

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 MARCH 2026
TITLE OF REPORT:	253584 - REPLACEMENT OF AN EXISTING GAS HEATING BOILER AND BALANCED FLUE WITH A NEW GAS BOILER AND FLUE TOGETHER WITH ASSOCIATED REPAIRS AND ALTERATIONS AT THE OLD HOUSE, HIGH TOWN, HEREFORD, HEREFORDSHIRE, HR1 2AA For: Mr Macklin per Mr Stephen Peel, 7.01 The Shell Store, Canary Drive, Skylon Park, Hereford HR2 6SR
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253584
Reason Application submitted to Committee – Council application/Council owned property	

Date Received: 12 December 2025 Ward: Central Grid Ref: 351081, 240032
Expiry Date: 19 February 2026 (Extension of Time until 19 March 2026 requested)

Local Member: Cllr Catherine Gennard (Central Ward)

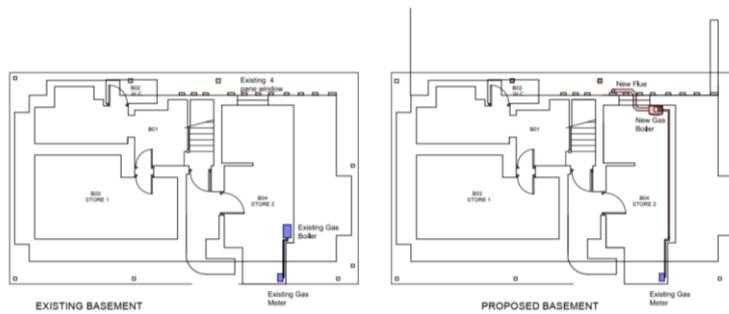
1. Site Description and Proposal

- 1.1 The Old House is a 17th century timber-frame Grade I listed building which occupies a prominent position in Hereford City Centre at the junction of St Peters Street with Commercial Street and High Town. Built as part of Butchers' Row, the three-storey building with attic and cellar was originally used as a butchers and residence and has been in other uses including stints as a bank and ironmongers. It presently is in use as a museum.
- 1.2 This application seeks Listed Building Consent to replace the existing gas heating boiler in the cellar and existing balanced flue with a new gas boiler and flue to exit at the north-east (rear) elevation together with associated repairs and alterations. The application is submitted as the existing gas boiler in the cellar has reached the end of its design life and due to current gas safety regulations, an alternative solution to an existing balanced flue which exits at floor level on the street is required.
- 1.3 It is proposed to move the boiler from its current location on the south-west wall of the cellar to the north-east wall which would enable a new flue to exit the cellar through a small 19th century window below street level facing St Peters' Street (north-east elevation) that was subsequently filled in with pieces of plywood that were then rendered. The central piece of plywood would be removed, and replaced with a new piece of plywood that has a hole cut for the flue through the centre, and two 125mm diameter cast aluminium grilles installed on either side of the flue to provide ventilation. All of the above would be painted black. Once the flue is through the wall it would then travel horizontally before rising up the adjacent vertical timber, emerging above the existing single-storey tiled canopy at the north-east elevation at street level. The flue would be painted black and restrained by brackets that are fixed into the plaster infill panels (understood to be of 20th century origin).

- 1.4 For comparison, the existing balanced flue utilises a similar arrangement, exiting the building through a piece of plywood painted black although directly at floor level. The existing flue would be removed as part of the proposed works and the plywood replaced by a similar piece of timber, also painted black.
- 1.5 The location plan together with the existing and proposed cellar floor plans and north-east elevation are inserted below which illustrates the proposed works for which consent is sought:



Site Location Plan



Existing and Proposed Cellar Floor Plans



Existing and Proposed North-East Elevation

- 1.6 This application is to be considered in accordance with the completed application form, together with supporting documents including a Statement of Significance, Heritage Impact Assessment (subsequently amended to reflect the amended plans submitted), details of cantilever arms and a brochure of the intended proposed flue.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy 2011-2031 adopted October 2015 (CS)

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

SS1 – Presumption in favour of sustainable development
 SS6 – Environmental quality and local distinctiveness
 HD1 – Hereford
 HD2 – Hereford city centre
 LD1 – Landscape and townscape
 LD4 – Historic environment and heritage assets
 SD1 – Sustainable design and energy efficiency

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Paragraph 34 of the revised National Planning Policy Framework requires a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating and should then be updated as necessary. The CS was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. The CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:- https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

2.2 National Planning Policy Framework - amended on 7 February 2025 (NPPF)

2 – Achieving sustainable development
 12 – Achieving well-designed places
 16 – Conserving and enhancing the historic environment

The NPPF sets out the government's planning policies for England and how these are expected to be applied in plan-making and decision-making. The NPPF can be viewed using the following link: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.3 National Planning Practice Guidance (NPPG)

National Planning Practice Guidance (PPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

2.4 Other relevant guidance:

Historic England – Historic Environment Good Practice Advice in Planning – Note 3: The setting of Heritage Assets
 Historic England – Historic Environment Good Practice Advice in Planning – Note 2: Managing Significance in Decision-Taking in the Historic Environment.

3. Planning History

- P242744/XA2 – Application for approval of details reserved by condition 4 & 7 of planning permission 211691 – Approved
- P241731/XA2 – Application for approval of details reserved by conditions 4, 7 & 8 attached to listed building consent 211691 – Approved
- P231775/XA2 – Application for approval of details reserved by condition 3 attached to planning permission 211691 – Approved
- P211691/L – Proposed repairs to external joinery, frame and infill panels of 1st floor, 2nd floor & attic level elevations – Approved with conditions
- P191939/L – Proposed repair and replacement of timber-frame infill panels and both externally and internally – Withdrawn
- P183784/L – Proposed conservation work to two wall paintings – Approved with conditions
- P174205/L – Upgrade to existing fire alarm and emergency lighting provision and electrical rewire to comply with current regulations – Approved
- HC940323ZZ – General repairs to east elevation roof & chimneys. Removal of ply panels & replacing with wattle & daub. Taking out oriels for repair & re-installing – Approved with conditions

- HC940512ZZ – Repairs to sole plates, post & various small repairs to north, south & west elevations – Approved
- HC910606LA – Removal of wall painting, to be restored & rehung, repairs to adjoining post. Damage & detachment of panels to be replaced in wattle & daub – Approved
- HC890735ZZ – Replacement of timbers – Approved
- HC880378ZZ – Works to stone plinths & railings – Approved

4. Consultation Summary (statutory and internal council consultations)

During consideration of this application, amended plans and updated supporting documents have been submitted. For avoidance of doubt, all consultation responses are provided below and have been annotated under each consultation response where they are responding to either the superseded plans or amended plans.

4.1 Historic England – No objections

1st consultation 23 January 2026 (Superseded Plans)

“Thank you for your letter of 4 January 2026 regarding the above application for listed building consent. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.”

2nd consultation (Amended Plans) 11 February 2026

“Thank you for your letter of 9 February 2026 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

4.2 Building Conservation Officer – No objection

1st consultation 9 February 2026 (Amended Plans)

“Thank you for sending me through the amended drawings which I confirm are acceptable to me. I do not require any further conditions to the standard planning conditions. Please let me know if you need further comment.”

5. Representations

5.1 Hereford City Council - Objection

1st consultation 27 January 2026 (Superseded Plans)

“Councillors object on the grounds that this historic, listed building will be negatively impacted by the intrusive nature of the proposed flue. Several questions were asked, such as why it is outside, and why it isn’t suggested that it is painted black (to better blend in). As it impinges on the exterior of the building, Councillors had no choice but to object. This is one of Hereford’s most iconic buildings, and should be respected as such”

2nd consultation (Amended Plans) – No response received

5.2 No third party representations have been received to the superseded or amended plans to date.

5.3 All consultation responses can be viewed on the Council’s website using the following link:-
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253584>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy and legislative context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 34 of the NPPF require a review of local plans to be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. The CS was adopted in October 2015 and a decision to review the CS was taken in November 2020.
- 6.3 Herefordshire Council is currently in the process of preparing a new local plan. A draft was published in March 2024 for Regulation 18 consultation. Following planning reforms including revisions to the NPPF by the UK Government in December 2024, the Council decided to cease further work on the Draft Regulation 18 Local Plan as a new spatial strategy is required to address a significant uplift in housing growth. The Council will progress its Local Plan under the new plan making process introduced by the Levelling up and Regeneration Act (LURA) 2023. No draft of the plan under the new plan making system has yet been published and as such, there is no emerging plan to which any weight can currently be attributed.
- 6.4 In reaching any decision, the level of consistency of policies of the adopted development plan against the NPPF will need to be taken into account with due weight given according to their degree of consistency, as per Paragraph 232 of the NPPF. From reviewing those policies within the CS applicable to the determination of this application, they are generally consistent with the guidance contained within the NPPF particularly in terms achieving well-designed places and conserving and enhancing social and environmental assets. As such, significant weighting should continue to be afforded to these relevant policies.
- 6.5 Regard needs to be had to the statutory duty of Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/9/section/16>) which states that "*in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 6.6 The NPPF provides clarity in terms of assessing the impact of proposals on designated and non-designated heritage assets (both above and below ground), dedicating a whole section to conserving and enhancing the historic environment (Chapter 16).
- 6.7 Paragraph 207 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 6.8 Paragraph 208 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 6.9 Paragraph 210 advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.
- 6.10 Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.11 Paragraph 213 outlines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.12 Paragraph 214 deals with considering proposals which would lead to substantial harm. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.13 Paragraph 215 states "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 6.14 The NPPF context is generally consistent with relevant CS policies identified in Section 2 above including SS1, SS6, HD1, HD1, LD1, LD4 and SD1.

Assessment

- 6.15 The application acknowledges that The Old House is a Grade I listed building and clearly describes and demonstrates its significance. In evidencing this, your officer refers to the submitted Statement of Significance which clearly outlines the listing, sets out an appropriate history of the building, as well as detailing the proposed works in the updated heritage impact assessment.
- 6.16 The submitted amended plans and supporting documents is sufficient for a decision-maker to understand the potential impacts of the proposal on the significance of this designated heritage asset. The proposal is clearly viewed to meet the Paragraph 207 test of the NPPF in that the level of detail submitted is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.17 The existing terminal is directly against the wall at ground level so whilst fairly discreet, a change in gas safety regulations means any new flue must extend a minimum of 2 metres above the exit point in the building. It was originally proposed to take the flue up a post supporting the lean-to

roof and bending it around the eaves. Following initial reservation raised by the Council's Building Conservation Officer, at the request of your officer, amendments have been sought to now position the external flue against the rear wall at the north-east elevation and take it through the single-story roof tiled canopy.

- 6.18 The works are to continue to provide heating to the building which makes an important contribution to the heritage of Hereford City, ensuring not only the continued comfort of visitors/users of the building whilst on-site, but ensure optimum conditions exist in terms of temperature and humidity. This is to enable the long term preservation of both the building and its contents which provide architectural and historical value and contribute towards the buildings significance as a designated heritage asset.
- 6.19 The proposed alterations, as amended, are viewed to contribute to the continued preservation and conserving of the building. The proposed works would not result in the unjustified loss of any historic fabric albeit limited to that absolutely necessary to achieve the required scope of works as applied for. There is also a need to appreciate that the proposal is of an appropriate scale, form, massing and design and uses appropriate materials and methods of construction which are compatible with the character and construction of this important listed building which will become at risk of damage through damp and associated issues should the works not be undertaken.
- 6.20 The actual boiler and flue will be fixed to 19th century elements of the structure, rather than the original 17th century elements, although it is not disputed that the level of impact the proposed works would amount to a level of minor to moderate degree of adverse harm to the significance of the Old House although this clearly can be considered to amount to a level 'less than substantial harm' to the significance of the designated heritage asset.
- 6.21 As set out in NPPG (Reference ID: 18a-020- 20190723), the NPPF requires any identified harm to the significance of designated heritage assets to be weighed against the 'public benefits' of the proposal, following the test set out in Paragraph 215 of the NPPF. NPPG goes on to state that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 8), and not just simply needing to be related to or focused on heritage. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit that benefits an applicant only. However, benefits do not always have to be visible or accessible to the public in order to be genuine e.g. works to a listed private dwelling which secure its future as a designated heritage asset could reasonably amount to a public benefit.
- 6.22 Examples of heritage benefits may include:
- sustaining or enhancing the significance of a heritage asset and contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation
- 6.23 The view reached of 'less than substantial harm' does not mean that the preservation of the setting or significance is diminished, as well established in case law. In isolation of the material facts in relation to the setting, experience and significance of the this designated heritage asset, there is no doubt that several wider public benefits would accrue including the quality of the development in terms of its design approach; economic benefits from development in the creation of construction during the construction phase, which could benefit local tradespersons; the continued socio-economic benefits to the city of Hereford as a whole including tourism/visitors to the museum; and being able to record and advance the understanding of the significance of the building (wholly or in part) and to make this evidence or archive generated publicly accessible and improve understanding of the heritage asset and ensure that the new system can be implemented with the lowest intervention.

- 6.24 Notably, the proposal would enable the continued use of the building, providing a warm and welcoming environment to visitors which will conserve the overall public perception of the building. Whilst the historic and architectural value of these are acknowledged, the harm caused by the proposals is limited in both their nature and particularly their extent. The design approach has clearly sought to preserve and enhance key elements of nearby historic fabric and setting, thereby ensuring that the significance of the heritage asset is not fundamentally compromised to a substantial degree.
- 6.25 Taking all things into consideration, the level of 'less than substantial harm' to the significance of The Old House, is considered to be outweighed by the identified public benefits. The proposal therefore is viewed to 'pass' the Paragraph 215 test of the NPPF and is accordingly considered to accord with Policies SS6, HD1, LD1, LD4 and SD1 of the CS, which is consistent with Sections 2, 12 and 16 of the NPPF. The statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, are also viewed to be dutifully discharged.

Other considerations

- 6.26 It is not within the remit of the decision-maker to consider other matters beyond the relevant considerations when assessing an application for listed building consent.
- 6.27 Notwithstanding this, the amended heritage impact assessment has considered a summary of alternative options. This includes consideration of replacing the boiler with a more sustainable system such as a heat pump appearing that this is a more sustainable solution and may lead to lower long-term running costs. However, this has been weighed against the points that capital costs are likely to be greater, external unit and internal tanks would be required, the external unit would likely have a similar or possibly more significant detrimental impact upon the visual experience of the building. Due to the lower operating temperature, new radiators and pipework would be required and given the relatively low thermal performance of historic fabric, this means that system would likely work at lower efficiency than anticipated. Other considerations such as doing nothing, replacement with a new electric boiler and the use of plug-in electric heaters have also been considered but discounted.

Summary and Conclusion

- 6.28 The proposed works are appropriate and submitted with clear and convincing justification. The works would end a maintenance defect which could otherwise put an element of this important historic structure at risk, appreciating the contribution the building provides to the heritage of Hereford City Centre, together with its associated social and economic benefits. There are no technical consultee objections including that of the Council's Building Conservation Officer and Historic England. Accordingly, it is recommended that listed building consent be granted.

RECOMMENDATION

That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **The works hereby permitted shall be begun before the expiration of three years from the date of this consent.**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Building & Conservation Areas) Act 1990.
2. **The works shall be carried out strictly in accordance with the approved plans and supporting documents, except where otherwise stipulated by conditions below.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3. **Unless otherwise agreed in writing with the Local Planning Authority, the new external flue shall be coloured black.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. **IP2 – Application approved following amendment**
- 2. **I69 - LBC**
- 3. **I66 – Extent of Permission Listed Building Consent**

Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 253584

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