

MEETING:	PLANNING COMMITTEE
DATE:	28 NOVEMBER 2012
TITLE OF REPORT:	S121798/F - DETACHED NEW 3 BEDROOM HOUSE WITH GARAGE AND DRIVE AT SITE ADJACENT TO 28 SOUTHBANK ROAD, HEREFORD, HR1 2UF For: Dr Jenkins per Architype, Upper Twyford, Hereford, HR2 8AD
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121798&NoSearch=True

Date Received: 21 June 2012 Ward: Aylestone Grid Ref: 351986,240289

Expiry Date: 16 August 2012

Local Members: Councillors NP Nenadich and DB Wilcox

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of a three bed detached dwelling with integral garage and driveway on land adjoining and to the west of the Grade II listed Georgian dwelling 28 Southbank Road. The site forms part of the mature gardens to the listed building and is bounded to the north and west by No. 26 Southbank Close and its drive, and to the south by 12 Bodenham Road and Nos. 57 and 59 Chartwell Road. Further to the north and west are properties within Southbank Close, a residential cul-de-sac comprising modern detached dwellings.
- 1.2 The site is within the Bodenham Road Conservation Area, its western boundary coinciding with that of the Conservation Area, which excludes Southbank Close and Chartwell Road. Access is via a narrow metalled track from Southbank Road, which can also be accessed via Southbank Close at a right-angled junction approximately half-way along its length.
- 1.3 The site has the benefit of planning permission for a dwelling dating back to 1999. That permission was renewed in 2004 and the permission implemented. The presence of this permission is thus a material consideration as a 'fall-back' position. A further permission for a detached dwelling of an alternative design was approved in 2009. This permission has lapsed, but is material insofar as it relates the Council's most recent decision on the site.
- 1.4 The conservation area is characterised by high quality late Victorian villas typically fronting Bodenham Road itself. The immediate context of the application site, however, is that of a diverse range of architectural styles and periods, ranging from the three-storey listed Georgian house to the east, to late C20th suburban housing to the south, west and north. The application site does not have a prominent road frontage.
- 1.5 The proposed dwelling is in a modernist architectural style that is in contrast to all other properties in the local area. Comprising three distinct 'blocks' extending across almost the full width of the plot, the dwelling would exhibit flat roofs and a distinct appearance, driven largely by the desire to achieve Passivhaus standards in relation to energy efficiency. As such the building is designed to reduce leakage, has an integrated mechanical vent heat recovery

- system (MVHR) and also seeks to maximise the potential for passive solar gain through large expanses of glazing on the south facing elevation and conversely fewer and smaller openings on the north elevation.
- 1.6 The application site is broadly rectangular and measures approximately 20m x 30m. Relative to the earlier planning permissions the dwelling would be sited further north and so further from the rear boundary shared with Nos. 57 & 59 Chartwell Road. This maximises separation distances relative to properties in Chartwell Road and the extent of garden to be retained, as well as enabling the retention of the ornamental Maple tree located centrally within the site.
- 1.7 The southern boundary is marked by a tall brick wall, with hedgerows along the western and northern boundaries and metal 'estate' style fencing separating the site from No. 28. There is a fall across the site of approximately 2.5m from the south-east corner to the north-west.
- 1.8 The dwelling is orientated broadly east-west across the site, the rear elevation 10 degrees from due south. The north-eastern corner is 0.5m from the metal fence and 4.5m from the corner of the relatively modern single-storey flat roofed garage attached to the flank elevation of the listed building. The south-western corner of the building is 4.5m from the attached double garage serving No. 26 Southbank Close, although there is an intervening, mature coniferous hedgerow. In this position the dwelling would sit forward of and on a different axis relative to the listed building. The distance from the south-facing elevation to the point where the site meets the boundary with No. 57 Chartwell Road is 19m.
- 1.9 The proposed dwelling has a split level layout, which is a consequence of the fall across the site and the desire to minimise excavation. It has an essentially rectangular plan there is a modest forward projection of the central tower measuring 7.6m x 16m. The central tower is 8.2m tall, the eastern block i.e. that nearest the listed building is 700mm lower and the western block is 2.2m lower. The eastern block comprises open plan living, kitchen and dining accommodation at ground floor, with two bedrooms and gallery on the first floor. The central, three-storey element comprises the entrance hall and stairwell, utility room, shower and MVHR system. The western block houses the garage with master bedroom at first-floor. As noted above, the south facing elevation is predominantly glazed so as to maximise passive solar gain. The glazing is, however, recessed by 1 metre to provide shading and so prevent excessive over-heating. On the north elevation the ratio of solid to void areas is substantially different, it being imperative that heat loss on the elevation that does not receive direct sunlight is minimised.
- 1.10 External facing materials are white painted smooth render, with local facing brick to the north and west elevations of the garage. Windows are dark grey powder coated aluminium.
- 1.11 The revised site layout plan confirms that the curtilage listed metal gates and fence will be retained, with the gates and posts removed during the construction phase, stored and then reinstated prior to first occupation.
- 1.12 In accordance with the temporary suspension of the SPD: Planning Obligations, the applicants have undertaken to commence development within 12 months should planning permission be granted.
- 1.13 The application was subject of pre-application engagement with officers, Ward Members and the local community and is accompanied by a Design and Access Statement, Planning Statement and Tree Constraints Report.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007 (UDP)

S1 - Sustainable Development
 S2 - Development Requirements
 S7 - Natural and Historic Heritage

DR1 - Design

DR2 - Land Use and Activity

DR3 - Movement DR4 - Environment

H1 - Hereford and the Market Towns: Settlement Boundaries and Established

Residential Areas

H13 - Sustainable Residential Design

H16 - Car Parking T6 - Walking

T11 - Parking Provision

LA5 - Protection of Trees, Woodlands and Hedgerows

LA6 - Landscaping Schemes HBA4 - Setting of Listed Buildings

HBA6 - New Development Within Conservation Areas

2.2 National Planning Policy Framework 2012 (NPPF)

The NPPF has, at its heart, a presumption in favour of sustainable development. Guidance relevant to this proposal can be found in Chapter 7 – Requiring Good Design and Chapter 12 – Conserving and enhancing the historic environment.

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

http://www.herefordshire.gov.uk/housing/planning/29815.aspp

3. Planning History

3.1 DCCE0009/1194/F: Erection of 4-bed dwelling with detached double garage: Approved 16 July 2009

DCCE2004/1539/F: Erection of 4-bed dwelling (renewal of SC99/0039PP): Approved 5 July 2004

SC99/0039PP: Erection of 4-bed dwelling: Approved 28 April 1999.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of planning conditions preventing the connection of surface water and land drainage run-off to the mains sewer.

 Internal Consultations
- 4.2 Conservation Manager (Building Conservation): No Objection.

The application site is adjacent to 28 Southbank Road, a Grade II listed late C18 house, and is within the Bodenham Road conservation area. No. 28 pre-dates all other buildings in the area, which is characterised by late C19 high status villas on Bodenham Road itself, and late C20 infill housing development on the back land sites. The main heritage impact of the proposal is the relationship with No. 28, although the principle of development in this location has been established by previous permissions.

Clearly there is a contrast between their architectural idioms, but this is not necessarily a fatal conflict; the architectural character of the conservation area is typically eclectic, in the late Victorian manner, and the immediate environs of the site are dominated by fairly indifferent late C20 suburban housing.

Passivhous technology imposes strict functional demands, and it is inevitable that these have influenced the design in areas such as massing, orientation, fenestration etc., over and above purely aesthetic considerations. Nevertheless, the scheme carries clear references to the interwar 'International Style' and it seems ironic that this is still perceived as challengingly 'modern' 80 years after its heyday.

It is imperative that sustainability should become the dominant consideration in building design in the future and it must be accepted that this will impact on the appearance of the built environment. Indeed the NPPF explicitly cautions against rejecting low energy buildings solely because of concerns 'about incompatibility with an existing townscape'. The present scheme certainly represents a contrast with its neighbours, but this is a consequence of its environmental strategy rather than a gratuitous challenge, and it is an accomplished design in its own right. It is considered that the character of the surrounding area and No28 in particular, is sufficiently robust to absorb some divergence, especially when this harm should be' weighed against the public benefits [in terms of sustainability] of the proposal.' It has long been accepted that by the nature of their piecemeal development, most conservation areas have do not have a uniform character and that 'not all elements...will necessarily contribute to its significance, as the NPPF puts it. Bodenham Road conservation area for example was designated primarily for the sequence of C19 villas fronting the road, which was the earliest phase of development in the area, and for convenience the boundary follows their historic plot boundaries. Much of the C20 infill development to the south is thus technically outside the conservation area but since the artificial boundary is indistinguishable, that does not alter the impression that the area is of a very mixed character overall. It cannot therefore be said that a single building on a 'back land' site can have a profound influence on the character of the conservation area, and the oblique aerial photomontages rather reinforce this point: they make it clear that the site sits amongst a fairly heterogeneous collection of detached houses, where no one characteristic prevails.

- 4.3 Conservation Manager (Landscape): No objection
- 4.4 Traffic Manager: No objection

5. Representations

- 5.1 Hereford City Council: No objection
- 5.2 Alcocks Chartered Surveyors have submitted a detailed objection to the proposal on behalf of residents living at the following properties:
 - 5, 7 and 9 Southbank Close Properties to the north-west of the application site. 26 Southbank Close – The detached property to the immediate west of the application site. 55 & 57 Chartwell Road – Properties to the immediate south of the application site.

In addition, separate correspondence has been received from residents at Nos. 5, 7, 12, 14 and 15 Southbank Close and Nos. 53, 55 and 57 Chartwell Road. The content of the objections is summarised as follows:-

- The proposed design is at odds with the local area and is without precedent locally;
- The design is driven by personal choice and not a desire to respond to, promote, reinforce or contribute to the local character and appearance of the site;

- The energy efficiency claims are outweighed by the harm caused to the setting of the listed building and the conservation area;
- Energy efficient designs are achievable via more conventional designs;
- The principle of development is accepted and there would be no objection to the construction of the dwellings permitted under the 2004 and 2009 planning permissions;
- Attempts to draw parallels with other modern developments are flawed because the site
 context is markedly different in each case. The Point (at the top of Aylestone Hill) is ½ mile
 away and bounded by large institutional buildings;
- Planning policies and national guidance are consistent in requiring that priority be given to the promotion and reinforcement of local distinctiveness, particularly within a conservation area and adjoining a listed building;
- There are no social and/or economic benefits arising from the proposal that warrant the harm caused:
- The large areas of glazing in the south elevation will result in overlooking of properties to the south and a lack of privacy for occupants within the building itself and will result in lightspill;
- The building is uncharacteristically tall and out of keeping. It will be visually dominant locally;
- The building is too close to No. 26 Southbank Close;
- Although the originally proposed roof terrace on the western block has been removed, the long-term enforcement of this cannot be guaranteed;
- The future loss of conifer trees in the hedgerow on the northern boundary will denude the existing screening and open up views across the gardens of properties to the north of the application site;
- The materials are stark and incongruous. Brick is dominant locally and would be more in keeping;
- There is concern that land drainage run-off will result in greater water-logging of properties at a lower level than the proposed dwelling.
- 5.3 One letter of support has been received from Mr & Mrs Craddock, Charades Guest House, 32 Southbank Road, Hereford. The letter notes the large amount of natural screening that already exists in the form of trees and hedgerows.
- 5.4 The architect has provided an explanation for the flat roof design. This is in response to concerns that question whether the Passivhaus standard could not be met via a more conventional design. The explanation accepts that more conventional pitched roof designs can achieve Passivhaus standards, but also that flat roofs are preferable in terms of reducing heat loss as they minimise the surface to floor area ratio. In addition, flat roofs are easier to insulate to desired levels and also assist in reducing the overall height of the building relative to the adjoining listed building.
- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:www.herefordshire.gov.uk/community and living/consumer advice/41840.asp

6. Officer's Appraisal

The application proposes the erection of a 3-bedroom detached dwelling with integral garage and drive on a site that already has planning permission for the erection of a dwelling with detached garage. The site is within an established residential area with Hereford City. The principle of a single residential property on this site is established and the presence of the 2004 planning permission, which is capable of implementation, is a material consideration to which significant weight should be attached.

- 6.2 The principle of development being established, the key issues in the determination of the application are considered to be:
 - An assessment of the impact of the development upon the setting of the adjoining listed building having regard to UDP policy HBA4, the Listed Building and Conservation Areas Act 1990 and NPPF guidance;
 - An assessment of the impact of the development upon the character or appearance of the Bodenham Road conservation area having regard to UDP policy HBA6, the Listed Building and Conservation Areas Act 1990 and NPPF guidance; and
 - An assessment of the impact of the development upon the levels of residential amenity currently enjoyed by occupiers of adjoining property having regard to UDP policies DR2 and H13.
- Policy HBA4 of the UDP states that development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations. Paragraph 132 of the NPPF recognises that the significance of a heritage asset can be harmed by development within its setting. Any harm is required to demonstrate clear and convincing justification. As noted above, planning permission already exists for a dwelling on this site and the effects of the proposed development's use and operations would be much the same i.e. both the extant permission and the current proposal are for detached residential development.
- 6.4 Significant concern has, however, been raised by objectors in relation to the development's impact upon the listed building in terms of its position and detailed design. Objectors contend that the position within the plot will appear over-dominant in relation to the listed building and that the three-storey tower will be visually dominant in the wider context. The proximity of the building relative to the front corner of the listed building is also noted.
- 6.5 Against this, the NPPF cautions against the refusal of sustainable development because of concerns at incompatibility with the existing townscape. Paragraph 65 states:-
 - Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
- The appropriate test, therefore, is to consider whether the design of the proposal mitigates any concerns in relation to its appropriateness within the local context, with reference to the adjoining heritage assets concerned. If it is considered that the development would cause material harm to the setting of the asset, then it is necessary to weigh any economic, social and environmental benefits against that harm. Insofar as this applies to the setting of the listed building, it also applies to the conservation area, which will be considered below.
- 6.7 Officers recognise the concerns locally that the building is without precedent in the local area and a stark contrast with the adjoining listed building. NPPF guidance, however, suggests that such a contrast should not necessarily determine that the proposal is unacceptable. This approach is reinforced by CABE guidance which calls for good design within historic environments which can add to the quality of what exists, rather than "getting bogged down in questions of style."
- 6.8 Taking the policy guidance into account, and bearing in mind the NPPF represents the Government's more recent policy publication, officers consider that the out-of-hand rejection of

sustainable, modern building, on the basis that it would cause harm to the setting of the listed building cannot be sustained in this case. Whilst the principle of development on this site has been established, officers are not convinced that the erection of the 2004 dwelling would be more desirable than the current proposal in relation to the setting of the listed building. Officers conclude that in terms of the impact upon the setting of the listed building, the proposal would be no less desirable than the extant permission, whereas the sustainability credentials of the current scheme are also a material factor. Arguments that the detailed design should follow a more 'conventional' form are weakened by the lack of a strong local context and the consequent broad divergence of architectural styles and periods locally.

- 6.9 Concerns that the detailed design is inappropriate relative to the listed building are repeated in relation to the proposal's wider impact upon the character or appearance of the conservation area. In accordance with UDP policy HBA6, which enshrines the statutory requirement within the Listed Buildings and Conservation Areas Act 1990, the local planning authority must be satisfied that development proposals either preserve or enhance the character or appearance of the conservation area. Preservation is the equivalent of not causing harm. S.72 (1) of the Act states:
 - ".....With respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 6.10 The Bodenham Road conservation area was defined principally for the high status Victorian villas fronting the road. The inclusion of No.28 Southbank Road and its garden is to a degree an anomaly, but recognises that No.28 is the earliest, surviving building locally. The application site is, however, atypical of the majority of the Victorian villas within the conservation area as it is a comparatively discrete back-land site without a prominent road frontage. No. 28 is itself perpendicular and some distance from Bodenham Road, with the application site beyond.
- 6.11 The application site is therefore peripheral to the conservation area and by no means as prominent within the townscape as the majority of properties on Bodenham road. Public views into the site are limited by its enclosure by surrounding development in Chartwell Road, Bodenham Road and Southbank Close and by mature hedgerow planting and trees along the northern boundary. The wider impact of the building is thus muted from public vantage points. As a consequence of these features, the Conservation Manager considers that the site and its surroundings are sufficiently 'robust' i.e. not so sensitive as to be unable to accommodate the proposed development.
- 6.12 The NPPF recognises that not all elements of a conservation area will necessarily contribute to its significance (para. 138). This is not to diminish or undermine the qualities of the immediate area, but to objectively measure the site's significance relative to the defining characteristics of the conservation area. The application site is bound on three sides by comparatively modern suburban housing that sits outside but adjacent the conservation area. Other than being late C20th housing, there are comparatively few uniting features. The 'Tudor revival' architecture in Southbank Close is markedly different to that in Chartwell Road. Within this heterogeneous mix, officers consider there is less justification for insisting on a 'conventional' build, the term 'conventional' being referred to by objectors, but not defined. On this basis officers consider there is no more justification for insisting on a 'mock' Georgian building as the most complimentary form of architecture adjacent the listed building, than there is for introducing a distinct and contrasting piece of C21st architecture.
- 6.13 Although officers accept that the design of the building is unconventional, it is considered no more harmful to the special characteristics that contribute to the character and appearance of the conservation area than the 2004 permission. The development does not rely on the irrecoverable loss of historic fabric or landscape features, and as noted above, the site is

comparatively discrete and well-screened from public vantage points. As such, and having regard to the fall-back position, officers consider that the proposal will not result in harm to the character or appearance of the Bodenham Road conservation area. The development is thus considered to accord with the statutory test to either preserve or enhance the character or appearance of the area, set out in UDP policy HBA6 and NPPF guidance.

- 6.14 The third main issue relates to the impact of the development upon local amenity. Objectors have recorded their lack of support for the design and appearance of the building. The fact that the building can be glimpsed from some adjoining property is not, however, a material consideration. Loss of privacy or amenity in a wider sense arising from development of adjoining land is, however, a material consideration. UDP policies DR2(4) and H13(11) require new development to demonstrate that the impact upon adjoining residential amenity has been considered. Development which would result in an undue loss of amenity should be resisted.
- 6.15 Concern has been expressed in relation to the scale of the building. Officers consider, however, that the scale is not inappropriate in the context. The central tower element is 8.2m tall. The parapet is lower than the ridge height of the 2009 scheme. The western block is substantially lower at 6m. In a local context defined by what are generally quite generous detached dwellings, the scale and massing of the building is not considered excessive or harmful to the character of the area.
- 6.16 Specific objections in relation to loss of privacy have been received from properties to the north, west and south of the application site. Those properties to the north in Southbank Close have quite extensive rear gardens. The distance from the north elevation of the proposed dwelling to the rear elevation of No.7 Southbank Close is 37m, slightly further to No.5. There is also quite significant intervening landscaping in the form of the hedgerow along the site's northern boundary and the hedgerows forming the southern boundary to the gardens Illustrative material submitted as part of the principal objection in Southbank Close. demonstrates how views towards the application site from these gardens are filtered by mature planting. Whilst it is recognised that some constituent parts of the hedgerow are deciduous, there are three small window openings in the north elevation of the central tower and four larger windows on the eastern block. There are none in the north elevation of the western block. Two of the windows in the central tower serve bathrooms and will be obscure glazed. Given the use of obscure glazing, separation distances and intervening landscaping, officers do not consider that the proposal has any undue adverse impact upon the living conditions of residents 5, 7 and 9 Southbank Close.
- 6.17 No. 26 Southbank Close has its own drive, which separates the gardens to No. 5, 7 and 9 from the north boundary of the application site. No. 26 is an earlier, mid C20th property. It is two-storey with a double garage attached at right-angles. The east-facing elevation i.e. that facing the application site, has only one first-floor obscure glazed window, serving a bathroom. The garden to No. 26 is found to the south-east and south-west of the dwelling. At the moment there is a clear line of sight between the application site and the garden area to the south-east of No. 26. This will require additional landscaping and will be subject to a condition.
- 6.18 The south facing elevation is 19m from the point at which the boundary intersects with the rear garden of 57 Chartwell Road. No. 57 is a semi-detached property within a very generous triangular plot. The distance from the south-elevation to the rear corner of No.57 is 35m and orientation is such that there would not be direct visibility between habitable rooms. The distance to the flank elevation of No.59 is 40m. It is concluded that the relationship with adjoining residential property is acceptable and in accordance with policies DR2(4) and H13(11).

Conclusion

6.19 The scheme promotes a highly sustainable form of modern architecture. Whilst recognising the local concern in relation to the stark and contrasting design, officers are mindful of central government guidance that promotes innovative, high-quality sustainable design. designated areas, guidance and policies rightly urge caution, and the local planning authority is under a duty to ensure that development either preserves or enhances the character or appearance of the conservation area and does not harm the setting of the listed building. On both issues, officers consider the scheme acceptable. Given the site's discrete nature, the impact of the development is limited and localised and will not cause harm to the defining characteristics of the Bodenham Road conservation area. The impact of the building upon the adjoining listed building is considered acceptable. The scale is deferential and the juxtaposition of opposing architectural styles is more authentic than merely attempting to reproduce pastiche Georgian architecture. The impact upon adjoining residential property has been carefully assessed and is considered acceptable. Although the majority of the south elevation is glazed, the separation distance and orientation combine to mitigate excessive overlooking. Good separation distances and landscaping result in an acceptable relationship to properties in Southbank Close. Planning conditions will be imposed requiring certain windows to be and remain obscure glazed, prevent the future introduction of windows in the flank elevations and forbid the use of any element of the flat roof as a terrace. The application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)
- 2. B01 Development in accordance with the approved plans
- 3. C01 Samples of external materials
- 4. L01 Foul/surface water drainage
- 5. L02 No surface water to connect to public system
- 6. L03 No drainage run-off to public system
- 7. H13 Access, turning area and parking
- 8. H27 Parking for site operatives
- 9. G09 Details of Boundary treatments
- 10. G04 Protection of trees/hedgerows that are to be retained
- 11. F14 Removal of permitted development rights
- 12. F16 No new windows in specified elevation
- 13. F17 Obscure glazing to windows
- 14. I21 Scheme of surface water regulation
- 15. I51 Details of slab levels

- 16. I16 Restriction of hours during construction
- 17. The flat roofs of the building hereby approved shall not be used as a roof terrace

Reasons for Approval

1. The application has been considered against 'saved' Unitary Development Plan policies S1, S2, 27, DR1, DR2, DR3, DR4, H1, H13, H16, 76, T11, LA5, LA6, HBA4, and HBA6, guidance set out in the National Planning Policy Framework and the presence of a 'fall-back' position in the form of the 2004 planning permission.

The local planning authority concludes that the proposal would represent a sustainable residential development on a site that already has the benefit of planning permission for a single dwelling. The design and scale of the proposal would respect the presence and setting of the adjoining Grade II listed building and is considered to preserve the character and appearance of the Bodenham Road Conservation Area. In other respects the proposal would not adversely affect the residential amenity of neighbouring occupiers, would be provided with satisfactory on-site parking that would be served by an access road that is suitable for an additional property.

For these reasons the local planning authority considers the development to comply with the aforementioned Unitary Development Plan policies and guidance set out in the National Planning Policy Framework; paragraph 65 specifically.

Decision:								
Notes:								

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121798/F

SITE ADDRESS: SITE ADJACENT TO 28 SOUTHBANK ROAD, HEREFORD, HR1 2UF

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