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage – Following the submission of amended plans English Heritage raise no objection to the proposal, subject to conditions relating to matters including the submission of further architectural details material and finishes, and a condition relating to the salvaging and re-use of element of the staircase and Lapidarium.
- 4.2 Victorian Society – Have serious concerns regarding the detrimental impact of the works on the special architectural and historic interest of the Grade II* listed building. Strongly object to the proposed works and therefore recommend that permission for this application be refused.
- 4.3 The Society is concerned that the Architects Report states that the 1863 and early 20th century extensions are not considered to be of 'special interest'. As a result their complete demolition is proposed and this results in the total destruction of the historic floor plan, including the highly decorative 1856-8 main staircase, the servants stair and historic features such as fireplaces. The scheme also includes the removal of a rare example of a Lapidarium, a collection of medieval stonework in the form of a grotto. All of these elements clearly contribute to the special architectural and historic interest of the building and reflect its historic function and incremental development as a 19th century gentlemen's residence.
- 4.4 The Society comment that such an extensive loss of historic fabric would be contrary to Government guidance in PPG15. It states that consent should not be granted for demolition without the strongest justification. The Society believes that the justification provided for the proposed internal demolition is unsound.
- 4.5 Society for the Protection of Ancient Buildings – Although Grange Court began its existence as a 17th century market hall, its principal significance would now seem to be as a Victorian building. It therefore defers to the Victorian Society for detailed comments on the present scheme. However, although we appreciate that some change of use may be required and feel that a cartilage development of the kind currently proposed may be entirely acceptable, we do not believe it appropriate for Grange Court's Victorian stairs to be removed.
- 4.6 MADE – Design Review West Midlands
- The review panel have considered the proposals and generally consider the uses to be suitable and the location of the extension appropriate. They also agree that the removal of the later partitions and the Victorian staircase to create a first floor room is appropriate.
- 4.7 The panel is critical of the handling of the new entrance and foyer space and suggests a need for an improved distinction between the old building and the new additions. The current arrangement appears awkward and clumsy. It also considers that a single wing running east with a central corridor would have been more efficient in terms of construction and running costs.

- 4.8 The report highlights some ambiguity in the plans, suggests that the use of so many materials is confusing and suggests that these matters need to be addressed. Subject to this they support the project.

Internal Council Advice

4.9 Conservation Manager

The building represents Victorian architectural salvage, in itself unusual for the period. Its relocation was into a Victorian parkland setting. Most importantly the building was given a new use being that of a Victorian gentleman's residence, and again such conversion was unusual for the period. The proposal was completed by the creation of a garden planted to enhance the building and its location within the wider setting of The Grange.

These unique qualities are further enhanced by the fact that it was not any Victorian that undertook the work, but it forms part of the Arkwright family's legacy to north Herefordshire.

Expresses significant concerns about a number of detailed elements within the present proposal. These relate to:

- The alterations to and loss of fabric within the building, principally the creation of the first floor room and the removal of the staircase.
- The proposed extensions and associated demolition, principally the proposed flat roofed replacement building and the proposed extension southward into the garden area.
- The impact of building works upon the setting of Grange Court and the Grange, principally the loss of six important trees, four of which would normally be recommended for Tree Preservation Order (TPO) status if not in public ownership.

4.10 Ecology – Comments awaited

4.11 Archaeology – No objections subject to a condition requiring the completion of further archaeological evaluation work.

4.12 Transportation Manager – Considers the amended plans to be acceptable with the exception of the use of the rear access by service vehicles. This is not considered to be acceptable because of poor visibility and its use is only acceptable as a pedestrian access.

4.13 Manager of Environmental Health and Trading Standards – No objections

5. Representations

5.1 Leominster Town Council – No objection subject to the retention of the grotto and well.

5.2 The proposal has generated 20 letters of objection and two separate petitions, one containing 98 signatures and a second containing 309 signatures. In summary the points raised are as follows:

1. Concerns about highway safety and increased traffic flows along Pinsley Road.
2. Lack of adequate on-site parking.
3. The use of the entrance to the rear of Grange Court entirely unacceptable.

4. The removal of trees to accommodate the proposed extensions is harmful to the setting of Grange Court and will be harmful to local wildlife.
 5. The proposed extensions will spoil the setting of Grange Court as a Grade II* listed building and also its wider contribution to the conservation area.
 6. The proposed demolition works and internal alterations are highly destructive, particularly the removal of the central staircase.
 7. The proposal does not take full account of the building's architectural history.
 8. In particular, the proposed south elevation is detrimental to the residential amenity of Grange End.
 9. The provision of additional office space in a residential area is not acceptable in a residential area.
 10. The viability of the scheme is questionable.
 11. Would a private individual be permitted to undertake such an extensive development?
 12. Lack of public consultation.
- 5.3 17 letters in support of the proposal have also been submitted. In summary the points raised are as follows:
1. The proposal will secure the long term future of Grange Court.
 2. The proposal will be an asset to the community.
 3. The scheme affords much greater public access to the building than is presently available, including disabled access.
 4. This is a self financing project and will not be a drain on local tax payers.
 5. It is a well-designed scheme that complements Grange Court to much greater effect than its current appendages.
 6. The removal of the staircase allows the first floor to be restored to its original Jacobean function.
- 5.4 A plan of an alternative proposal has also been submitted by one of the objectors. This shows a scheme where the new accommodation is effectively shifted to the rear of the site on the boundary with Pinsley Road. This avoids the removal of the Austrian Black Pine. The plan shows only a change to the footprint and does not detail the internal layout changes that would be required.
- 5.5 In response to this the Grange Court Project Board have considered this as an alternative but for reasons relating to the circulation space of the proposal being compromised, a requirement for a second entrance, the loss of the secure garden element and the detriment in relationship between the Coach House courtyard and the enclosed garden are all given as reasons as to why the proposal would not be acceptable.
- 5.6 The Project Board also considered a scheme retaining the current plan form and the Austrian Black Pine. This would involve constructing the wing on pile foundations and would result in the building being 0.75 metres higher than currently shown. They opine that this would have a greater impact on the dwelling to the south of the site, would increase the mass of the building and would lead to a requirement for a lift to be installed at extra cost to the overall scheme. They also highlight a concern about branches falling from the tree onto the building.
- 5.7 In specific relation to the Austrian Black Pine, the Project Board highlight the fact that it was not considered to be of sufficiently high quality to warrant retention and that its removal was considered against the planning gains and the buildings long term future.

- 5.8 In response to concerns raised about the removal of the Victorian staircase, the support given to the scheme by English Heritage is highlighted. They also refer to the desire to create a single front room, requiring the removal of the staircase, and the fact that English Heritage and the Council's Conservation Officers have been involved in this debate throughout.
- 5.9 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 application raises a variety of material planning considerations. This is reflected in the variety and nature of public comment.
- 6.2 The applications have given rise to a significant number of representations in response to public consultation and opinion is split. Of those in favour, key elements of their comments relate to greater accessibility to the building and the securing of its long term future. Of those in objection, the recurring comments are in relation to issues of highway safety and increased traffic along Pinsley Road, impact on the setting of Grange Court both through the addition of an inappropriate extension and through the loss of mature trees, and that the viability of the scheme is in question.
- 6.3 Similarly, opinion is split between the Council's Conservation team, who object to the level of intervention proposed, and English Heritage, who have interpreted the advice contained within PPG15 more flexibly and have attached more weight to the desire to secure a future use for the building and one that allows a community use with much greater public access than is currently available.
- 6.4 In essence there are four key issues that influence the determination of the applications, and these are as follows:
1. The integrity of the listed building
 2. The design and appearance of the proposed extensions
 3. The loss of important trees
 4. Highways and other matters

The Integrity of the Listed Building

- 6.5 At the heart of this difference of opinion is an intellectual debate about the justification for Grange Court's Grade II* listing. On one hand it is recognised that the original timber framed market building is a particularly fine example of the work of John Abel. The listing description for the building goes into some detail about the fine detailing of the external framing. Very little mention is made of its interior.
- 6.6 However, but for the intervention of Richard Arkwright the building would potentially have been lost completely. The significance of this, and consequently the alterations and additions that were made in 1853, should not therefore be downplayed.
- 6.7 The position taken in this debate significantly influences the perception of the scheme. The comments from English Heritage place a much greater emphasis on the importance of the 17th century origins of the building, and to a lesser extent the 19th century alterations. Allied to the public benefit that they consider will be derived from the scheme they conclude that the principle of the scheme is acceptable. The

- amendments and additional information regarding the design of the first floor function room address outstanding concerns from its original consultation response.
- 6.8 The Council's Conservation Manager has expressed strong reservations about the scheme, stating that it is contrary to PPG15 which states that:
- 6.9 In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses.
- 6.10 *The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered.*
- 6.11 The advice in PPG15 goes on to suggest that later features should not be removed merely to restore a building to an earlier form and, perhaps most notably, that the removal of any historic staircase is not normally acceptable.
- 6.12 If one considers that the use that the building was designed for is residential, it is clear that its sale to a private individual and continued use as such would not give rise to any public access. Whilst the scheme does involve some significant alterations to the building it will ensure that it has a meaningful and ongoing public function.
- 6.13 A detailed business plan has been prepared by the Leominster Area Regeneration Company (LARC), in close liaison with the Council's own Economic Development Department. Its analysis is based on sound research and economic modelling and it is concluded that the report provides a fair and accurate projection of the potential success and viability of the scheme if it were to be approved.

Design and Appearance of the Proposed Extensions

- 6.14 Opinion about the design and appearance of the proposed extensions is, to a certain degree, subjective. However, Policies HBA1, 4 and 6 of the Unitary Development Plan provide a guide in terms of the scale, massing and design of proposals, (i.e. to be subservient to the host building). The extensions are all single storey and are considered to be subservient in terms of their scale and mass. Indeed, they are less intrusive than the scheme approved by the Secretary of State in 1992. Whilst that determination pre-dates the adoption of PPG15 (September 1994), the basic principles of considering the impact of a proposal on a listed building and a conservation area are fundamentally unchanged.
- 6.15 The design incorporates sustainable methods such as maximising the use of daylight through high level windows and ventilation, and the installation of photovoltaic cells. Concerns regarding the choice of materials could, if approved, be satisfied through the imposition of appropriate conditions.

The Loss of Important Trees

- 6.16 The arboricultural report submitted as part of the application advises that the most prominent tree, an Austrian Black Pine, is in late maturity and therefore has a medium term life expectancy between 20-40 years. It is considered to be in fair condition, with some defects that may render it vulnerable to breakage. As a result the tree is categorised as having moderate retention value. The southern extension will be well within its root protection area and it is possible that this will curtail its life expectancy

further. Alternative foundation designs to minimise the impact on the tree's root system would result in the new build having a higher floor level than currently proposed and this is not considered to be acceptable.

- 6.17 Similar comments are made about two Yew trees that have grown under the canopy of the Austrian Black Pine and the report concludes that they too have a moderate retention value. The report concludes that the removal of the trees, together with a Mulberry, is justified.
- 6.18 The survey has been undertaken by a fully qualified arboriculturalist. Given that the trees that have been identified as important appear to have only a limited lifespan, a balanced judgement has to be drawn between their retention at the expense of a scheme and secures the continued use of Grange Court. Whilst it is regrettable that the trees are to be removed, your officers conclude that their removal is warranted in this instance. It may be possible that the Mulberry could be transplanted and this may be an option to be explored as part of a landscaping scheme if planning permission and listed building consent are to be forthcoming. In some circumstances the proposed loss of these trees would be sufficient in its own right to justify the refusal of a planning application. In isolation that is the case here. However given the conclusions reached earlier on the integrity of the listed building it is not considered appropriate in this case to recommend a refusal of the application solely on this matter.

Highways and Other Matters

- 6.19 A number of technical concerns were originally raised by the Council's Transportation Manager regarding the layout of parking areas, provision of cycle parking and the use of the rear access. The majority of these issues have been addressed through the submission of amended plans. Conditions could be imposed regarding the provision of appropriate cycle storage facilities. In light of the ongoing concern of the Transportation Manager about the use of the rear access, it is recommended that a condition be imposed to limit its use to pedestrian only.
- 6.20 Concerns about limited parking provision need to be assessed in the context that the site is within a conservation area and relates to a listed building where greater flexibility can be allowed with regards to parking on the basis of its potential impact on their setting, character and appearance. Additionally, the building is within relatively close proximity to two free car parks, one of which is available for 24 hour parking.
- 6.21 The concerns about Pinsley Road being used as a 'rat run' have been acknowledged by the Council independently from this proposal. The Council's Highways Department is currently in the process of considering proposals for a temporary Traffic Regulation Order (TRO) to restrict access from Pinsley Road through to Church Street.
- 6.22 The current parking arrangements for Grange Court allow for 16 vehicles to be parked on site. This will rise to 27 if planning permission is granted for the scheme and as a result there would be additional traffic movements along Pinsley Road. However, the concerns raised by the Transportation Manager with regards to intensification of use related only to the use of the rear access and not that of Pinsley Road more generally.
- 6.23 Of the other issues raised, the proposal is not considered to have a detrimental impact on the amenity of Grange End. The gable end of the extension is opposed by a blank elevation in the dwelling and a brick wall. The simple issue of proximity of one to the other does not give rise to any demonstrable detrimental impact in this respect.

Summary

- 6.24 In summary, there is a very fine balance to be struck between the harm that will be caused to the building by virtue of the proposed internal alterations, the addition of the extensions, the removal of at least four significant trees, and the benefit that is to be derived from securing a meaningful future use for it, its increased community use and the public access that will result if planning permission and listed building consent are granted.
- 6.25 The proposal will secure a long term use for a building with an uncertain future. It would be inappropriate for Leominster's most prominent building to stand empty. The level of alteration that is proposed is not ideal. However, it does ensure the continued use of the building and therefore, on balance, the scheme is considered to conform to the spirit of PPG15 and the Council's own policies regarding listed buildings and conservation areas. It is also regrettable that a number of mature trees are to be removed as part of the proposed scheme, but in light of the findings contained within the arboricultural report, this too is considered to be justified.
- 6.26 As the building is Grade II* listed there is a legislative requirement to refer to application for listed building consent to the Secretary of State for the Department of Communities and Local Government if the Council is minded to approve the application. The same requirement does not apply to the application for planning permission. However, it would be pertinent to refrain from issuing any decision until the SoS has made a decision with regard to the listed building application.

RECOMMENDATION

That: a) planning permission be granted subject to the following conditions; and,

b) that the application for listed building consent is referred to the Secretary of State for the Department of Communities and Local Government with a recommendation that the Council is minded to approve the application 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 B03 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D03 (External Elevations)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

4 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

5 D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

6 D10 (Specification of guttering and downpipes)

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

7 D19 (Items to be Re-used)

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

8 D24 (Recording)

Reason: To ensure that the fabric which forms part of the special architectural or historic interest of the building is preserved by record where it would be lost as a result of the approved works in accordance with current government guidance and Policy HBA1 of Herefordshire Unitary Development Plan.

9 E01 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

10 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

11 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

12 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

13 G11 (Landscaping scheme – implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

14 H29 (Secured covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

15 Notwithstanding the plans hereby approved, the rear access shown to be used by service vehicles shall be retained only for use by pedestrians. Details of its treatment shall be submitted to and approved in writing by the local planning authority before development commences. The access shall be altered in accordance with the approved details before the building is first brought into use.

Reason: In the interest of highway safety and to conform to the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

16 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

17 I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

18 I41 Scheme of refuse storage (commercial)

Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

LISTED BUILDING CONSENT**1 D01 Time limit for commencement (Listed Building Consent)**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 B03 Amended plans

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D03 External Elevations

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

4 D04 Details of window sections, eaves, verges and barge boards

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

5 D05 Details of external joinery finishes

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

6 D10 Specification of guttering and downpipes

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

7 D19 Items to be Re-used

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

8 D24 Recording

Reason: To ensure that the fabric which forms part of the special architectural or historic interest of the building is preserved by record where it would be lost as a result of the approved works in accordance with current government guidance and Policy HBA1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N15 – Reason(s) for the Grant of Planning Permission

2 N19 – Avoidance of doubt – Approved Plans

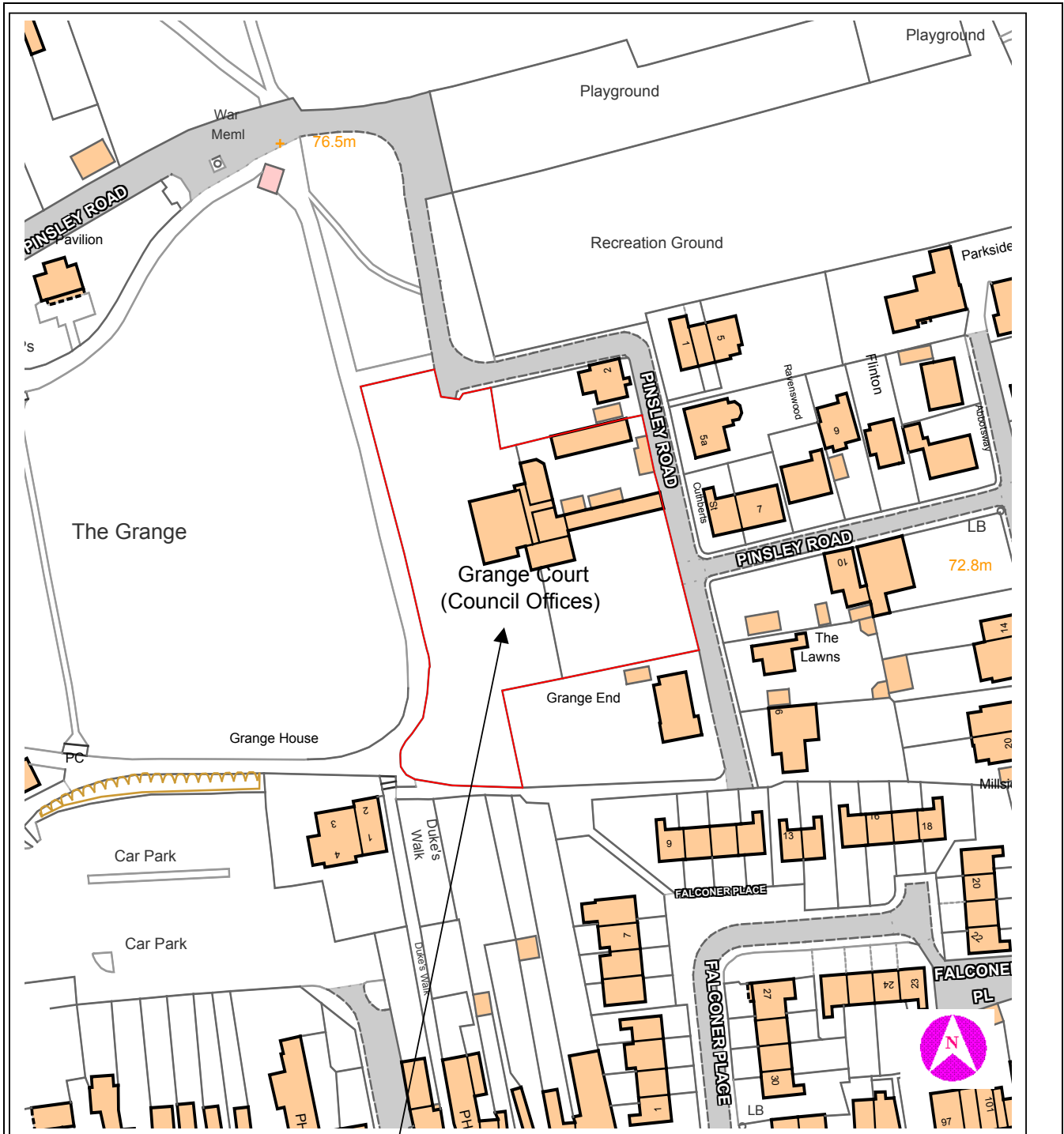
Decision:.....

Notes:.....

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Background Papers

Internal department consultation replies.



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APPLICATION NO: DCNC2009/0435/CD

SCALE : 1 : 1250

SITE ADDRESS : Grange Court, Pinsley Road, Leominster, Herefordshire, HR6 8NL

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DCSE0009/1139/CD - ALTERATIONS AND AN EXTENSION OVER TWO FLOORS TO PROVIDE COUNCIL INFORMATION, LIBRARY AND MEETING FACILITIES AT ROSS ON WYE LIBRARY, CANTILUPE ROAD, ROSS ON WYE, HEREFORDSHIRE HR9 7AN

For: Mr B Williams per AMEY, Caburn House, Brooks Road, Lewes, East Sussex BN7 2BY

Date Received: 28 May 2009 Ward: Ross-on-Wye East Grid Ref: 60154, 24167

Expiry Date: 23 July 2009

Local Members: Councillor P Cutter and Councillor Mrs A E Gray

1. Site Description and Proposal

- 1.1 Ross Library is a late twentieth century building, notable for its wide transverse roof, located to the north-west of Cantilupe Road in the town centre. The site is within the Conservation Area and the immediate surroundings are characterised by a mixed content of nineteenth century commercial and twentieth century residential buildings. Library Mews is a modern terrace to the north-east, occupying an elevated position relative of the application site.
- 1.2 Planning permission is sought for the erection of a two-storey extension to the rear and alterations to the existing building, which is essentially square in plan. The proposal involves the demolition of an existing freestanding garage visible from Henry Street and replacement with a two-storey extension, essentially rectangular in plan. The irregular geometry of the site dictates that the extension is off-axis relative to the existing library building, running parallel to the common boundary with the Library Mews development.
- 1.3 The application is intended to deliver an enhanced community facility whilst also allowing the incorporation of the existing Council information service, currently located in Swan House, Edde Cross Street. Accordingly, the scheme includes the internal re-modelling of the existing building with the provision of an additional first floor library space by extending the existing mezzanine. The extension provides enhanced meeting and staff areas in part as compensation for the loss of space in providing the additional information functions. The ground floor of the extension houses the rear entrance lobby, offices, WC's, staff room and book delivery room. The main feature of the first floor, which is coincidental with the ground floor of the main building (there is a substantial fall across the site) is the Dennis Potter meeting room. Additional works involve the provision of improved access arrangements, including re-modelling of existing ramped accesses, improved user facilities and storage space.
- 1.4 The proposals have been through a long consultative process with Council departments and user groups, which have led to design revisions in accordance with feedback received. The revisions have included the reduction in the height of the building and making the roof pitch shallower and latterly a revision to the design of the lift shaft. By comparison with the existing garage, the footprint of the extension is 19 m x 16.8 m as opposed to 8 m x 4.5 m. The ridge height increases from 4.8 m to 8.7 m.

Accordingly there is a significant increase in overall scale relative to the existing freestanding garage.

- 1.5 The extension is designed to 'read' as a separate entity from the existing library, linked by a flat roof, glazed link. This is due in part both to the geometry of the site and the difficulty in satisfactorily replicating the architectural characteristics of the main building.
- 1.6 The application is supported by a Design and Access Statement and arboricultural report (J Ross Arboricultural Consultancy April 2009), which focuses upon the intended removal of a Silver Birch tree located immediately adjacent the retaining wall on Henry Street. The Design and Access Statement describes that the scale of the extension has been a balancing act between achieving the level of accommodation desired, with the need to respect the visual amenity of the Conservation Area and the residential amenity of properties in the immediate vicinity.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy HBA6	-	New Development within Conservation Areas
Policy T6	-	Walking
Policy T7	-	Cycling
Policy CF5	-	New Community Facilities
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Conservation Manager: No objection. The geometry of the proposed extension is constrained by the available site but it continues the basic language of the existing library, so is unlikely to increase the net impact of what is already a relatively large building.

Conditions are recommended in relation to external materials and glazing details.

- 4.3 Traffic Manager: Recommends conditions. The parking allocation requires attention and cycle parking needs to be more plentiful and accessible.

5. Representations

5.1 Ross Town Council: No objection.

5.2 Ross on Wye Library Development Group: Qualified comment.

- Is there an assurance that the building will achieve the maximum in conservation and energy-saving?
- What new arrangements will be made for pedestrian access, transport and policy?
- Will WiFi be available?

5.3 Three letters of representation have been received from neighbours resident in Library Mews, a residential development immediately to the north-east and overlooking the application site. The letters come from Mr and Mrs J F Green, Mrs P Jones and Dr Elinor Kelly, of Nos 5, 6 and 7 Library Mews respectively. The content of the letters can be summarised as follows:

- assurance is sought that the building will achieve energy efficiency savings
- concern is expressed at the adequacy of parking, particularly for disabled users
- the proposed extension will have a detrimental impact upon the residential amenity of the dwellings in Library Mews, including a loss of view, compounded by the increase in height relative to the existing garage
- could the site to the north be included so as to enable a larger single-storey extension
- the originally proposed lift shaft was inappropriate in design, appearing as a 'folly' (this aspect has subsequently been re-designed)
- the ridge height is higher than actually required
- the removal of the Silver Birch tree is unwarranted
- concern is expressed at the lack of staff parking.

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 application proposes the extension and re-modelling of an existing, well-used and central community facility in one of Herefordshire's market towns. The site is within the Ross Conservation Area and is bound on two sides by residential development. A number of Unitary Development Plan policies are of relevance, although the criteria of Policy CF5 (new community facilities) relate to the key issues. Policy HBA6 deals with new development within conservation areas and requires that new development should preserve or enhance the character or appearance of the conservation area involved.

6.2 Policy CF5 states that proposals which would result in the provision of new or improved community facilities, or the enhanced use of existing facilities will be permitted where they are:

- Appropriate in scale to the needs of the local community and reflect the character of the location;
- Are located within or around the settlement or the area they serve;
- Would not significantly impact upon the amenity of neighbouring residents; and
- Incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

It is clear that the site is central to the settlement that it serves. The remaining policy criteria are discussed below:

Appropriate in terms of scale and need and reflective of the character of the location

- 6.3 The existing library is a large building by comparison with the majority of those in the immediate area. However, the extension is relatively modest in scale by comparison and will, through its design, read as a separate entity. In this regard, the option to pursue an architectural design that is different from the parent building is considered appropriate in terms of reducing the perceived scale of the extension. Although the application does not directly address the issue of need, it is clear that some of the resultant accommodation is required as a result of the desire to rationalise the Council information service in the town and enhance existing facilities.
- 6.4 The Conservation Manager recognises that the existing building is, by virtue of its design, not easy to extend and this is compounded by the irregular shape of the site. He has no objection to the proposal subject to the imposition of conditions and concludes that the proposal will preserve the character and appearance of this part of the Conservation Area.

Would not significantly impact upon the amenity of neighbouring residents

- 6.5 The letters of objection refer to the impact that the extension will have upon the residential amenity of the occupiers of Library Mews, the residential development immediately to the northeast of the application site. The concern focuses upon the scale of the extension, particularly when compared to the existing garage. The extension is clearly a much larger building and is located marginally closer to the common boundary. However, the differential in ground levels is such that the height of the extension is not considered to be unacceptable in relation to the neighbouring dwellings. The proposed cross-section indicates that the ridge height over the extension will coincide with the first floor level of the dwellings, although this will not be uniform as the dwellings in Library Mews fall across the site from south to north. In any event the separation distance of 18 metres is considered sufficient to mitigate any perceived overbearing impact or loss of light.
- 6.6 Overlooking of the forecourt to Library Mews is negated by the fact that only high-level obscure glazed windows are proposed to the first floor accommodation. It is thus considered that although the extension is markedly larger than the existing garage, the impacts upon adjoining residential amenity will not be so severe as to warrant refusal of the application. A slab level condition is recommended to ensure that the overall finished height of the building is as per the submitted plans.

Parking and access

- 6.7 The scheme makes provision for improvements to pedestrian and disabled user access. This is through the re-grading of the existing main ramped access on Cantilupe Road.
- 6.8 The Traffic Manager has some concern that inadequate provision is made for staff parking on site, although given the central location and accessibility to public car parks, this is not considered to be material to the determination of the application. There is some concern at the accessibility of the two dedicated disabled spaces to the rear and the location and usability of the cycle parking spaces, which are not conveniently

located in relation to either the main or rear access. These are issues capable of being addressed through the submission of additional information to be secured by condition.

Other issues

- 6.9 Concern has been expressed at the removal of the Silver Birch tree on Henry Street. The justification for its removal has been questioned. As a tree within a conservation area, the issue is material to the determination of the application. The tree is approximately 13 metres in height. The arboricultural report (undertaken by an qualified, independent professional) states that the physiological condition of the tree is poor and that the life expectancy is unlikely to be greater than 10 years. This is due to the constraints placed upon root development by the existing retaining walls. Its current condition is such that it is considered likely that the central section would have to be removed in a few years time, which would so compromise the overall appearance of the tree that the tree is regarded as having only a limited safe and useful life expectancy. In accordance with BS2005:5837: Trees in relation to construction, the tree is not regarded as a significant planning constraint and its removal is thus sanctioned. However, in its current form the tree does have a considerable public amenity value and loss should be offset by mitigation works. In accordance with this advice a landscaping condition is recommended whereby mitigation for the loss of the tree can be subsequently agreed in writing.

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.

- 2 B03 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 4 D04 (Details of window sections, eaves, verges and barge boards)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan,

- 5 F16 (No new windows in specified elevation)**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

6 F17 (Obscure glazing to windows)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

7 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

8 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

10 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

14 I16 (Restriction of hours during construction)

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

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

15 I51 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 N19 - Avoidance of doubt - Approved Plans**
- 2 N15 - Reason(s) for the Grant of Planning Permission**
- 3 HN01 - Mud on highway**
- 4 HN04 - Private apparatus within highway**
- 6 HN25 - Travel Plans**
- 7 HN26 - Travel Plans**
- 8 HN27 - Annual travel Plan Reviews**

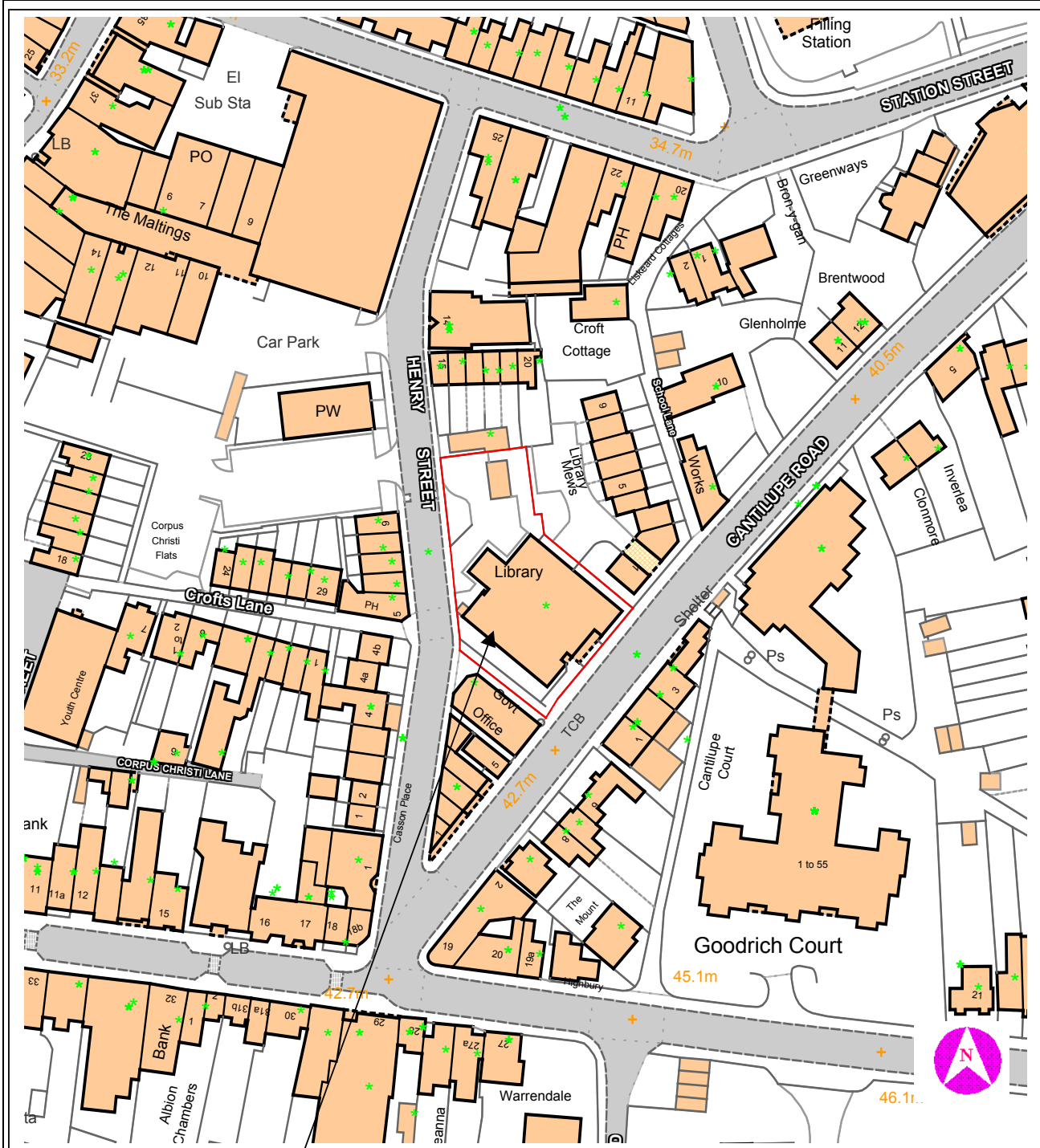
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1139/CD

SCALE : 1 : 1250

SITE ADDRESS : Ross on Wye Library, Cantilupe Road, Ross on Wye, Herefordshire HR9 7AN

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DCCE0009/0950/F - PROPOSED AMENDMENT OF 39 PREVIOUSLY APPROVED RESIDENTIAL DWELLINGS AND THEIR ASSOCIATED PARKING TO 48 RESIDENTIAL DWELLINGS CREATING AN ADDITIONAL 9 DWELLINGS AND THEIR ASSOCIATED PARKING AT LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY

For: Taylor Wimpey per Focus on Design, The Old Brewery, Lodway, Pill, Bristol, BS20 0DH

Date Received: 8 May 2009

Ward: St. Martins & Hinton

Grid Ref: 51125, 37966

Expiry Date: 7 August 2009

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on the 22nd July 2009 when Members resolved to refuse 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.

In the debate, Members were particularly concerned about the increased density of the development and the manner in which the total number of units has incrementally increased across the site as a whole over the last 4 years or so. They commented on the quality of the scheme in terms of the design of the houses and problems that have occurred within phase 2 where they felt there had been insufficient parking and the roads were very narrow. Particular reference was made to policy H15 and that the higher density figure of 50 dwellings per hectare for town centre sites referred to in this policy was being exceeded and the site was not a town centre site.

In summary, Members considered the density of the proposed development to be unacceptably high and that the development is contrary to policy H15 of the Unitary Development Plan (UDP).

Since the decision to refuse the application, the applicants have considered the concerns of the Committee and the reason for refusal. As a result, the proposed development has been amended through the deletion of 3 dwellings.

Summary Position

The application seeks permission to re-plan part of phase 3 of the previously approved residential development on the former SAS camp off Bullingham Lane. Reserved matters approval was granted on 19th August 2008 for phase 3 comprising 151 units taking the total for the site up to 608. Part of this approval has been implemented and completed. The UDP

allocation was 500 units in the first deposit draft; this followed the 2001 outline permission for the site as a whole which estimated numbers at 500. However, the outline permission was not restricted in numbers. This was subsequently increased to 600 units in the adopted UDP following representations by the developer.

This application including the recent change retains the total number of units at 608. The overall density across phase 3 would change from 47 dwellings per hectare to 54 dwellings per hectare. The higher density is essentially as a result of revised phase 3 developable areas being smaller due to full planning permission having been granted earlier this year for a residential care home on the site of 14 units. Therefore, in respect of the current application site, the approved permission permits 39 units and the developer now seeks permission for 48 units.

Committee Reason for Refusal

Policy H15 is a guideline density and comments that density should be informed by the characteristics and context of the area along with public transport accessibility. The guideline density set by the policy is 30-50 dwellings per hectare on town centre and adjacent sites and at least 30 dwellings per hectare on other sites.

The density of previously approved and built phases will not be discernibly different to that now proposed in terms of dwelling sizes, garden sizes, property to property distances, road widths and parking provision. There is no reduction in the areas of open space, sport and recreation facilities and the increased number of units and the associated population still satisfies the requirements of policy H19 concerning open space, play and sports provision on residential developments. All other previously agreed Section 106 requirements are met (affordable housing, community infrastructure contributions). Parking provision exceeds the policy H16 requirement of a maximum of 1.5 spaces per unit and the strategic road infrastructure is not proposed to be changed under the current application. The designs are relatively 'standard' but are essentially the same as has been previously approved and the materials are the same.

Conclusion

In pure number terms, the density is materially higher than has been previously approved elsewhere on the development (except where flats have been approved). However, given the fallback position allows the developers to complete the development at a density that in real terms, will be similar in character and appearance to that now proposed, and given the thrust of UDP policy and advice in Planning Policy Statement 3 is to make efficient use of brownfield land in sustainable locations, it is considered the Council would have difficulty defending the application at appeal. In view of this the application is referred to this meeting for further consideration.

The original report to the Central Area Planning Sub-Committee follows incorporating updates reported verbally to the Central Area Committee. Due to the late receipt of the amended plans, with the exception of the description of the application, the report has not been updated in light of the deletion of 3 dwellings other than as explained above. The recommendation remains for delegated authority subject to comments from the Traffic Manager on the latest amended plans. As the number of dwellings is no longer increasing above that previously approved, no Section 106 is required and the Heads of Terms has also been deleted from the original report.

1. Site Description and Proposal

- 1.1 The site is located on the southern edge of the city accessed off Bullingham Lane to the west and borders Hoarwithy Road to the northeast and the railway line to the south. The site comprises part of the last phase (Phase 3) of the residential development of the former SAS camp at Bradbury Lines. Outline planning permission was approved in February 2005 for a mixed use development of the site. This permission superseded a planning permission in 2004 for Phase 1. Over the past five years or so several detailed permissions have been submitted and approved comprising Phases 1 and 2, all of which are now complete and occupied.
- 1.2 On the 19th August 2008 the final Reserved Matters permission was approved for the whole of Phase 3 comprising of further 151 1, 2, 3, 4 and 5 bedroom units and 2 bedroom apartments taking the total number of units for the site as a whole to 608. Phase 3B comprising 48 units is now constructed and the majority are occupied. Phase 3C is currently under construction and Phase 3D is yet to be implemented.
- 1.3 This application seeks permission to vary the Reserved Matters permission approved last summer relating to part of Phase 3C and all of Phase 3D. In addition, part of Phase 3D totalling 14 detached units also now has planning permission for a residential care home approved earlier this year. Therefore, the application proposes a variation of the layout, dwelling designs, types and sizes and an increase the density from the permitted 39 units to 51 units. There are no changes to the principal road layout and cycleways, the affordable housing provision, areas of public open space, formal play and sports provision or the community land that has previously been approved as part of earlier permissions.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR5 - Planning Obligations
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- H2 - Hereford and the Market Towns: Housing Land Allocations
- H9 - Affordable Housing
- H13 - Sustainable Residential Design
- H14 - Re-using Previously Developed Land and Buildings
- H15 - Density
- H16 - Car Parking

3. Planning History

- 3.1 CE2001/2756/O Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 19 January 2004.

- 3.2 CE2001/2757/O Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 10 February 2005.
- 3.3 DCCE2004/0095/RM Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping. Approved 2 June 2004.
- 3.4 DCCE2005/1230/RM Construction of 130 dwellings, provision of public open space and associated works. Approved 18 October 2005.
- 3.5 DCCE2004/1545/RM Proposed erection of 70 residential mixed dwellings. Withdrawn.
- 3.4 DCCE2005/1130/RM Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2). Approved 9 August 2005.
- 3.7 DCCE2005/1991/F Variation of Condition 29 of Outline Approval CE2001/2757/O. Approved 17 August 2005.
- 3.8 DCCE2005/3145/RM Provision of central area of public open space. Approved 22 November 2005.
- 3.9 DCCE2005/3706/RM Proposed 2, 3 and 5 bedroom mixed residential development for 21 dwellings with associated accesses and garaging. Approved 8 February 2006.
- 3.10 DCCE2006/1928/RM Proposed 2, 3 and 4 bedroom mixed residential development Phase 2B. Amendment to permission CE2005/1130/RM to include construction of 14 dwellings. Approved 15 September 2006.
- 3.11 DCCE2007/2193/RM 152 new dwellings consisting of 1, 2, 3 and 4 bedroom flats and houses, associated garages, highways and external works. Withdrawn 26 October 2007.
- 3.12 DCCE2007/3860/RM A development of 151 dwellings consisting of 2, 3, 4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3). Approved 19 August 2008.
- 3.13 DCCE2009/0098/F Proposed development of residential/nursing home. Approved 9 March 2009.
- 3.14 DCCE2009/0142/F Proposed replacement of 9 residential dwellings and their associated parking (plots 49-51, 56, 61-63, 67 & 68 previously approved DCCE2007/3860/RM) with 14 residential dwellings to plots 49-51, 56, 61-63, 67, 68 & 500-504 creating an additional 5 dwellings and their associated parking. Resiting of the parking associated to plots 57 & 58. Approved 20 March 2009.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency:

Background

Outline planning permission was given for housing on the above site. The application indicated 500 dwellings, although no definitive ceiling or number was stipulated on the consent.

In 2005 the Highways Agency objected to two reserved matters applications for 424 dwellings, as it was evident from the reserved matters applications that the remaining site, if developed would bring the total number of dwellings up to 609 if developed at the same density. During further consultation and assessment work, the Highways Agency agreed that the trunk road network along with the agreed mitigation measures would be able to accommodate up to 609 dwellings on the site.

Subsequently, a reserved matters application for 152 dwellings (DCCE2007/2193/RM) was submitted and reviewed by the Highways Agency in August 2007. The Agency responded with no objection to the application as the total number of dwellings on the site only exceed the 609 dwelling threshold, agreed in the previous consent, by 1 dwelling, and all mitigation and drawings were also the same as those agreed with the previous application. This application was later withdrawn.

A further reserved matters application was submitted in December 2007 in relation to the erection of 151 dwellings (DCCE2007/3860/RM) at the site, to which the HA responded with no objection as the previously agreed mitigation measures were also included.

Current Development Proposals

It is understood that a parcel of land was sold for use as a care home, and consequently, the remaining plot has been 're-planned' to incorporate a higher density of dwellings to amount to a total of 611 dwellings at the Bradbury Lines site.

Highways Agency Planning Manager, Joanna Goulding's letter of 8 July 2005, in response to reserved matters applications DCCE2005/1130/RM and DCCE2005/1230/RM, stated the following:

"any development proposals above the threshold tested, i.e. 609 dwellings would require further investigation and is likely to be strongly opposed by the Agency."

It is the case that the number of housing units will increase to a total 611 dwellings, which is an increase of 2 above what was previously threshold tested, the Highways Agency would have no objection.

It must be noted though, that any development over and above this level will require further investigation, and consequently, it is likely that any planning application for the care home will need to assess its impact upon the Bullingham Lane signalised junction with the A49 trunk road."

4.2 Welsh Water: No objection subject to conditions regarding foul and surface water disposal.

Internal Council Advice

- 4.3 Traffic Manager: No objection.
- 4.4 Conservation Manager (Landscape): No comment.
- 4.5 Strategic Housing Manager: No objection.
- 4.6 Children and Young People's Directorate:
The educational facilities provided for this development are South Hereford City Early Years, St Martins Primary School, Hereford Academy High School and South Wye Youth. A contribution is requested to the enhancement of educational infrastructure at these facilities where capacity in all year groups does not exist (to include 1% for Special Education Needs).

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Two letters of objection have been received from Hereford Civic Society and Mr Heron of 9 The Hawthorns, the main points raised are:
- We find the proposed site overcrowded and overdeveloped and the intensification is unacceptable.
 - The extra dwellings mean a loss of green space and a loss of the most green corridor.
 - There is a lack of community amenities.
 - The site may accommodate the need for car parking but seems to ignore the need for children's play areas.
 - Section 106 payments should go up by 20%.
 - This development is dated and unsustainable and the Civic Society hope this is the last example of this form of development in the City.
 - The developers advised that only 6 luxury dwellings were to be constructed to the rear of the Hawthorns when the properties were purchased, 24 dwellings are now proposed
 - The road to The Hawthorns is one of the smallest on the estate with parking problems and will have to cope with another 48 cars if this application is approved. An alternative or second access should be provided.

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 AppraisalThe Principle

- 6.1 Both outline and reserved matters approvals now exist for the development as a whole including all of Phase 3 and the land the subject of this application. The total number of approved units is 608 with 151 being accommodated within Phase 3 and approved August 2008. Therefore, the principle of the development is established as is the general form of the layout in terms of the areas where housing is now proposed.

Density

- 6.2 The total number of units now proposed is 611, this being an additional 3 units over previous approvals. By virtue of the planning permission for the care home and the

dwellings lost as a result of this permission, an extra twelve units is now being accommodated on the area of land the subject of this application. As such, the total number of units on the application site has increased from 39 to 51. This equates to a density of just over 50 dwellings per hectare, which is above the approved density across Phase 3 as a whole which is around 45 dwellings per hectare, this being similar to Phase 2.

- 6.3 Policy H15 of the Herefordshire Unitary Development Plan requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare rising up to 50 dwellings per hectare on town centre sites. Therefore, whilst the overall density and density of this part of the site is beyond the upper limits of that recommended by Policy H15, it is comparable with other phases now built across the site and will achieve a consistent character of development. Furthermore, the density of this application site can be higher as all the strategic infrastructure such as roads, public open space, play areas and other community facilities is or will be provided on adjoining land and other parts of the site. This therefore leaves a high developable area thus providing the ability to increase the density. Ultimately, however, the appropriateness of the increased number of units on the site must be assessed against the residential environment that is created in terms of the layout, housing scales, design, materials, parking and so on.

Highway Impact

- 6.4 The Highways Agency did not object to the previously approved application, which took the total number of units up to 608. Since then the A49/Bullingham Lane junction alterations required by the Agency have been completed which further increase the junction capacity. The Agency has again raised no objection to this application and has also confirmed that they have no objection to the proposed increase of 3 units taking the total up to 611.

Layout

- 6.5 The physical boundaries of the area proposed for development has not changed under this application to that which has been previously approved. As such, the layout is largely dictated by the built and approved road infrastructure, areas of public open space and adjoining community land. The general principles achieved across earlier phases of creating an outward facing development has been maintained with the revised proposal. All dwellings are designed and orientated to address roads, cycleways and public open space to create a sense of enclosure.

- 6.6 Parking is being provided through a mixture of on plot and small parking courts to the rear of, and overlooked by houses. Internal access roads have been downgraded to create a more informal appearance. Access via The Hawthorns has been previously approved and the Traffic Manager raises no objection to this notwithstanding the objectors concerns. The garden sizes are generally relatively small but are commensurate with the size of the dwellings now proposed and that, which has been approved elsewhere within Phase 3. All proposed properties will also be located within 150 metres of public open space. General amenity standards are not untypical of a higher density brownfield development and will be compatible with surrounding approved development.

Housing Mix

- 6.7 The applicant's desire to change the approved development arises principally from current market conditions. This being for modestly priced two and three bedroomed units as opposed to larger four and five bedroomed units. As a result, the majority of the four and all the five bedroomed detached units have been removed from this part

of the development and replaced with smaller two and three bedroomed properties. Across the site as a whole a broad mix of one to five bedroomed sized properties has been constructed and therefore it is not considered unacceptable to accommodate predominantly two and three bedroomed units on this part of the site.

- 6.8 The housing comprises a mixture of terraced, semi-detached and detached properties with a small number of flats above garages. Nearly all the properties are two storeys in height with the exception of four properties in the north-western corner, which are 2½ storeys. This is considered necessary to ensure an acceptable transition between the existing three storey flats and proposed development.
- 6.9 The affordable housing is being provided within other parts of Phase 3 and the 36% requirement set in the Section 106 is being achieved with a mixture of predominantly rented and a small amount of shared ownership tenure. Although the mix and balance of accommodation is not as varied as with the previous scheme, the need to provide affordably priced units particularly in the current economic climate is a material planning consideration.

Design

- 6.10 Eight different property designs are proposed with the predominant material being brick with some part and full rendered properties under pitched tiled roofs. Additional architectural interest is achieved through occasional half dormer detailing within the roof space and subtle changes to the fenestration and porch detailing. The designs are fairly typical of a development of this nature and given the same developer is involved, will largely follow that which has been constructed to date within Phase 3 and other parts of Phase 2.

A selection of street scene illustrations have also been provided which demonstrate sufficient variation and interest through subtle changes in the siting and orientation and the overall mass being broken up through the introduction of garages and variations in height. Continuity of design and architecture will be maintained through Phase 3 which given the context of the site, will achieve an acceptable residential environment.

Other Matters

- 6.11 Parking
A minimum of two spaces (inclusive of garages) is being provided per unit. This parking ratio is above that required by Policy H16 of the Unitary Development Plan but is considered an appropriate provision given the location of the site on the edge of the City. Furthermore, 47 of the 51 units now proposed are two and three bedroom in size with only four being four bedrooms in size and therefore two spaces in general is considered acceptable. The bus service through the site is now also in operation which will provide a genuine and convenient alternative to travel by car. Further contributions have also been provided by the developer to enhance other sustainable access links to the site.

Section 106

- 6.12 All of the contributions required by the original Section 106 have now been paid in full and as highlighted above, the requirement for 36% affordable housing across the site as a whole has also been met.
- 6.13 The phase 3 planning permission approved last summer was subject to a further Section 106 Agreement in the form of a roof tax contribution associated with each dwelling above the original 500 unit estimation identified in the outline permission. A figure of £4,250 per residential unit was agreed. It has now also been agreed with the

applicants and the Planning Obligation Manager that this roof tax figure will also apply to the additional three units proposed as part of the development. The additional contributions being used towards the enhancement of off-site community infrastructure including education, sustainable transport, community building, graveyard capacity and sports and recreational facilities.

This roof tax figure is a significant increase on that which was achieved from the original S106 but is less than required by the Supplementary Planning Document on Planning Obligations (SPD) based on dwelling numbers. However, the revised proposals result in a reduction in bedroom numbers across Phase 3 from 445 to 395 and therefore the proposed roof tax figure, using the formulae within the SPD and based on bedroom numbers is considered acceptable.

Sustainability Measures

- 6.14 The whole of Phase 3 was required to meet the Eco Homes standard of Very Good and the required independent assessment confirming that that standard had been achieved has been provided by the developer. This standard increases the environmental credentials of the site considerably and particularly the energy efficiency of the houses. This standard will be maintained with the revised proposals.

Conclusion

- 6.15 The higher density form of the current proposals has not unacceptably compromised the final layout and appearance of the development or the residential environment that would be created in the context of the site and its surroundings, there is no loss of public or other green space, community facilities or affordable housing and the Section 106 requirements are being met.
- 6.16 On this basis, the revised proposals are considered acceptable and delegated authority is therefore required to enable the minor outstanding issues to be resolved.

RECOMMENDATION

- 1. Subject to the Traffic Manager raising no objection to the latest amended plans which delete 3 dwellings from the proposals, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and further conditions considered necessary by Officers:**

Conditions

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

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

- 2. During the construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 3. **Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new permeable or impermeable hardstanding shall be created between any highway or footpath and the frontages of the approved dwellings other than expressly authorised by this permission.**

Reason: In order to maintain the visual amenity of the area and to comply with Policy H13 of the Herefordshire Unitary Development Plan.

- 4. **All integral and attached garages and access thereto must be reserved for the garging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation or used for any other purpose incidental to the enjoyment of the dwelling house as such.**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of the Herefordshire Unitary Development Plan.

- 5. **H11 (Parking - estate development (more than one house)).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

- 6. **B06 (Implementation of one permission only).**

Reason: For the avoidance of doubt and to comply with the requirements of Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

- 7. **I56 (Eco Homes –Very Good).**

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.

Informatives:

- 1. **N19 - Avoidance of doubt - Approved Plans.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

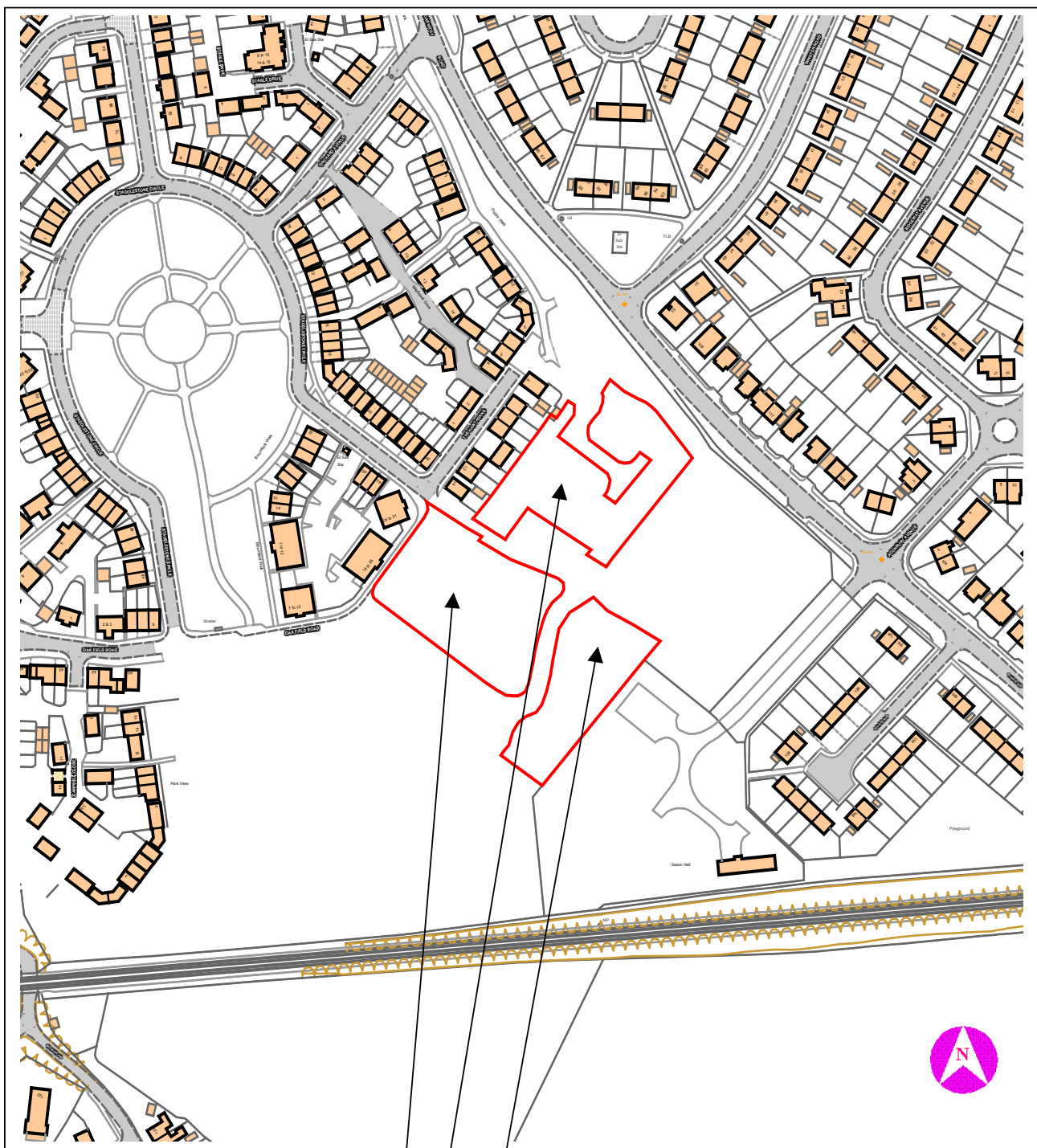
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/0950/F

SCALE : 1 : 2500

SITE ADDRESS : Land off Bullingham Lane, Hereford, Herefordshire, HR2 7RY

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DCCW0009/0958/F - CONSTRUCTION OF NEW SECONDARY SCHOOL BUILDINGS INCLUDING LANDSCAPING AND OTHER ASSOCIATED WORKS AND DEMOLITION OF EXISTING SCHOOL BUILDINGS AT HEREFORD ACADEMY (FORMERLY WYEBRIDGE SPORTS COLLEGE), STANBERROW ROAD, HEREFORD, HR7 7NG

For: Mr P Morgan per AEDAS Architects, 1st Floor, Clifton Heights, Clifton, Bristol, BS8 1EJ

Date Received: 20 May 2009 Ward: St. Martins & Hinton Grid Ref: 50161, 37976

Expiry Date: 19 August 2009

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

1. Site Description and Proposal

- 1.1 The Hereford Academy is located at the western end of Marlbrook Road, Redhill, Hereford. It is located on a triangular site with Great Western Way forming the northwest boundary, Southdale residential estate adjoins the southeastern boundary whilst residential development along Stanberrow Road backs onto the eastern boundary. The site rises from generally level playing fields to the south, existing school and community buildings in a central position with further playing fields to the north which fall away from the buildings. The site occupied by Hereford Academy forms the former schools of Grafton, Haywood, Wyebidge Senior Schools and Marlbrook Primary School. Access to the site is off Marlbrook Road and Stanberrow Road.
- 1.2 This proposal seeks to replace all the buildings on site with a new school, 6th Form and community building located on the southern eastern end of the existing playing fields near the entrance to the school off Marlbrook Road. The existing access will be enlarged to provide a greater presence for the entrance to the school. The access off Stanberrow Road will be reduce for cycle, pedestrian and emergency vehicle use only.
- 1.3 The main access road will run along the southeast boundary of the site to a car parking area providing 138 car parking spaces and 4 coach/mini bus spaces.
- 1.4 Along the northwest boundary the three main sports pitches are proposed. At the southern end a full size synthetic turf football and hockey pitch. Next is a full size grass rugby pitch and to the north a three quarter football pitch and mini soccer pitch. In the top corner of the site high and long jump facilities are provided with a rounders pitch. A jogging and fitness track runs along the top of the northern end of the site. Central to the site is a part floodlit multi use games area (MUGA).
- 1.5 The school building is contemporary in style with large areas of full height glazing together with split face blockwork and coloured cladding. Although the building is only two storey in height it will vary from 7.650m to 11m.

- 1.6 The school building is split into four learning zones which are divided by wide 'sheet link' areas which cross the footprint of the building. This provides good clear access to all parts of the school. This helps break up the deep plan form of the building. Glazing forms an extensive element of the elevations together with fair faced blockwork and cladding.

2. Policies

2.1 National:

PPS1	-	Delivering Sustainable Development
PPG16	-	Archaeology and Planning
PPG17	-	Sport and Recreation
PPG22	-	Renewable Energy

2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy DR8	-	Culverting
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy T14	-	School Travel
Policy T16	-	Access for All
Policy LA6	-	Landscaping Schemes
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST4	-	Safeguarding Existing Recreational Open Space
Policy CF5	-	New Community Facilities

3. Planning History

- 3.1 CW2003/0508/F Extensions and alterations to the staff accommodation and dining room. Approved 26 March 2003.
- 3.2 DCCW2005/1557/F Erection of detached single storey youth drop in centre. Withdrawn 23 June 2005.
- 3.3 DCCW2005/3221/F Extension to house, relocated kitchen. Approved 7 November 2005.
- 3.4 DCCW2006/0763/F Extension to provide store. Approved 12 May 2006.
- 3.5 DCCW2006/1728/F Remove existing defective perimeter fencing. Erect new perimeter fencing and entrance. Approved 14 July 2006.

- 3.6 DCCW2008/1677/CD Covered area in courtyard for pupil use. Approved 14 August 2008.
- 3.7 DCCW2008/3037/CD Mobile classroom building to house sixth form centre and ancillary office accommodation (temporary). Approved 4 February 2009.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions ensuring separation of foul and surface water discharges.
- 4.2 Highways Agency: Have submitted a holding objection whilst additional information regarding the impact on the A49 is considered. (This information has been received and is being evaluated).
- 4.3 Environment Agency: No objections subject to conditions relating to surface water drainage and pollution prevention.
- 4.4 Sport England: We have been involved in numerous pre-application discussions over the last 2 years with a number of interested parties, including the current agents. The site has difficult geometry and is compact, as can be seen from the proposed layout. It is still our view that the current agents are trying to get too many sports pitches on the site e.g. the 5-aside pitch adjacent to the junior football pitch is too close and does not work; the fitness station behind the rugby pitch could be a health and safety issue. Notwithstanding these comments, credit should be given to the agents for their overall solution.

The proposal does result in a loss of playing field area which has led to an under provision of playing field area in terms of Building Bulletin 98, notwithstanding this it is our view the new facilities subject to certain planning conditions would outweigh the deficits created by the redevelopment. This is in line with PPG17 paragraph 15 point 4: iv. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

Therefore Sport England raises no objections to the granting of planning permission subject conditions.

- 4.5 West Mercia Constabulary: I have been working with Aedas Architects on the project and have had some constructive meetings discussing a range of issues.

The project is going for Secured by Design accreditation and I am reasonably satisfied that the requirements will be met and SbD awarded.

For your interest at this stage my main concerns have had to do with the fencing and access points on the site once it is completed. I will obviously continue to work with Aedas to ensure that these important areas are not compromised but as of this time there are no major concerns.

Internal Council Advice

- 4.6 Traffic Manager: No objections subject to conditions and updated Travel Plan.

- 4.7 Children's & Young People's Directorate: Herefordshire Council's Children & Young People's Directorate supports the planning application to construct new secondary school buildings for The Hereford Academy, including landscaping and other associated works and the demolition of the existing school buildings.

Herefordshire Council has worked in partnership with the Trustees and Governors of The Hereford Academy, the Department for Children, Schools and Families and Partnerships for Schools to secure the establishment of The Hereford Academy and funding for 21st century teaching and learning facilities. Herefordshire Council has taken the lead role with the aforementioned partners to appoint and work with Wilmot Dixon Construction to design and construct the new school facilities.

In March 2008 the Herefordshire Council Cabinet approved the Outline Business Case for the new Hereford Academy which led to Central Government funding being approved for the scheme, subject to Government approval of the Final Business Case, which must include the final design for the scheme, together with full planning permission. Herefordshire Council officers, including officers from Children & Young People Directorate have worked with the Governors of The Hereford Academy and Wilmot Dixon Construction to establish a design which will provide an inspirational and effective teaching and learning facility for the students and community of the South Wye area.

- 4.8 Culture and Leisure - Waste Services Manager: Its important that there is a bin store capable of housing recycling and residual waste bins which is accessible for a 26 tonne refuse collection vehicle and there are drop kerbs where necessary to aid the movement of the bins from the store to the rear of the vehicle. The bins would be the standard 1100 litre size eurobin.
- 4.9 Environmental Health & Trading Standards Manager: No objection subject to conditions relating to construction times and deliveries, burning of materials.
- 4.10 Conservation Manager (Historic Buildings): Overall an interesting design that responds well to the site and will have a strong but not overbearing presence in the townscape. We would suggest that the south-east elevation would benefit from some form of down-lighting underneath the projecting sections in order to avoid this becoming a rather dark space. The coloured cladding does not entirely alleviate the fact that as proposed this presents a rather blank elevation to the street but the addition of the downlighting would go some way to alleviating this. No objection.
- 4.11 Conservation Manager (Landscape):

Soft Landscape Plan (Dwg No PL121)

- There are a number of inconsistencies between the schedules for tree planting and the trees shown on the plan. The Schedule Tree Planting for the proposed structure planting to south eastern boundary states 6 No. Tilia platyphyllos 'Princes Street' (TPP) but the drawing shows 10 No. TPP, and states 17 No. Acer platanoides 'Emerald Queen' (APE) but the drawing shows 7 No. APE to the south eastern boundary. The schedule for the Main Entrance Piazza states 10 no. APE but there are 11 no. shown on the plan.
- The existing site has a number of young Scots Pine (Tree Survey Nos 37, 39, 41 and 43) grouped on the western boundary between the proposed sports pitches. Trees at this location, at the top of the proposed embankment and between the

open sports pitches, will be a prominent focal point on the site, and therefore we would question whether all the Scots Pine need to be removed, in particular we question the removal of Trees 37 and 43. Although a group of replacement trees are proposed for this area, the species proposed are Silver Birch (*Betula pendula*) and Cherry (*Prunus avium*). We would prefer to see replacement Pine, either Scots pine (*Pinus sylvestris*) or Black pine (*Pinus nigra*) trees included in the group at this location, as these species would in time provide more prominent features in the landscape at this high level on the site.

Hard Landscape Plan (Dwg No PL-120)

- There are a number of trees recommended in the Tree Survey Report to be removed due to poor condition which I understand it has been agreed in consultation to be retained, ie small trees within the boundary buffer planting, and Lombardy Poplar trees (Trees 10 & 12) on the southern boundary. However on the eastern boundary Tree 18 (Lawson Cypress) which was recommended for removal is shown to be retained. We consider that because of the poor condition of this tree and its proximity to the path, it should be removed.
- The Sports Pitch Analysis states that the lighting of the pitches has been designed to minimise impact on neighbouring properties, and the External Lighting Plan illustrates that the lighting of the Synthetic Turf Pitch in the south western corner of the site will affect the northern side and east facing frontage of 30 Beaufort Avenue, and the frontages of 81, 83 and 85 Beaufort Avenue, at low level. Number 57 Stanberrow Road is the only property to have its rear garden affected by lighting from the Multi Use Games Area, but again this is low level lighting on the boundary of the property only.

Conclusion

Therefore if the development is agreed in principle, I consider that this development would be acceptable, but would like to see minor revisions to the tree planting on the western boundary between the pitches to include *Pinus* species, and the removal of Tree 18 on the eastern boundary. I believe these revisions could be made the subject of a condition of planning permission requiring the submission of an updated landscaping plan and planting schedule.

Off site works at development entrance

At the entrance to the site, and outside the planning application site boundary, are two mature Oak trees and a number of Poplars, which will require protection to avoid detrimental damage to these trees during development enabling works and suggested off site works which are outside the contract works. Therefore, for works in the vicinity of these trees, including road construction and installation of services, conditions are recommended.

- 4.12 Conservation Manager (Archaeology): The proposal for this new school involves very substantial groundworks in an area of likely sensitivity for prehistoric archaeology in particular.

In the Archaeological Desk-Based Assessment submitted as part of the application, it is acknowledged (Eg in Sections 3, 6 and 7) that it will be necessary to undertake an archaeological field evaluation of the site (limited trial trenching etc). The applicant /

agent will need to commission and undertake this evaluation as soon as possible, so that the results are available by late summer - ie for the likely first committee dates.

I note the specific application for enabling works, and wonder how any archaeological trial trenching might sit in relation to that programme. I would imagine the first realistic date for commencing any pre-determination archaeological work on site would be the 20th of this month, following the commencement of the school summer holidays. I can confirm that I have discussed this in principle with the author of the applicant's archaeological assessment, Jim Hunter.

Such an evaluation is necessary to be in accordance with PPG16 Section 21, and Policy ARCH1 of the Herefordshire Unitary Development Plan. The likely requirement for it has been made clear to the applicant's agent since April this year, so I am looking forward to the work actually taking place.

As ever, the nature of any further archaeological measures will largely depend on what the evaluation indicates.

4.13 Conservation Manager (Ecology): Awaited.

4.14 Public Rights of Way Manager: Awaited.

5. Representations

5.1 Hereford City Council: No objection.

5.2 CABE: Locating the school on the south side of the site appears sound and the entrance arrangement allows clear, manageable access for student, staff and visitors. However, the building's poor relationship with its site and context, together with the deep plan layout, contributes to a fundamentally problematic school design.

Externally, the building's singular form and deep plan nature make for a bulky and inward-looking school. It does not engage well with the open character of the site or relate to the two-storey residential context and surrounding views. While the site-wide environmental strategy supports the building operations, the arrangement of the building and outside spaces lacks intrinsic links that would facilitate practical use of the school grounds. In addition the external dining area is not well-orientated, and appears exposed and unprotected from the elements. While the grounds provide good external sports provision, it lacks alternative places for informal socialising. The science garden is an attractive external learning space, but the proposal could offer more to support other types of outdoor learning, including vocational education.

Internally, the proposed deep plan leads to a number of weaknesses:

5.3 The agents have submitted the following rebuttal to CABE comments:

A: Locating the school on the south side of the site appears sound and the entrance arrangement allows clear, manageable access for student, staff and visitors. However, the building's poor relationship with its site and context, together with the deep plan layout, contributes to a fundamentally problematic school design.

Response:

Relationship with site

We feel the internal accommodation has strong relationship with external spaces for the following reasons:

The majority of timetabled ground floor teaching spaces have direct access to a complimentary external learning space that will enhance the learning environment. In particular, we would highlight the science garden, situated outside the science area on the north east corner, and the external construction area, located outside the construction and resistant materials workshops on the north west corner, of the building.

Both of these spaces are also partially covered so that they can be “all weather” facilities.

Internal dining links directly with external spaces and play areas. From the internal formal dining space there is a fully glazed link to the external dining area, from here there is an amphitheatre for informal dining/socialising, this leads up to a hard external play area terminated with covered structure defining a protected external social space.

The front entrance piazza, accessed from the atrium or from the playing fields is used as a secure external social space during break and lunch times.

Context

The building is positioned as a continuation of the existing street frontage with existing footpath and cycle path running into site. The community entrance is on display within the street frontage and is opening and inviting.

It is hoped that in time, the piazza will provide a 24 hour community social space, as local social attitudes change and develop, and it becomes feasible to remove the fence, without fear of vandalism to the Academy.

In the meantime the project meets the requirements of Secure by Design, which of course requires provision of extensive fencing.

The glazed public façade deliberately shows what is going on within the building, even with fence still in place.

We have made a deliberate statement of a prominent, significant modern building made and expressed as a beacon of community focus and lifelong learning.

B: Externally, the building’s singular form and deep plan nature make for a bulky and inward-looking school. It does not engage well with the open character of the site or relate to the two-storey residential context and surrounding views.

Response:

The building is actually 3 separate forms held together with predominantly glazed street/atria.

74% of timetabled teaching spaces have external aspect, the majority of which benefit from the open character of the site.

The building is two storey, and although large in footprint, has been carefully articulated so that it does not dominate or overlook the adjoining residential areas.

With the nature of the surrounding streets, and the approach angles for pedestrians and vehicle passengers, only a part of the façade will ever be visible at one time. It is not possible to view the whole building, except from the air, or from highpoints to the north, which are some distance away.

Sedum roof areas have been incorporated on the north side, and roof plant carefully screened, so that these northerly views are also attractive and 'soft'.

C: While the site-wide environmental strategy supports the building operations, the arrangement of the building and outside spaces lacks intrinsic links that would facilitate practical use of the school grounds.

Response:

See A.

In addition we would note that the changing areas are directly related to the external pitches, all weather pitch and car park, so that they are convenient for use by the Academy, and also by the local community. The western area of the building, and the "Sport Atrium" can be separately secured so that these amenities can be easily used by the local community without disturbance to the rest of the academy building or grounds.

D: In addition the external dining area is not well-orientated, and appears exposed and unprotected from the elements. While the grounds provide good external sports provision, it lacks alternative places for informal socialising.

Response:

The external dining is orientated to face into the site and informal play areas. It is therefore protected from the prevailing south westerly winds.

The dining area is protected from the elements by the flanking walls of the classrooms and the amphitheatre. The external dining area will be in shade for a large part of the day and this will have both a positive and negative impact.

Further design work has been done to make the external dining space more exciting and welcoming. We have added extra planting, display areas on the flanking walls for students work and designated areas for 3D artwork.

We feel there is a great diversity and quality of external social spaces. As already discussed we have a variety of spaces flowing out from the external dining and the entrance piazza area. The MUGA will be available at break and lunch time for games use. Scattered around the site are other small seating areas partially protected by various planting, these create informal quiet meeting and socialising spaces. In addition there are several team briefing areas and other formal gathering spaces which are related to the sport provision.

E: The science garden is an attractive external learning space, but the proposal could offer more to support other types of outdoor learning, including vocational education.

Response:

As noted above, Design and Technology has direct relationship with an external space providing areas for external construction work and a planting area for planting herbs and natural dyes.

At the north of the site is a habitat area for science exploration and testing.

F: Internally, the proposed deep plan leads to a number of weaknesses:

- **Many teaching spaces lack direct daylight and views to the outside. Such spaces are unlikely to be uplifting or offer optimal conditions for learning.**

Response:

74% of timetabled teaching spaces have external aspect.

The majority of the remaining timetabled teaching spaces have 2.1 metre high, full width internal glazing with views into the atrium offering an alternative feel to the classroom. A small number of internal timetabled teaching spaces use borrowed light from the predominantly glazed atria and the majority have an average daylight factor of more than the recommended 2%.

While mechanical ventilation could work, the deep plan design does not promote a naturally ventilated, low-energy school building.

Response:

Ventilation Strategy

The building is primarily naturally ventilated as shown below.

Diagrams of how spaces are ventilated

Inevitably some of the deeper plan internal spaces will need to be mechanically ventilated. Where possible we have tried to make these rooms that will need or benefit from being mechanically ventilated, for example ICT areas and kitchens.

Environmental performance

The building has an 'A' rated Energy Performance Certificate.

Our current BREEAM rating is 66.7% which is at the top end of 'Very Good'. We are still aiming to push the design above 70% to achieve an 'Excellent' rating.

- **While the design of the learning zones enables passive supervision and good circulation on the first floor, the central 'studios' should be tested to ensure that they can accommodate different furniture layouts to suit their varying functions.**

Response from the Principal John Sheppard:

The purpose of such a large area is it offers flexibility to the student and teacher in how they are going to learn at that particular point in the learning process. The fact of having a large space to work in gives The Hereford Academy an opportunity to plan furniture strategies when the point in the process is reached. True “testing” can only come from skilled practitioners who have already trialled this type of learning environment which The Hereford Academy has experience in, please refer to our schemes of work and schemes of assessment for students in our transition and progress learning plans.

I feel CAGE need to be aware of the work being achieved at, for example, the New Line Learning Academy, Maidstone, Kent who has piloted this learning process to great success (please see “The Independent” 4th December 2008). These learning zones also contradict CAGE’s statement later in their report about the academy’s buildings not the changing to meet the educational needs for a 21st century school. The importance of areas such as these is to offer a personalised learning experience not the teacher centred learning process that many schools still utilise.

The combined assembly and sports hall appears to compromise the core curricular uses; perhaps the ‘street’ would benefit from further work to provide an alternative location for large school gatherings.

Response from the Principal John Sheppard:

This statement does not recognise the core purpose of community motivation that The Hereford Academy needs. It is essential that the students need to be regularly reminded about the “corporate learning message” in order to maintain a directed focus on the ethos of the Academy. We firmly believe that this strategy has had an important impact on these results. CAGE have not recognised that many of the academy’s students don’t hold learning as the most important part of their lives and this perception can change on a daily basis, owing to some student’s circumstances. Therefore it is incumbent at this stage of the academy’s development to have these community meetings in an area where it is easy to focus the minds of young people. The best place to achieve this is the Sports Hall where there is effective seating provision that can be put in place and removed quickly. The assemblies themselves take place over a twenty minute timetabled slot which does not impact on teaching and will allow PE staff to teach PE effectively. The street will be used for smaller gatherings of students. Established and frequent whole school meetings has been a successful practice adopted in creating an opportunity to celebrate success together, to build esteem in students and to focus them at key points of the week, namely the beginning and end, on the core purpose of the institution – learning. Please refer to the predecessor school’s performance September 2003 (5 A* - C 24%, 5A* - C with English and Mathematics 11%) September 2008 (5 A* - C 74%, 5A* - C with English and Mathematics 31.5%).

The concerns identified which are based around the impact of GCSE and post 16 examinations would have on the core purpose of the Sports Hall have been overly emphasised. The only examinations that would require the Sports Hall would be English, Mathematics, ICT GCSE where the equivalent of a year group would need to be placed there. This would mean 6 sessions of examinations at two points of the year. One of these sessions would take place in the summer term when most PE activities take place outside the Sports Hall. All other examinations would not require

such a space. In the design of the new building there are a number of other spaces that could be used for smaller examination numbers.

The idea that a room can be put aside purely for examinations during a six-week period during the summer term, shows a lack of understanding of an effective use of space in this building. There is also a tendency for more examinations to be completed on-line, I feel that this trend will become more popular with examination boards and will therefore require the use of ICT suites by students. CABE need to recognise that in a project that is funding limited and, as has been identified by the architects, as space limited the most effective compromise must be sought – in this design we have the most effective compromise.

- **The proposed design is specific to the current pedagogical and management strategy of the school, but will be difficult to adapt to the changing educational needs that will be inevitable as the academy progresses as a 21st century school.**

Response from the Principal John Sheppard:

Current pedagogical strategy at the Hereford Academy is about personalising learning. Each area of the school has a focus for learning that is specific to the needs of students rather than the needs of teachers. The traditional school of subject led learning provision has been taken to its next stage of evolution. The academy has the best of both worlds. Highly developed learning areas (e.g. Science and Technology) where “deep” specialist learning can be experienced are evident in the design. CABE need to remember that we have a Science specialism as well. There are also opportunities for more generic and individually focused learning activities elsewhere in the building. This is supplemented by many identified smaller areas throughout the building where individual or small groups of students can have intervention programmes to support their learning and ensure that they do not fall behind.

We feel that we are at the “cutting edge” of learning in the 21st Century with our revised curriculum at Key Stage 3 and the wealth of opportunities of applied and academic learning available in Key Stages 4 and 5. Many other schools, local authorities and partner agencies have visited the academy to look at our practices. Student’s learning will be supported by “state of the art” fixed and portable ICT devices to enable easy access to the world wide learning community rather than just the pedagogy available in the academy.

As CABE have not offered a newer pedagogical process of learning in the 21st Century, other than it will be different, I feel that I can offer two scenarios that may develop in 21st Century; both will see a greater use of ICT. The first is purely a greater reliance on ICT to meet the demands of personalised learning for students of all ages. The academy will be well placed with its passive ICT infrastructure to meet the greater demands from this type of learning- the design plans of this building has this in mind. The other is, that because of the impact of technology, personalisation will develop to such an extent that the traditional 8.30 – 3.00 model of learning will become redundant and a more “university” style of learning on demand for the whole community not just students from 11-19 will be required. The design of The Hereford Academy will be as well placed as any Herefordshire school to meet this demand. Its recognition of continued community learning and opportunities for large, traditional or intimate learning groups is clearly identified in the design.

Finally, I feel that CAGE have not been specific in their criticisms about this design. They offer overarching statements concerning educational pedagogy for example that do not identify specific areas of concern that can be addressed. The design has flexibility and can accommodate in the four defined learning areas alone, personalised learning opportunities for 720 students. They seem not to recognise the nature of learning at the academy either in the defined student user or in the community learner time. I believe that we do have a flexible building that has considered very clearly the needs of this learning community with far greater reflection than CAGE have given the design team credit for.

G: While the elevations appear to respond to their orientation environmentally and contextually, we question whether the extensive quantity of floor to ceiling glass will deliver a robust, efficient and good value school building.

We have given the classrooms which look into the site full height glazing to maximise their association with the external environment and give an enhanced relationship with the site and context.

The full height curtain walling to the Learning Resource Area and Post 16 areas provides great views to and association with the entrance piazza. As you approach the site clear exciting views are offered straight into the Academy making the building inviting and advertising the learning taking place inside. This is in complete contrast to the criticism that the design is inward looking.

- Many teaching spaces lack direct daylight and views to the outside. Such spaces are unlikely to be uplifting or offer optimal conditions for learning. While mechanical ventilation could work, the deep plan design does not promote a naturally ventilated, low-energy school building.
- While the design of the learning zones enables passive supervision and good circulation on the first floor, the central 'studios' should be tested to ensure that they can accommodate different furniture layouts to suit their varying functions. The combined assembly and sports hall appears to compromise the core curricular uses; perhaps the 'street' would benefit from further work to provide an alternative location for large school gatherings.
- The proposed design is specific to the current pedagogical and management strategy of the school, but will be difficult to adapt to the changing educational needs that will be inevitable as the academy progresses as a 21st century school.

While the elevations appear to respond to their orientation environmentally and contextually, we question whether the extensive quantity of floor to ceiling glass will deliver a robust, efficient and good value school building.

5.3 One letter of objection has been received from the occupants of 30, 34, 85, 87 and 89 Beaufort Avenue, Hereford.

The main planning points raised are:

1. Drainage - a piped watercourse runs along the south boundary and was not identified on the plans. This has caused flooding in the past. Concern now that playing fields are being built upon and these soak up water and flooding could occur.

2. Light Pollution - The floodlit all weather pitch will cause light pollution and impact on astronomers in the area unless lights are focussed downwards. Also consideration of making the all weather pitch more central and swapping with the grass rugby pitch.

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 The replacement of this school is not identified within the current Herefordshire Unitary Development Plan. However the redevelopment is located within the confines of the school boundary which is within the identified settlement boundary for Hereford City.
- 6.2 The majority of the existing buildings are tired, mundane in appearance and in need of replacement together with the numerous mobile classrooms.
- 6.3 The proposal has therefore been assessed under the following:
 - 1) Principle of Development
 - 2) Design, Siting and Layout
 - 3) Drainage, Landscaping and Light Pollution
 - 4) Highways
 - 5) Sports Provision
 - 6) Conclusion

Principle of Development

- 6.4 The existing buildings on the site have served a useful purpose and when constructed would have been modern buildings of that era. However they are now in need of replacement which also coincides with the recent change of the school to Hereford Academy. The site's location is within the settlement boundary of Hereford City and the new school located on the existing playing fields. Members will note that Sport England do not raise objections. The development of the new school in this location enables the existing school to remain in use with outdoor sports facilities being provided at the nearby Marlbrook School. In addition the new all weather floodlit pitch will be developed early within the scheme to relieve the short-term shortfall of recreational space. The principle is therefore agreed.

Design, Siting and Layout

- 6.5 Members will note that CABE have issued a score of mediocre which in terms of their ratings confirms that the scheme is regarded as 'unsuccessful, but with significant changes the scheme could reach an acceptable standard of design.' However their comments have been fully assessed by the design team in conjunction with Council's Officers. In addition the Principal of the School, John Sheppard has submitted an extensive rebuttal to the criticism of the teaching spaces and sports hall etc. Members will note that the full rebuttals are included within this report. Your officers consider that the siting of the school near the enhanced entrance will provide a positive presence for the school in the community which it presently does not enjoy. It will also provide an attractive entrance plaza to the school with a separate entrance for community use. Vehicle access is segregated from pedestrians and cyclists. Therefore the siting and layout substantially improve the setting of the school and are fully supported.

- 6.6 Regarding the design of the school and CABE concerns over full height glazing and one complete building. Your officers are satisfied that this contemporary building will enhance the setting of the area presently characterised by two storey dwellings and provide a substantial uplift to the character of the area without detriment to adjoining built form. Members will note that no objections have been received as a result of neighbour consultation relating to the design.
- 6.7 The internal teaching arrangements which focus on teaching into the 21st century have been well thought out and form a major part of the brief created by the Principal for the Vision of the Academy. Whilst the building will stand through generations, its flexibility is to be applauded but in any case the ethos of the school will remain. The improvement in examination results is a clear indication of the philosophy being followed.
- 6.8 Finally it should be noted that in energy terms the school has achieved a very good rating and is very close to achieving excellent.
- 6.9 Your officers fully support the design, layout and siting of the school despite the comments from CABE.

Drainage, Landscaping and Light Pollution

- 6.10 Concerns have been raised regarding surface water drainage and the reduction in natural drainage with the loss of playing fields. However the hard surfaces will capture the water and be retained in tanks under the sports pitches and car park. The water will then be hydro braked out to the existing surface water drain. In addition harvesting of surface water will be undertaken to provide a reduction in water usage at the school.
- 6.11 The perimeter of the site contains a number of trees, the majority of which are retained. However along the south east boundary a number will be removed but these will be replaced. These are generally Poplar trees and more suitable replacements are proposed. An updated landscaping plan in line with the Conservation Manager's (Landscape) comments is being prepared.
- 6.12 Finally, concern has been expressed regarding light pollution from the all weather pitch. The light spill plan clearly identifies limited impact on adjacent property. In addition conditions will be imposed requiring down facing lights together with a switch off at 10 p.m. This is considered to overcome these concerns.

Highways

- 6.13 The existing access will be widened to create improved vehicle, pedestrian and cycle entrance to the school. The cycle route will link into the adjoining cycle network. Stanberrow Road entrance will be reduced to emergency vehicles only with pedestrian and cyclist. This will therefore improve highway safety along Stanberrow Road. The Highways Agency's holding objection is anticipated to be lifted by the time of the Committee meeting so a verbal update will be given.
- 6.14 Finally, an updated Travel Plan will be conditioned.

Sports Provision

- 6.15 The site is constrained by its layout and limited size. However the layout of the siting of the school in the southeast corner enables efficient use of the land to provide

suitable open space and pitches. Members will note that Sports England do not raise objections and conditions to bring forward the all weather pitch together with the use of nearby pitches will assist the school until completed.

- 6.16 The sports hall will also provide superb indoor facilities together with the added bonus of enabling full school assemblies where key messages can be delivered.

Conclusion

- 6.17 This is considered to be an exemplary scheme in terms of its design, siting, layout and provision. It will provide a positive enhancement to the area. It will also provide after school/community facilities which are a further positive aspect to the scheme and support the community policy of the Herefordshire Unitary Development Plan. Therefore subject to clearance of the Highways Agency's objection, archaeology and landscaping the proposal is considered acceptable and accords with the main thrust of policies contained in the Herefordshire Unitary Development Plan.

RECOMMENDATION

Subject to the removal of the objection from the Highways Agency and Archaeology, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **E03 (Site observation – archaeology)**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

4. **E04 (Submission of foundation design).**

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy ARCH2 of Herefordshire Unitary Development Plan.

5. **F01 (Restriction on hours of working).**

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

6. **F02 (Restriction of hours of delivery).**

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

7. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

8. G06 (Remedial works to trees).

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

9. G10 (Landscaping schemes).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

10. G11 (Landscaping schemes – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

11. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

12. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

14. 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

15. Details of the proposed means of closure of the Stanberrow Road access to all vehicles other than emergency vehicles shall be submitted for approval in writing of the local planning authority.

Reason: In the interests of highway safety and visual amenity of the area in accordance with Policies DR and DR3.

- 16. I16 (Restriction of hours during construction).**

Reason: Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 17. I18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

- 18. I21 (Scheme of surface water regulation).**

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

- 19. I22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

- 20. I32 (Details of floodlighting/external lighting).**

Reason: Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 21. I33 (External lighting).**

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 22. I34 (Colour of floodlighting columns).**

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 23. I35 (Time limit on floodlighting/external lighting) (4 pm – 10 pm).**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 24. I36 (Restriction on level of illuminance of floodlighting (sports grounds)).**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 25. I37 (Details of shields to prevent light pollution).**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

26. I38 (Angle of floodlighting).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

27. I41 (Scheme of refuse storage commercial)).

Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

28. I44 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

29. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

30. L04 (Comprehensive & Integrated draining of site).

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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

31. M14 (Car park drainage).

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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

32. K4 (Nature consevation – implementation).

Reason: To ensure that all species are protected having regard o the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

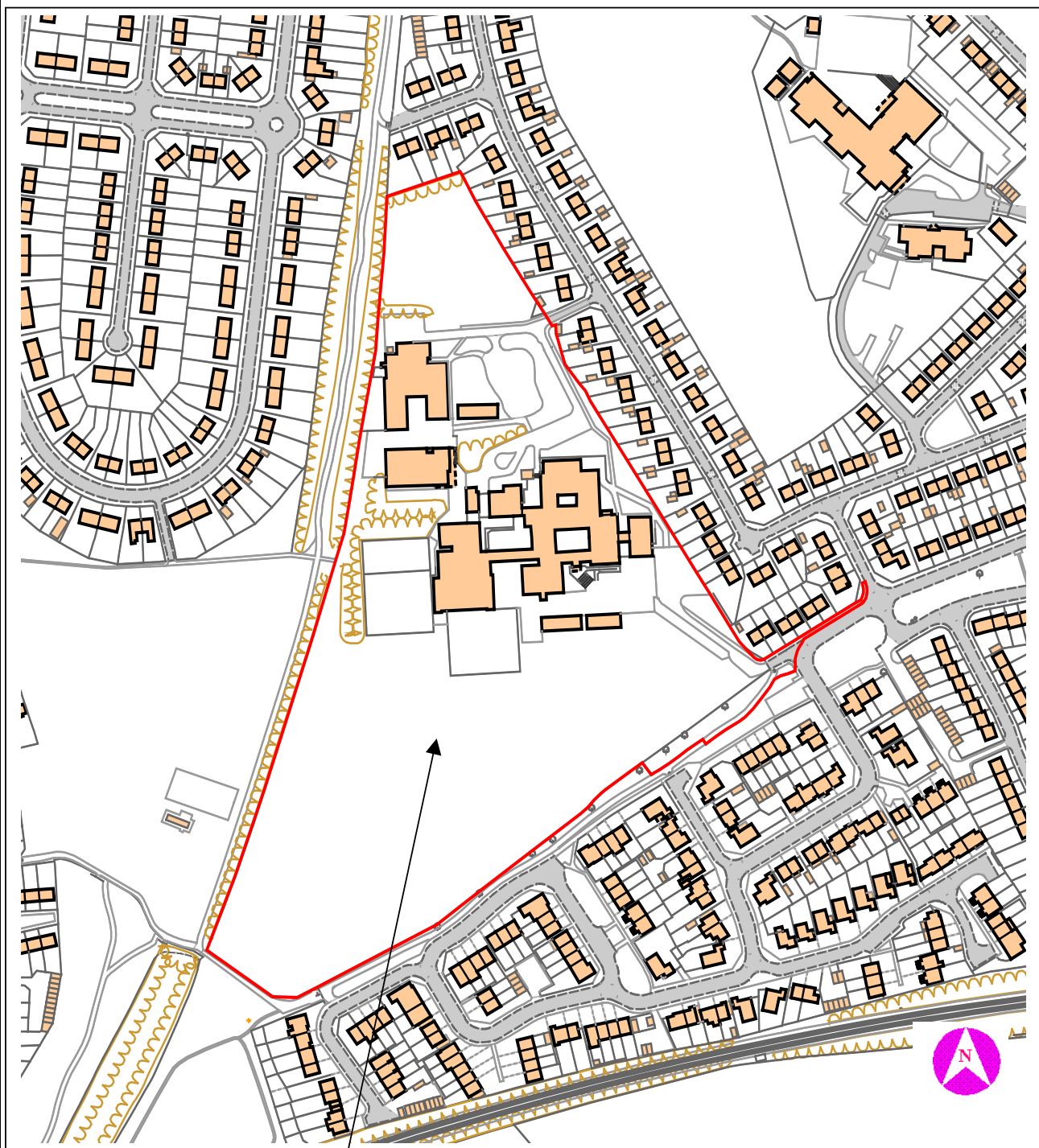
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/0958/F

SCALE : 1 : 3000

SITE ADDRESS : Hereford Academy (formerly Wyebridge Sports College), Stanberrow Road, Hereford, HR7 7NG

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