



Planning Application
P1422115/O—Land off
Rosemary Lane

Response of Leintwardine
Group Parish Council

Kirkwells

The Planning People

Front Cover image: View from Church Hill looking West over the village of Leintwardine.

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“It is acknowledged the proposals would result in an extension of the village settlement further into the countryside which would result in an erosion of the existing pastoral setting to the east of Leintwardine.”

(Applicant’s Landscape and Visual Appraisal)

“The proposed development would have a significant and demonstrable adverse impact on the setting of Leintwardine village. This would outweigh any of the benefits of the proposed development and be contrary to Policy LA3 “Setting of Settlements” of the adopted Unitary Development Plan (UDP).”

(para. 91, of this report)

Introduction

1. This objection to planning application P1422115/O: Land off Rosemary Lane, Leintwardine, is made on behalf of Leintwardine Group Parish Council.

Summary of Key Points

2. Planning application P1422115/O should be refused for the following reasons:

- The proposed development would have a significant and demonstrable adverse impact on the setting of Leintwardine village. This would outweigh any of the benefits of the proposed development and be contrary to Policy LA3 “Setting of Settlements” of the adopted Unitary Development Plan (UDP).
- The proposed development would have a significant and demonstrable adverse impact on the setting of the Scheduled Monument of Bravinium. This would outweigh any of the benefits of the proposed development and be contrary to Policy ARCH3 “Scheduled Ancient Monuments” of the UDP.
- As acknowledged in the applicant’s own Landscape and Visual Assessment the proposed development would have an adverse impact on the local character and setting and on the “pastoral setting to the east of Leintwardine”. These impacts cannot be mitigated and the application is therefore contrary to Policy LA2 “Landscape Character” of the UDP.
- In assessing the impact on the Scheduled Monument the applicant has failed to describe the significance of the heritage asset affected, including any contribution made by their setting. This is contrary to paragraph 128 of the National Planning Policy Framework.
- In failing to describe the significance of the heritage asset affected, the applicant has also failed to identify the harm and loss that will be caused through alteration and destruction of the Scheduled Monuments setting. Failure to provide a clear and convincing justification for the development is contrary to para. 132 of the National Planning Policy Framework.
- This development will also involve introducing built form onto the slopes away from the village into the valleys, with a detrimental effect on the character and significance of the Roman settlement of Bravinium Scheduled Monument, and the Leintwardine Conservation Area which maintains a wider boundary than Bravinium. This is substantial harm to a nationally significant area by way of the detrimental effect on the setting. This is directly contrary to Paragraph 133 of the

National Planning Policy Framework (NPPF) and to Policies S7 and ARCH3 of the Herefordshire UDP which seek to protect the historic heritage in terms of feature and setting, both built and natural, from future development proposals.

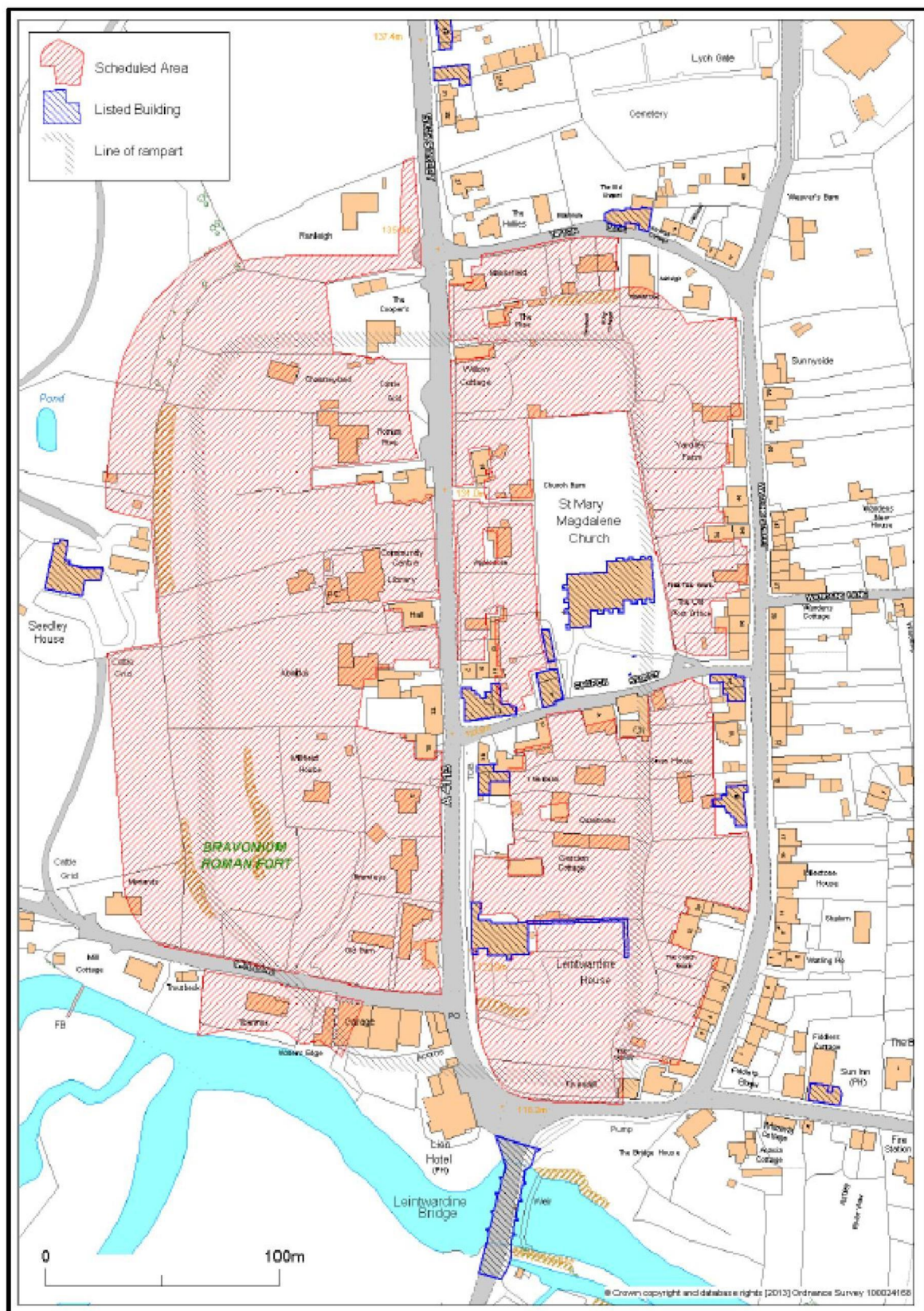
- A development of 57 dwellings, in a rural area, where car ownership is significantly higher due to the lack of public transport, will create an increased number of am and pm peak trips. This coupled with the existing problems associated with Rosemary Lane and the single file areas, will undoubtedly create traffic issues and highway safety problems in the immediate vicinity, leading to pedestrian and vehicular conflict to the detriment of highway safety in the area. This proposal is, therefore, also contrary to Policy S6 of the Herefordshire UDP and Paragraph 32 of the NPPF.
- The proposed development also has the potential to impact on a European protected species and is contrary to Policy NC5 of the adopted UDP.

The Proposal

3. This application is an outline application for residential development of up to 57 dwellings (Use Class C3), means of access and associated works with all other matters relating to appearance, landscaping, layout and scale reserved on land off Rosemary Lane Leintwardine.

Leintwardine

4. Leintwardine is one of the northernmost villages in Herefordshire. By the confluence of the Teme and Clun the village stands on the site of the Roman fort and settlement of Branogenium (or Bravinium).
5. The major Roman road Watling Street West ran north south through the centre of the settlement and is now overlain by High Street.
6. Leintwardine has a compact, rectangular form. This has developed over a considerable period of time from Roman through Medieval to the present-day. The development of the settlement has been strongly influenced by the earlier Roman settlement with much of the present-day settlement contained within the Scheduled Monument No. 1005522 “Leintwardine Roman Station of Bravinium”, Figure 1. Much of the medieval settlement is found to the west of the Scheduled Monument, originally along Watling Street. More recent development is to be found to the north and east. Even today most of the settlement remains upon the higher ground of Mocktree Hill above the valleys of the Clun and Teme. This gives the settlement its distinctive character and form.
7. Leintwardine Conservation Area, see Figure 2, covers an area much wider than the Scheduled Monument, including what would have been most of the village prior to the more recent 20th Century development.
8. Most recent development has still remained on the higher ground of Mocktree Hill, helping to preserve the setting of the village of Leintwardine, the Scheduled Monument and the Conservation Area. The development to the north and east has to varying degrees of success enhanced or detracted from the village’s character.
9. Leintwardine’s hill top setting means that it has a distinct separation from the surrounding countryside. Even short walks from the village result in the walker being immediately immersed in pleasant, tranquil countryside, Figure 3.

Figure 1 – Designated Scheduled Monument and Listed Buildings¹.

¹ A Conservation Management Plan for “Leintwardine Roman Station of Bravinium” (Branogenium), Leintwardine, Herefordshire, English Heritage/Herefordshire Council, June 2014.

Figure 2 – Leintwardine Conservation Area

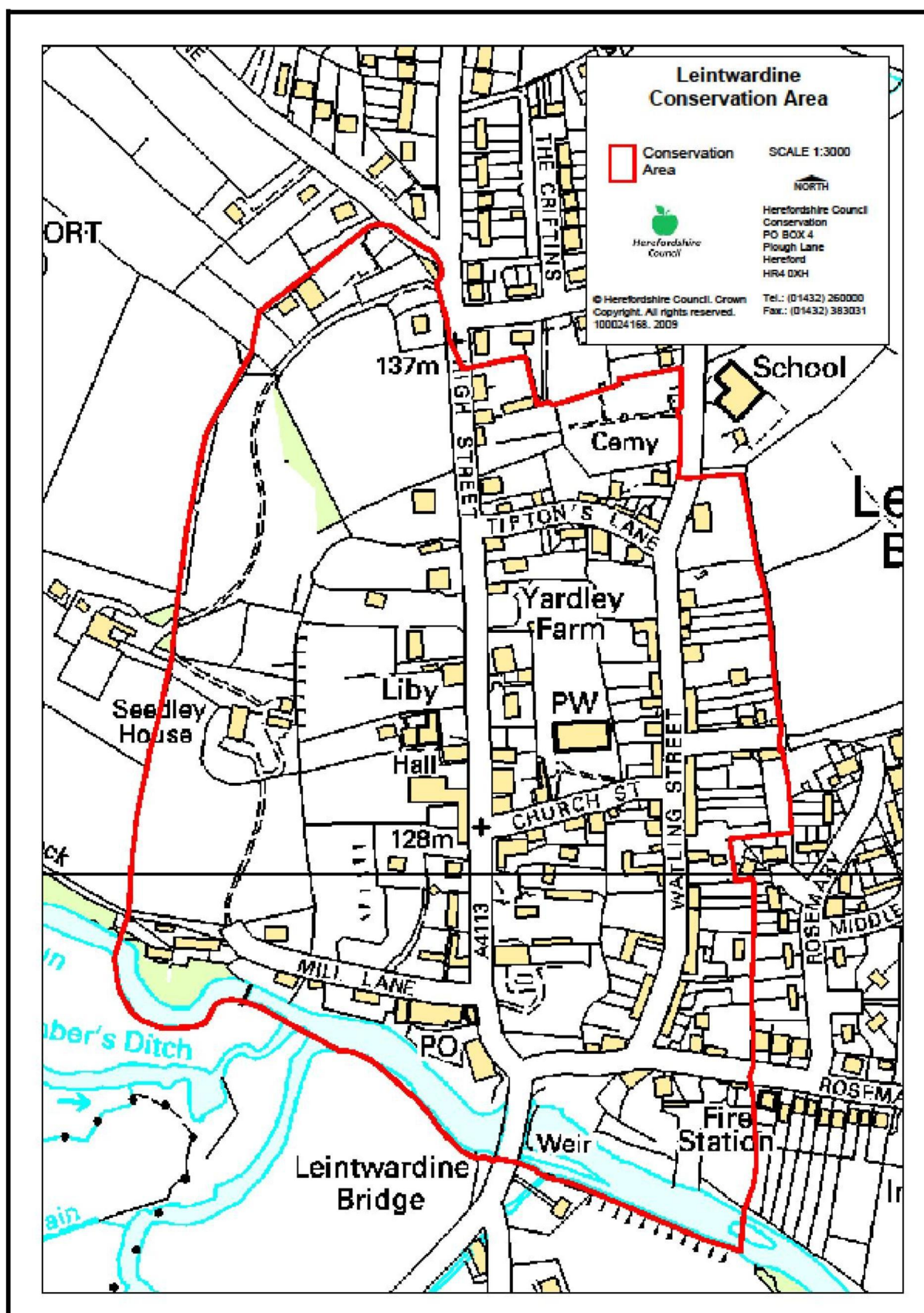


Figure 3 – Tranquil, open countryside and views across the valley at the north end of the application site



Local Planning Policy

10. Existing local planning policy is contained in the saved policies of the Herefordshire Unitary Development Plan 2007.

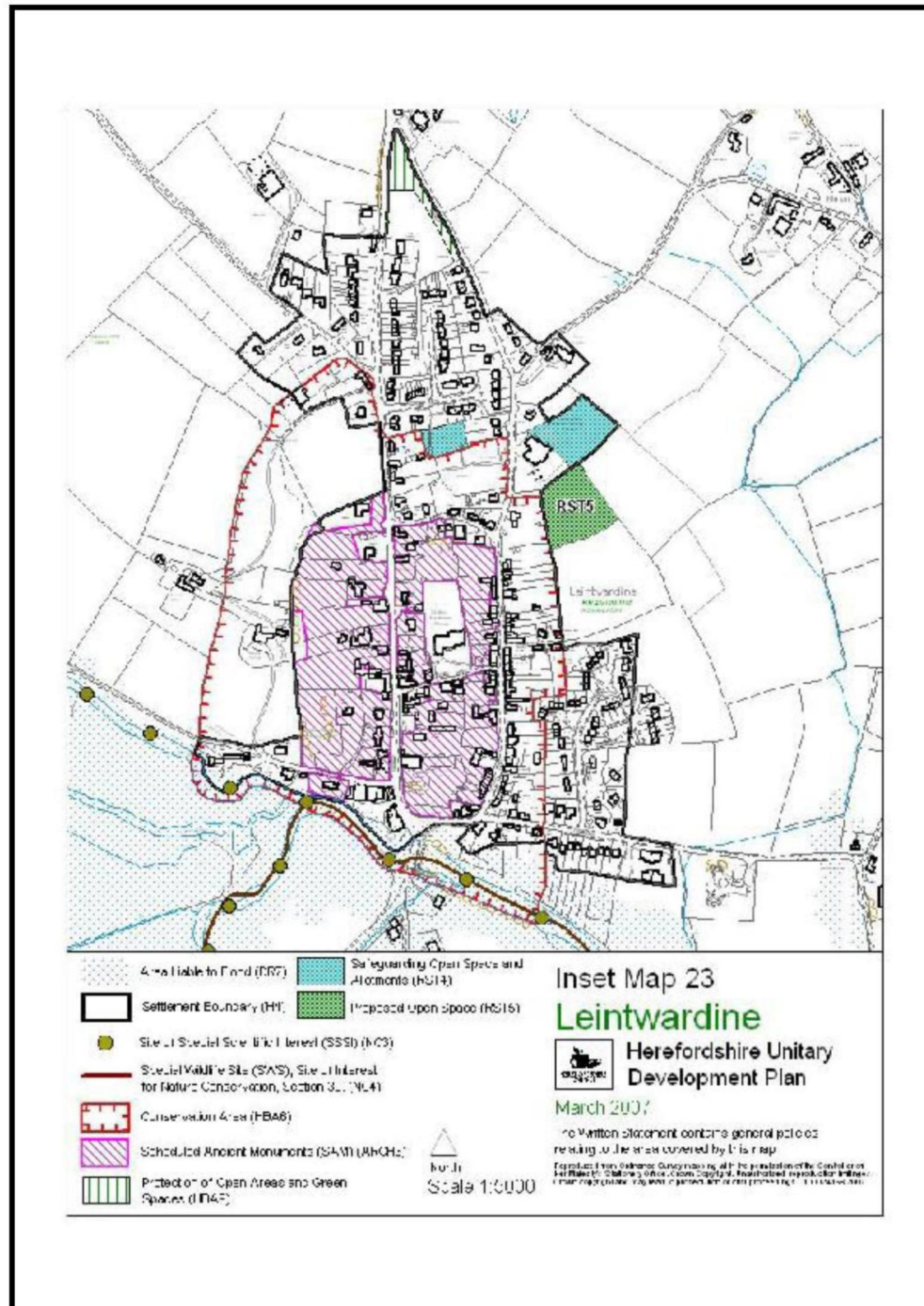


Figure 4 – UDP inset map for Leintwardine

11. The application site is not allocated in the Unitary Development Plan (UDP) and falls outside the defined settlement boundary. Policy H4 of the UDP seeks to restrict development beyond the defined Leintwardine settlement boundary, see Figure 4.
12. The development of such a large area of open countryside would be contrary to Policy H4. However, with Herefordshire currently unable to demonstrate a five year housing land supply, housing restraint policies such as H4 cannot be considered up to date.
13. In addition to housing restraint policy, a number of other UDP policies are relevant to this application because of the national importance of the Scheduled Ancient Monument of Bravinium, the local landscape, conservation area and distinctive settlement form.
14. Policy S7 “Natural and Historic Heritage” will protect the historic heritage of the County including archaeology, areas of historic importance, and landscape features that contribute positively to local distinctiveness and quality of the local environment.
15. Policy LA2 “Landscape Character” will not permit proposals for new development that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation, or its key attributes or features.
16. Policy LA3 “Setting of Settlements” seeks to protect areas outside the main built form of settlements. Such development will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned. Important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and surrounding valued open countryside will be particularly protected and, where necessary, enhanced.
17. Policy ARCH1 “Archaeological Assessments and Field Evaluations” could, prior to the determination of applications for development, on sites where there is reason to believe there are remains of archaeological importance, require an archaeological field evaluation.
18. Policy ARCH3 “Scheduled Ancient Monuments” would not permit development proposals and works which may adversely affect the integrity, character or setting of Scheduled Monuments.

19. Policy NC1 “Biodiversity and Development” requires applicants to demonstrate that their proposals will have no adverse effects on any adjacent biodiversity and features of geological interest, or lead to the fragmentation, increase isolation, or damage to protected or priority habitats and/or priority or protected species.
20. Policy NC5 “European and Nationally Protected Species” says that development proposals which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act as amended, will not be permitted.
21. Policy S6 Transport states that the safe, efficient and sustainable movement of people and goods will be promoted within the context of reducing the need to travel. This will include : assessing development and transport infrastructure proposals in terms of their traffic and transportation, economic development and environmental impacts and benefits, including implications for the whole road network including trunk roads, road safety, access to development areas, and assistance given to non-motorised modes of travel and to reducing the need to travel.
22. In terms of the five year housing land supply (2013-2018) Herefordshire have produced an *Interim Position Statement* (May 2014). This identifies that there have been some recent appeal decisions relating to large-scale residential proposals in Herefordshire. The inspectors dealing with these appeals have considered the county’s housing land supply in reaching a decision.

Home Farm, Hereford - APP/W1850/A/13/2192461, Decision date 10 January 2014.

The Inspector’s decision provides a clear indication that the Council currently cannot demonstrate a 5 year housing supply position. In the Inspector’s consideration of the housing land supply position it was recognised that the housing land supply is a matter to be determined as part of the forthcoming Examination of the Core Strategy. Therefore, only limited weight can be given to Core Strategy proposals at this stage. The Inspector did not provide an indication of the level of supply that he considered currently exists. The appeal was dismissed because of the adverse environmental impacts and the harm to the setting of heritage assets as this significantly and demonstrably outweighed the economic and social dimensions/benefits of the scheme therefore failing to contribute to

the achievement of sustainable development. As demonstrated in this objection there are similar adverse impacts to the setting of a nationally important heritage asset that outweigh the benefits of the proposal.

Kingstone, Herefordshire: APP/W1850/A/13/2195474, Decision date 3 September 2013.

The Inspector was quite clear that the key consideration was that there was less than five years of housing land supply and therefore, as set out at para 49 of the NPPF, the housing policies of the UDP have to be regarded as out of date. The Inspector considered that the granting of permission would not cause any adverse impacts and the unmet housing need took precedent in this case. As such the appeal was allowed.

23. The *Interim Position Statement* concludes that when assessed against the RSS Panel Report target the housing land supply is 2.09 years and when assessed against the emerging Core Strategy, the supply is 2.61 years. The scale of the shortfall is caused not just by the availability of land but also as a result of weak market conditions which lead to lower expectations of how quickly sites will be built out. The housing position will continue to be kept under review annually taking into account updates to national guidance, case law or changes in local circumstances. Figures for 1st April 2014 will be made available as soon as possible.
24. Current planning applications that fall outside of the existing UDP context are assessed against the criteria set out in 12th July 2012 Cabinet Report, Paragraph 30 (see Appendix 2). This approach has been tested at appeal and supported by Inspectors - whilst each decision is based on its own individual facts, the common thread running through is the importance of sustainability and the consequences arising out of not having a 5 year housing supply, namely a presumption in favour of sustainable development in the absence of significant impacts or conflict with existing up to date policies.
25. The Council's *Landscape Character Supplementary Planning Guidance* (2004) seeks to explain the modern concepts of landscape and landscape character and to offer guidance in the application of Landscape Character Assessment to professionals and lay persons alike.

26. The current application site falls within the Landscape Characterised as *Principal Settled Farmlands - Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses.*
27. The document identifies that the dispersed settlement pattern of farmsteads and hamlets is capable of accommodating limited new development if it is in accordance with UDP policy. Low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement.
28. The overall strategy for Principal Settled Farmlands would be to conserve and enhance the unity of small to medium scale hedged fields. New development should remain at a low density with most housing associated with existing hamlets and villages. In order to conserve the landscape character new development is expected to retain the integrity of a dispersed settlement pattern.
29. A further Supplementary Planning Document relevant to this application is *Archaeology and Development (2010)*. Herefordshire's archaeology is extremely important to defining the County's cultural identity and is a significant contributor to its distinctive character. This is not just in relation to Hereford City and the surrounding market towns, but also for its villages and rural landscape. However the *archaeological resource* is finite and irreplaceable: once damaged or destroyed it cannot be remade. 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.
30. 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' can constrain or modify development proposals.

31. This document is concerned with ensuring that sufficient protection and evaluation is given to archaeological deposits within Herefordshire.
32. In the case of monuments of known or likely national importance, there will be a presumption that the remains should be preserved in situ.
33. Essentially, the remains will be preserved unaltered by the presence or proximity of development. 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 of 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.

National Planning Policy Framework

Housing Policies

34. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

35. Para. 49 of NPPF is clear:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

36. And where this is the case para. 14 states that for decision taking:

“Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”

37. Herefordshire cannot demonstrate a five year housing land supply. This has been acknowledged at two recent appeals. Therefore the housing restraint policies in the adopted UDP must be considered out of date.

38. The presumption in favour of granting planning permission would normally take effect. However it is specifically qualified where there are “any adverse impacts” which would “significantly and demonstrably outweigh the benefits”, crucially when assessed against the NPPF as a whole, proposals should not be approved

Heritage Assets

39. These adverse impacts are the impact on the setting of the village of Leintwardine, the Leintwardine Conservation Area, and the Scheduled Monument No. 1005522

“Leintwardine Roman Station of Bravinium”, henceforward referred to here as “Bravinium”. Allied to this is the adverse impact on the local landscape.

40. NPPF is clear that the protection of heritage is a core planning principle. Heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations” (NPPF, para. 17).
41. Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance (*op. cit.*, para. 126).
42. When determining planning applications *“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”* (*op. cit.*, para. 128). The level of detail provided in such an assessment should be *“proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”* (*op. cit.* para 128)
43. Para. 128 goes on to state: *“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*
44. Under para. 129 of NPPF local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a development proposal. This includes **development affecting the setting of a heritage asset** taking account of the available evidence and any necessary expertise. Local planning authorities should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
45. In determining planning applications local planning authorities should also take account of:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness (*op. cit.* para. 131).

46. 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 (*op. cit.* para. 132).

47. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or **development within its setting**. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (*op. cit.* para. 132).

48. Para. 132 of NPPF also identifies that substantial harm to or loss of designated heritage assets of the highest significance, notably Scheduled Monuments, should be wholly exceptional. 'Scheduling' is shorthand for the process through which **nationally important sites and monuments** are given legal protection by being placed on a list, or 'schedule'.

49. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (*op. cit.* para. 133).

50. In terms of the setting of the wider village of Leintwardine para. 109 of NPPF states:

“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”.

Transport

51. Paragraph 32 of the NPPF states that all developments that generate significant amount of movements should be supported by a Transport Assessment and decisions should take account of whether:

“safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

The Application

Impact on the setting of Heritage Assets.

52. The planning application is accompanied by a number of documents. As pointed out above, the applicant must describe the significance of any heritage assets affected, including any contribution made by their setting.” (NPPF, para. 128). The level of detail provided in such an assessment should be “proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.” (*op. cit.* para 128).
53. The applicant’s *Planning Statement* at paragraph 6.50 makes reference to the Scheduled Monument of Bravinium, but makes no attempt to weigh the significance of this as a heritage asset nor of the monument’s setting, despite it being of **national significance**. The *Planning Statement* does not make a proportionate assessment of Bravinium’s importance, and, based on the evidence available, there is insufficient information on which to assess the impact of the proposal. This is contrary to the NPPF. It is suggested elsewhere in this objection that the impact is significant.
54. The *Planning Statement* is itself based on the submitted *Heritage Assessment*. This document, as well, fails to make a proportionate assessment of Bravinium’s importance.
55. The *Heritage Assessment* makes very little reference to Bravinium and concentrates its attention on the Conservation Area and one listed building.
56. The *Heritage Assessment* contains the unusual phrase that “The absence of specific references to the scheduled Romano-British remains should not be taken as an indication that they have been overlooked in any part of this assessment” (*op. cit.* para 1.3). But the local planning authority, as decision maker, to meet the requirements of national planning policy, must be satisfied that an appropriate assessment of the significance of, and impact on, Bravinium has been done. It either has, and should have been included in the *Heritage Assessment*, and, subsequently, the *Planning Statement*; or it has not, and the applicant has failed to meet a key requirement of national planning policy. In either case, an

appropriate assessment does not accompany the application, and, in line with national planning policy, the application should be refused.

57. The *Heritage Assessment* goes on to state that: “for the purposes of this assessment it [Bravinium] is visually hidden within and below the built fabric of the settlement” (*op. cit.* para. 1.3). This is despite the same paragraph highlighting that Bravinium is of “considerable heritage significance” and has a “setting which needs to be taken in to account in planning decisions”. Once again the conclusion has to be drawn that the assessment has either failed to assess the significance of Bravinium because it is “out of sight” and therefore “out of mind”; or an appropriate assessment has been undertaken but does not accompany the application.
58. As a document, the *Heritage Assessment* before the Council does treat Bravinium as “visually hidden”. An appropriate assessment of the monument’s significance and the impact on that significance in terms of its setting, the influence it has had on the development, form and character of Leintwardine is not in front of the local planning authority as decision maker. This is contrary to national planning policy.
59. The submitted Heritage Assessment is very much concerned with the Conservation Area and one listed building, St Mary Magdalene Church.
60. The *Heritage Assessment* states that the morphology of Leintwardine is “distinctive” (*op. cit.*, para. 3.3), but makes little or no reference to how this has come about and how this has been strongly influenced by the Roman settlement on later generations. This is in stark contrast to the recent Conservation Management Plan that cites various ways in which the past has influenced the present (paras. 1.17 to 1.27)

“Leintwardine was also the head of Leintwardine Hundred, again pointing to its local importance as a place before the Norman Conquest. This role implies the existence somewhere in Leintwardine parish of a hundredal meeting-place or moot, though not necessarily within the old Roman enclosure. “(para 1.19, op.cit.)

“The position of the medieval village outside the Roman defences rather than within is undoubtedly significant, but can be interpreted in different ways. It has been suggested (Brookes and Pevsner, 2012) that the presence of the church within the

defences could imply that the church had formerly had the status of a minster, in other words that it may have had monastic or quasi-monastic origins and required a secluded enclosure from which secular settlement was excluded. This is not, however, the message of the archaeology (with Stafford-type Ware within, not outside, the defences), nor is it the message of the Domesday account, which records only a single priest. The stronger probability is that the area enclosed by the Roman defences had a higher status role and that, when the village was established, this role had not yet ended.” (para. 1.21, op.cit.)

“The generally rectilinear appearance of the property boundaries of the village plots could be ascribed to the local topographical influence of the Roman enclosure in the landscape. Although given the apparently tightly nucleated form of the village, it may have been established as a deliberate act of planning by the manorial lords, quite possibly the de Mortimers. (para. 1.22, op.cit.)

“The bulk of the post-medieval settlement lies to the east of the Roman enclosure aligned along a road that would have skirted the outer defensive ditches but it is unclear whether the medieval settlement would also have been focussed here. The house plots on the west side of the road utilise the line of the rampart for their rear boundaries. This main village road was, until the late 19th century, known as East Street or Swan Street in the 1861 census but is now called Watling Street. Exactly when this name came into use is unclear and certainly the Roman road (the real Watling Street West) ran through the centre of the enclosure to the west – this road formerly West Street or Fore Street, is now known as High Street.” (para. 1.24 op.cit.)

61. Bravinium is of national significance and has clearly had a major and lasting influence on the character, form and setting of modern day Leintwardine. This character, despite more recent development, has largely been retained. Today, Leintwardine is a relatively compact, rectilinear settlement sitting atop a hill.
62. Clearly, Bravinium has influenced the present, but, equally, the present day maintenance, through planning policy, of this compact hill top settlement means that the present maintains the setting of the past, and the earlier, nationally significant, Romano-British

settlement. Retaining this strong inter-relationship is crucial to maintaining the setting of both Scheduled Monument and village. To allow development, beyond the existing settlement boundary, to spill down the valley slope from the higher ground most of the current day village occupies, would destroy the setting of both and break this direct link between past and present. This is a significant adverse impact.

63. Also accompanying the application is an *Archaeological Desk Based Assessment*. This investigates the potential for archaeological remains on the site and **makes no reference to the setting of the Scheduled Monument, or the Conservation Area**. However it does conclude that an archaeological evaluation be carried out on areas affected by the proposed development in the form of intrusive trial excavations targeting the area directly affected by the proposed development.

Assessment

64. The existing village of Leintwardine is characterised by its position mainly on the brow of Mocktree Hill, see Figure 5.
65. The existing village has maintained a rectilinear form for centuries from Roman times to present day with the surrounding agricultural land sloping away from the village into the surrounding valleys, see Figure 6.
66. More modern housing to the north remains on the higher ground, but to the east at Middle Wardens development has begun to creep away from the higher ground. In particular, the most recent of these developments for 8 homes. This is visually intrusive, breaks away from the existing settlement form and is a poor benchmark for future decisions. A safer conclusion would be to say that more of the same should not be encouraged, see Figure 6.
67. In addition, long views and vistas see the village predominantly contained within this form, set above the surrounding landscape, maintaining the character of the original Roman settlement and the character of the Conservation Area, see Figure 4.



Figure 5 – Leintwardine village²

68. The further development of the village to the east, particularly on this site will have an extremely negative impact on the landscape character of the setting of the village. More so the further expansion of the village into this site will erode the setting of the Scheduled Monument and the Leintwardine Conservation Area.
69. In terms of the significance of the Scheduled Monument. 'Scheduling' is the process through which **nationally important sites and monuments** are given legal protection by being placed on a list, or 'schedule'. This gives some insight into the level of significance the Monument should be afforded.
70. This development will involve introducing built form onto the slopes away from the village into the valley to the east, with a detrimental effect on the character and significance of the Roman settlement of Bravinium Scheduled Monument, and the Leintwardine Conservation Area which maintains a wider boundary than Bravinium. This is substantial harm to a nationally significant area by way of the detrimental effect on the setting.

² Picture taken from Bravinium Conservation Management Plan.



Figure 6 - Leintwardine from Church Hill showing the visually intrusive Middle Wardens development³

71. With regards to the impact on the Conservation Area, this development creates further separation of the conservation area, from its agricultural setting. Whilst this has already occurred to a relative degree by the development of Middle Wardens, this should by no means set the benchmark for further erosion of the setting of the Conservation Area, and future growth of the village of Leintwardine. Instead future development should seek to preserve and enhance the setting of the Conservation Area, not repeat the mistakes of the past.
72. To do so would be contrary to Paragraph 133 of the National Planning Policy Framework and to Policies S7 and ARCH3 of the Herefordshire Unitary Development Plan which seek to protect the historic heritage in terms of feature and setting, both built and natural from future development proposals.

³ Front Cover image: View from Church Hill looking West over the village of Leintwardine.

73. To conclude this section we would draw the Council's attention to a recent Court of Appeal judgement issued on 18 February 2014 in the case of [Barnwell Manor Wind Energy Limited v E Northamptonshire District Council](#). In this case, judges ruled that once the decision-maker finds some harm to a heritage asset, that harm should be given "considerable weight", creating a "strong presumption" against the grant of planning permission. It is clear that this application causes significant harm to heritage assets and there should be a strong presumption against the grant of planning permission.

Impact on Landscape Character

74. The applicant's *Landscape and Visual Appraisal* concedes that: "The conversion of the site's pastoral fields into a high quality residential development located next to the existing settlement edge of Leintwardine is considered to be an adverse effect." (*op. cit.* para, 6.4.2).

75. Whilst this study seeks to "limit" and "mitigate" (para. 1.1.2) visual impacts there are a number of significant adverse impacts in terms of visual impact, landscape, local character and distinctiveness, heritage assets and setting of the settlement of Leintwardine.

76. The local landscape is defined as *Principal Settled Farmlands*: a landscape of "notable domestic character" and characterised by "small villages" (para. 4.1.1, *op. cit.*). The current proposal would lead to significant growth of Leintwardine in one disproportionately large development. Leintwardine village currently has 243 dwellings⁴, the 57 dwellings as proposed on this site would lead to growth of the village of 23.5%. The Pre-Submission Herefordshire Core Strategy has a growth target of only 14% for villages in the Leominster Housing Market Area. As stated elsewhere in this objection this disproportionately large development has a significant impact on heritage assets and the setting of Leintwardine.

77. Rather than being a development that is "modest in size in order to preserve the character of the original settlement", as set out in the *Landscape Character Supplementary*

⁴ *Rural Settlement Hierarchy Background Paper*, Herefordshire Council, 2010

Guidance, this proposal is a disproportionately large, suburban style extension. This is contrary to the Council's guidance.

78. The *Landscape and Visual Appraisal* acknowledges that the site can be seen from Church Hill, Park Lane, and Whitton. It is suggested these views should be seen in the "context of the existing residential edge of Leintwardine" (para. 4.2.1, *op. cit.*), but no reference is made to how this "residential edge" will change significantly with the settlement intruding in to the tranquil valley; and breaking the centuries long hilltop settlement pattern.
79. The *Landscape and Visual Appraisal* acknowledges there will be a "permanent" landscape change (para. 6.3.1, *op. cit.*). Whilst it is acknowledged these landscape and visual impacts can be mitigated to a degree the significant, overall, adverse impact on Leintwardine and this area of north-west Herefordshire cannot.
80. We agree with the consultant's conclusions in the *Landscape and Visual Appraisal* that:

"The introduction of development within the site would change the local character from that of Principal Settled Farmlands to one more consistent with that of village settlement impacting upon the site's rural characteristics and pastoral setting. Overall this is considered to result in an adverse effect." (para. 7.1.4, *op.cit.*); and

"It is acknowledged the proposals would result in an extension of the village settlement further into the countryside which would result in an erosion of the existing pastoral setting to the east of Leintwardine." (para. 7.1.6, *op.cit.*)
81. However, we would disagree with the conclusion that "the proposed development provides the opportunity to improve the poor quality eastern urban edge of Leintwardine through an appropriate high quality village settlement extension and the implementation of a green infrastructure corridor." Instead it will lead to a disproportionately large, suburban style housing development that will lead to a significant visual intrusion in to the local landscape affecting the highly important and centuries old setting of Leintwardine.

Impact on Highways Network/Transport

82. The planning application is accompanied by a *Transport Report* which indicates that the existing two way flows on Rosemary Lane are low in both am and pm peak hours, and the site is accessible by foot and by cycle.
83. The *Transport Report* also summarises that it has been determined that the proposal for 57 dwellings will generate 32 two-way trips in the am peak and 41 two-way trips in the pm peak, all arriving and departing the site via Rosemary Lane to the west. A review of the impact of the proposed development on the local highway network has shown that the junction of A4113 High Street/Rosemary Lane will continue to operate well with the additional traffic.
84. The report concludes that the proposed development is anticipated to generate a negligible increase in travel demand representing a small increase in vehicular traffic flows.
85. In reality, Rosemary Lane has two pinch points. One created by the narrowing of the Lane, Figure 7 and the second created by vehicular parking between the Fire Station on Rosemary Lane and the A4113 High Street/Rosemary Lane junction, Figure 8. Both pinch points narrow the road to single file.
86. A development of 57 dwellings, in a rural area, where car ownership is significantly higher due to the lack of public transport, will create an increased number of am and pm peak trips. This coupled with the existing problems associated with Rosemary Lane and the single file areas, will undoubtedly create traffic issues and highway safety problems in the immediate vicinity, leading to pedestrian and vehicular conflict to the detriment of highway safety in the area.
87. A recent traffic survey conducted by the Group Parish Council, at the junction of Rosemary Lane and the A4113, reveals that the figures used in the applicant's *Transport Report* underestimate evening peak hour trips. The applicant's one-day survey had 79 trips; the parish's survey, conducted over 8 days, 104 trips – 31.6% higher. What the parish's survey also reveals is significantly higher trips at other times of the day: particularly 12.00-14.00, see Appendix A.

88. This proposal is contrary to Policy S6 of the Herefordshire UDP and Paragraph 32 of the NPPF.



Figure 7 – Showing “pinch point” 1 on Rosemary Lane



Figure 8 – “pinch point” 2

Impact on Wildlife

89. The applicant's *Great Crested Newt Survey* report omits two ponds. These are at Whitton (Ordnance Survey Grid Reference SO41207401), see Pond A and B on Figure 9. These ponds are well within 500m limit published in the Natural England detailed guidance on surveys to inform development.
90. These two ponds are also part of an ancient water system which then drains under the road and across the meadows to the corner of the proposed development site.
91. Another pond at Ordnance Survey Grid Reference SO40857468 (pond C on Figure 9) on land belonging to Kinton Farm is known to have a large number of Great Crested Newts breeding in it, plus Smooth Newts. It is another old field pond which was repaired by the previous owners. It lies just beyond the 500m of the development site but is linked by ditches down towards the development site.
92. In order to get an accurate assessment of the number of newts in the area, and to measure the impact of the proposed development, Ponds A and B, which have been missed in the applicant's survey need to be surveyed at the correct time of year. The impact of the proposed development on the local Great Crested Newt population cannot be properly assessed without the full survey data of ponds A and B. The application includes insufficient information to be able to determine the potential impact of the development on a European protected species.

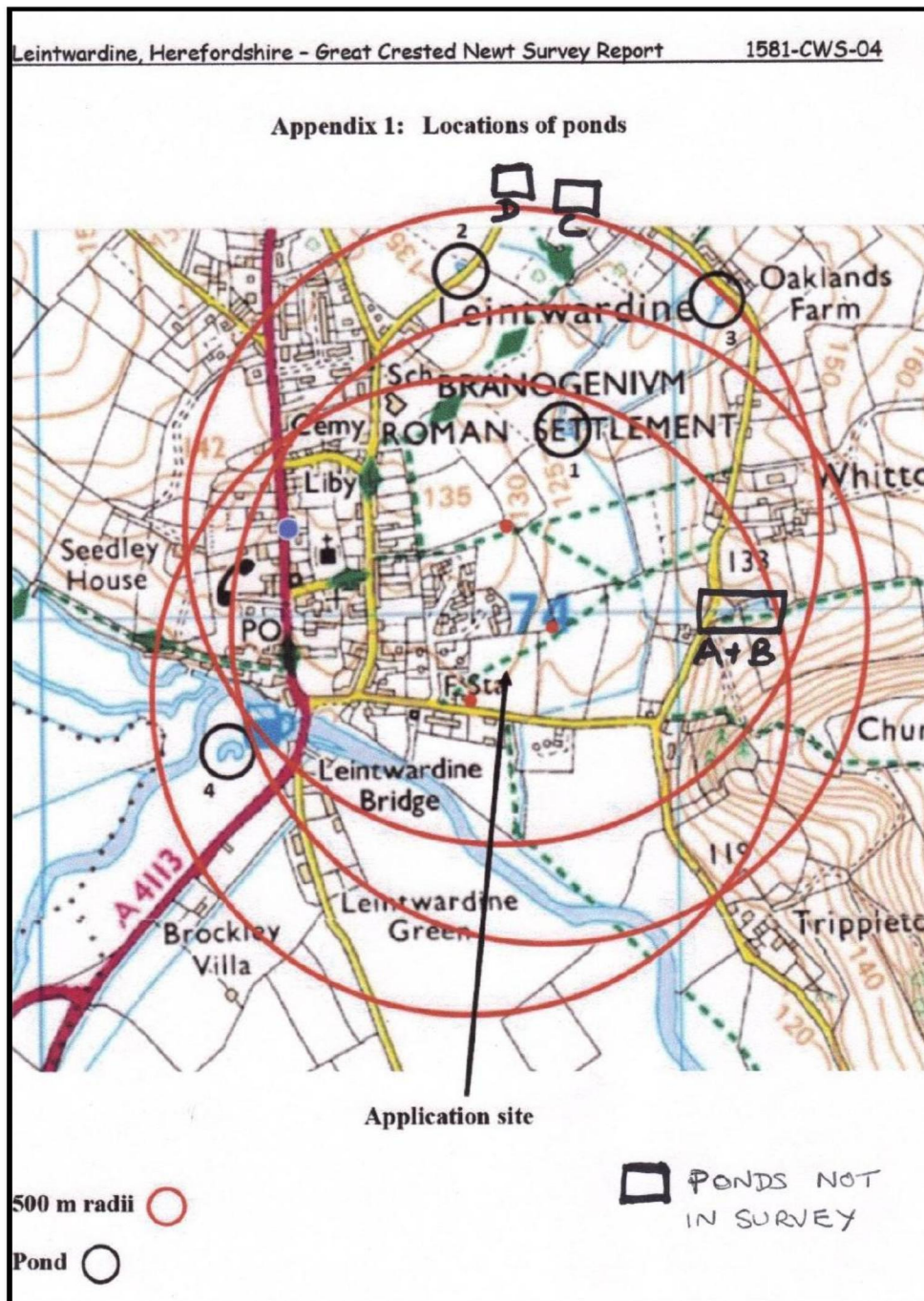


Figure 9 – Amended Applicant Pond Location Plan Showing Ponds not Surveyed (amended plan provided by local volunteer).

Conclusion

93. In the normal course of events this planning application would be determined in accordance with the development plan and would, therefore, be contrary to existing planning policy (specifically policy H4 in the 2007 UDP).
94. However, currently the “normal course of events” does not apply because Herefordshire cannot demonstrate a five-year supply of housing land. As a result, the policies in the UDP for housing restraint are considered out of date.
95. In such cases, para. 14 of the NPPF states that for decision taking :
- “Where the development plan is absent, silent or relevant policies are out-of-date, [local planning authorities should] grant[ing] permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.”
96. This presumption in favour of granting planning permission would normally take effect. But this is qualified in NPPF where there are “any adverse impacts” which would “significantly and demonstrably outweigh the benefits”, crucially when assessed against the NPPF as a whole.
97. This objection demonstrates that there are adverse impacts that significantly outweigh the benefits of the proposal.
98. The current planning application should therefore be refused for the following reasons:
- The proposed development would have a significant and demonstrable adverse impact on the setting of Leintwardine village. This would outweigh any of the benefits of the proposed development and be contrary to Policy LA3 “Setting of Settlements” of the adopted Unitary Development Plan (UDP).

- The proposed development would have a significant and demonstrable adverse impact on the setting of the Scheduled Monument of Bravinium. This would outweigh any of the benefits of the proposed development and be contrary to Policy ARCH3 “Scheduled Ancient Monuments” of the UDP.
- As acknowledge in the applicant’s own Landscape and Visual Assessment the proposed development would have an adverse impact on the local character and setting and on the “pastoral setting to the east of Leintwardine”. These impacts cannot be mitigated and the application is therefore contrary to Policy LA2 “Landscape Character” of the UDP.
- In assessing the impact on the Scheduled Monument the applicant has failed to describe the significance of the heritage asset affected, including any contribution made by their setting. This is contrary to paragraph 128 of the National Planning Policy Framework.
- In failing to describe the significance of the heritage asset affected, the applicant has also failed to identify the harm and loss that will be caused through alteration and destruction of the Scheduled Monuments setting. Failure to provide a clear and convincing justification for the development is contrary to para. 132 of the National Planning Policy Framework.
- This development will also involve introducing built form onto the slopes away from the village into the valleys, with a detrimental effect on the character and significance of the Roman settlement of Bravinium Scheduled Monument, and the Leintwardine Conservation Area which maintains a wider boundary than Bravinium. This is substantial harm to a nationally significant area by way of the detrimental effect on the setting. This is directly contrary to Paragraph 133 of the National Planning Policy Framework and to Policies S7 and ARCH3 of the Herefordshire UDP which seek to protect the historic heritage in terms of feature and setting, both built and natural, from future development proposals.
- A development of 57 dwellings, in a rural area, where car ownership is significantly higher due to the lack of public transport, will create an increased number of am and pm peak trips. This coupled with the existing problems associated with Rosemary Lane and the single file areas, will undoubtedly create traffic issues and highway safety problems in the immediate vicinity, leading to pedestrian and vehicular conflict to the detriment of highway safety in the area.

This proposal is, therefore, also contrary to Policy S6 of the Herefordshire UDP and Paragraph 32 of the NPPF.

- The proposed development also has the potential to impact on a European protected species and is contrary to Policy NC5 of the adopted UDP.

APPENDIX A – TRAFFIC SURVEY JUNCTION OF ROSEMARY LANE AND THE A4113

Traffic Survey of the Junction of Rosemary Lane with the A4113

Date	Time	In	Out	Total
Sat Aug23	1150-1400	103	92	195
Sun 24 Aug	1045-1155	70	53	123
	1415-1540	61	49	110
Tues 26 Aug	0725-0925	50	84	134
	1200-1400	79	72	151
	1630-1800	79	62	141
Wed 27 Aug	0800-0900	33	49	82
	1145-1400	87	93	180
	1700-1800	71	50	121
Thur 28 Aug	0800-0900	38	42	80
	1200-1400	65	69	134
	1700-1800	48	41	89
Fri 29 Aug	0800-0900	27	43	70
	1200-1400	95	83	178
	1700-1800	61	43	104
Sat 30 Aug	0900-1000	24	42	66
	1200-1400	86	56	142
Sun 31 Aug	0930-1100	47	54	101
Mon 1 Sept	0800-0900	32	42	74
	1200-1400	49	56	105
	1700-1800	42	38	80
Tues2 Sept	0800-0900	42	57	99
	1200-1400	77	79	156
	1700-1800	59	38	97
Wed 3 Sept	0800-0900	43	57	100
	1200-1400	65	60	125
	1700-1800	63	40	103
Thur 4 Sept	0800-0900	34	55	89
	1200-1400	65	80	145
	1700-1800	63	47	110

Fri 5 Sept	0800-0900	37	60	97
	1200-1400	90	95	185
	1700-1800	77	52	129
Average 23/8-5/9		59	58.5	118
Average 23/8-5/9 0800-0900				84
Average 23/8-5/9 1700-1800				104

Frampton's Figures for comparison

Tues 4 Mar	0800-0900	35	59	94
	1700-1800	40	39	79

kirkwells

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