



# South Worcestershire Development Plan Review (SWDPR) Preferred Options: Significant Gaps Appraisal.

## 1. Purpose of the Appraisal

- 1.1. To assess the planning merits of the current SWDP Significant Gaps (SG) and, in cases where it is considered there is insufficient planning justification to retain an SG, recommend its deletion. NB: There are likely to be instances, e.g. the master-planning of new/expanded settlements, whereby new Significant Gaps could be justified, but that is not within the remit of this document.

## 2. Background

- 2.1. Currently, the Significant Gaps policy, i.e. SDWP2D, reads “Development proposals should ensure the retention of the open character of the Significant Gaps”. All the Significant Gaps are shown on the SWDP Interactive Policies Map. Their scale is very variable (on account that their origins varied between the former Malvern Hills and Wychavon district Local Plans and there was no overarching policy statement as to why they were first designated), e.g. the extensive SGs between Worcester South (SWDP 45/1) and Kempsey, the SG to the east of M5 at Worcester in Malvern Hills District versus the very small SGs at Hinton-on-the-Green, Lenchwick/Norton, Pebworth, Pinvin etc in Wychavon District.
- 2.2. At the SWDP examination the SG policy did not receive significant attention despite it being, in effect, a local designation for which the National Planning Policy Framework (NPPF) is silent (and remains so in the 2019 version). Notwithstanding that, the examination inspector considered the policy sound. There are a number of Call for Sites (CfS) submissions that lie within an SG, in particular, large areas of SG to the south of SWDP 45/1 (Worcester South) and to the west of SWDP 45/2 (Worcester West), so it is likely that SGs and associated policy will come under greater scrutiny in the examination of the SWDPR
- 2.3. Consequently, a review of the planning merits of the current SGs is considered necessary. The high level questions are:
  - What purpose are they serving?  
and,

- Are they necessary?

## 2.4. The Purpose of Significant Gaps

2.4.1. Similar to the primary purpose of Green Belt policy, the principal function of SG policy is to keep land open (Nb. not necessarily completely free of development) in order to prevent neighbouring developments from coalescing and to provide an appropriate setting for settlements.

## 2.5. Are the Specific Significant Gaps Necessary?

2.5.1. The underlying overarching presumption is that it is good planning practice to keep settlements separate if at all possible (of course, eventually some will have to merge if more and more development needs to be accommodated/planned for in a given area) in order to retain their individual identity. The following are matters to be considered pertinent in reviewing the current SGs:-

- The importance of the (open) gap. Is it obvious that, without it development is likely to occur leading to coalescence?
- Is the extent of the current SG necessary? Could physical openness and visual openness be maintained / achieved with a reduced gap? (A Local Plan examination inspector will almost certainly pose that question as it is also pertinent to Green Belt boundary considerations.)
- Would the land remain largely open if there was no SG policy designation? Without a SG policy for most development types one would be relying on the development boundary policy (currently SWDP2C) to control development and it clearly permits, in principle, more types of development than SWDP2D does. (It could be argued that currently SWDP2D is more onerous than SWDP2E (Green Belt), as the latter defaults to the NPPF (2019), which allows certain types of development to be permitted even if they might reduce openness to a degree.) So currently, for example, one of the SGs at Beckford is in Flood Zones 3a and 3b, so vulnerable built development, such as housing is highly unlikely to secure planning permission even on appeal.
- Scale: This is of course not a precise science rather, generally speaking, the smaller the current SG, the greater the likely impact of built development on its openness.
- Between or within settlements: The SWDP contains a mix, although the majority are to keep neighbouring settlements from merging. The SGs at Beckford, Pebworth, Upton Snodsbury and Whittington lie between separate built up areas within the settlement (**NB** Not necessarily within the settlement's development boundary). It could be argued that a continuation of open space and Conservation Area policies would have the desired effect of keeping the land open.
- Public accessibility: It is easier to justify an SG if it straddles a main road, railway etc, as visual perception is an important factor i.e. the more

enclosed the affected land is the less the justification for a SG.

- Development pressure: Over and above planned development, is the SG in an area likely to be the subject of speculative planning applications (the CfS gives a clear indication of this)?

### **3. Planning Appraisal of Current SWDP Significant Gaps**

3.1. See appraisal table overleaf.

Significant Gap	Purpose	Within a settlement?	Are there other policy restrictions (please state) which would keep the land open?	Could the SG be reduced in extent whilst retaining its purpose?	Is the SG visible from a public place?	Are there Call for Sites within it/them?	How likely is/are a planning application(s) to be submitted?	Is the scale of the SG significant in the context of the SWDP and SWDPR?	Recommendation (retain / revise / remove)
<b>Beckford (North)</b>	Separates two built up area of Beckford	Yes	Yes SWDP28- Management of Flood Risk the land is not in Flood Zone 1 and there is also a Conservation Area(SWDP 6,24) to the north; Land beyond the development boundary so housing development here would be contrary to SWDP2C	The SG is very small with clear inter-visibility.	Yes from Back Lane and PRWs	Yes	Possible given the CfS submissions but planning permission highly unlikely given the degree and extent of the flood risk	No	Remove. SWDP policies on flood risk and Conservation Areas and Open Countryside should keep the land open.
<b>Beckford (South)</b>	Separates Beckford from Little Beckford to the south	No	The land lies beyond a development boundary so housing development here would be contrary to ( SWDP2C.	The SG is very small with clear inter- visibility	Yes A46(T) and the main road through the village	No	Unlikely given juxtaposition with the A46(T)	No	Remove. The A46(T) provides a clear separation between Beckford and Little Beckford separation . The SG only provides a limited setting for Beckford.
<b>Crowle-Crowle Green</b>	Separates Crowle from Crowle Green to the north.	No	The land lies beyond the development boundaries for Crowle and Crowle Green so market housing development would be contrary to SWDP2C. The southern end of the SG abuts the Conservation Area for Crowle and the likelihood is that development there would have a detrimental impact on the setting of the CA and therefore could be contrary to SWDP6 and SWDP24	Very limited scope given the small distance between opposing development and inter-visibility would increase substantially.	Yes from both Church Road and a Public Right of Way	Yes	Possible given the CfS submission	No	Remove. The Open Countryside policy and the juxtaposition with the Conservation Area means that any market housing led proposal would be refused and likely to unsuccessful on appeal.
<b>Droitwich Spa</b>	An extensive tract of open land which separates the main built up area of Droitwich from Doverdale Residential Park and the industrial estates of Hampton Lovett and Stonebridge Cross	No	The River Salwarpe passes through it so some land is medium flood risk and some is high flood risk both of which are inappropriate for residential development.	No	Yes the A442	Yes	Part of the land is subject to a planning appeal	Locally significant in the context of Droitwich Spa. Nb The land is the subject of a formal planning appeal in October.	On balance retain to be consistent with the approach for Evesham below
<b>Evesham- Hampton</b>	Separates two distinct districts of the town within an overall development boundary	Yes	The River Isbourne runs though it such that some of the land is high flood risk	No	Yes	Yes	Possible given CfS submissions and that generally speaking it is a relatively sustainable location for development	Fairly extensive tract of land separating Hampton form Evesham so locally significant.	Retain
<b>Hinton-on-the-Green</b>	Separates two urban elements of the village.	Yes	Yes- SWDP2C, SWDP28	The SG is small with some intervisibility between the 2 built up areas	Yes Bevons Lane	Yes, within the very large (new settlement bid?) CfS submission centred on Hinton	Possible given the CfS submissions albeit there are far more likely candidates nearby.	No	Remove. The other policy restrictions means that development proposals are highly unlikely to be acceptable and in any event the

Significant Gap	Purpose	Within a settlement?	Are there other policy restrictions (please state) which would keep the land open?	Could the SG be reduced in extent whilst retaining its purpose?	Is the SG visible from a public place?	Are there Call for Sites within it/them?	How likely is/are a planning application(s) to be submitted?	Is the scale of the SG significant in the context of the SWDP and SWDPR?	Recommendation (retain / revise / remove)
									topography does not lend itself to built development.
<b>Leigh Sinton</b>	Separates Leigh Sinton from Malvern	No	Yes-SWDP2C	Limited reduction only(on the southern edge of Leigh Sinton)	Yes from a number of public roads and PRWs along with the railway	Yes, at the northern and southern edges.	Possible given the developer interest.	Yes	Retain with the possible exception of a few discrete land parcels on the edge of Leigh Sinton should they be needed i.e. allocations in either the SWDPR or Leigh Sinton Neighbourhood Plan.
<b>Lenchwick, Norton</b>	Separates Lenchwick from Norton	No	Yes- SWDP2C and SWDP6/24 as the northern edge of the SG abuts the Norton Conservation Area	No the SG is very small with strong inter-visibility	Yes, Norton Road abuts the southern edge.	No	Possible as some developers may, wrongly, consider it infill.	No	Remove on account of other restrictive planning policies.
<b>Pershore</b>	Separates rather discrete adjoin built elements of Pershore e.g. Pershore High School	Yes	SWDP2C	The SG is quite small with inter visibility restricted for the Station Road element by the school buildings	Only some of the SG is visible and only from Wyre Road	Only one on the Wyre Road frontage	Only along the Wyre Road frontage as access elsewhere is problematic and the land likely to be wanted for any extensions of the school.	No	Remove. Given the committed development on the south side of Wyre Road there is not a reasonable case to retain the SG here.
<b>Pebworth</b>	Separates built up elements of Pebworth	Yes	SWDP2C, SWDP 6/24	The SG is small with clear inter-visibility	Yes , the land is surrounded by the public highway.	No	No, given the policy restrictions, the Neighbourhood Plan and better alternatives.	No	Remove. Notwithstanding the other policy restrictions the land would be better suited for Green Space designation
<b>Pinvin</b>	Separates two built up areas of Pinvin	Yes	SWDP2C	The SG is small with clear inter-visibility	Yes, clearly visible from Main Street and the A44	No	Not for residential nor employment development rather some of the land could be incorporated within an improved highway junction scheme.	No	Remove. The A44 itself provides some albeit limited separation between the two built up areas
<b>Upton Snodsbury</b>	Separates two built up areas of Upton Snodsbury	Yes	SWDP2C, SWDP6/24 re adjoining Conservation Area	The SG is small with clear inter-visibility	Yes, clearly visible from the A442	Yes, around 50%coverage	Quite likely given previous developer and current	No	Remove, should there be a need to keep any of the land open it should be

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							developer interest		more appropriately be covered by the Green Space policy designation.
<b>Whittington</b>	The Significant Gap at Whittington is relatively extensive and broadly bounded by Swinesherd Way, Crookbarrow Way, the M5, the Cotswolds and Malverns railway and SWDP45/5 Elements of the SG serve different purposes. The element north of Walkers Lane provides an open buffer between the village and SWDP45/5(Worcester East urban extension-300 dwellings). The element to the south of Crookbarrow Way again provides a green setting for the city and also provides separation of Whittington Village and SWDP 45/1(Worcester South urban extension)	In part yes(only the small areas of SG to the south of Walkers Lane which separate the three developed areas of the village)	Yes SWDP2C, SWDP6/24(only in the south of the village)	It is a mixed picture. For the smaller elements of the SG there is strong inter-visibility but to the south of Whittington Rd, to the east and north of the village less so.	Most elements of the Significant Gap are clearly visible from a public highway, PRWs and the railway line	Yes, CfS 0123,010,0057, 0058,0918,0998,1000,0527 and 0999.	Access to the large area of SG to the south of Whittington Rd is problematic. North of Whittington Road can be readily accessed. Could easily see development proposals in and around the village itself.	For some elements yes	Retain the SG to the south of Whittington Road and the element bounded by the A4440, Church Lane, Berkeley Close, M5 and Brewers Lane.
<b>Worcester M5 Corridor (North of SWDP45/5)</b>	To provide a landscape setting for Worcester City.	Partially within the development /administrative boundary for Worcester.	Landscape condition on the Farmhouse Inn site SWDP43/20. Warndon Woodlands Local Wildlife Site Crookbarrow Scheduled Ancient Monument. Upper Battenhall Farm Scheduled Ancient Monument	The original purpose has been compromised through built and consented development.	Most elements of the gap are visible from the highway network in particular the A4440 and M5	No	Planning approvals on two substantive sites within the gap – Gtech and Warndon 6 (allocation). Further planning applications are not expected. Much of the undeveloped land within the gap in Worcester City's administrative boundary would be difficult to develop because of access issues and noise from the highway network.	Scale of the gap is not significant in terms of land take but there is significance in retaining a gap between SWDP 45/5 and the Worcester South urban extension in order to protect Whittington from being encompassed within Worcester.	Remove.
<b>Worcester South</b>	To maintain separation between Worcester South(SWDP45/1) and Kempsey	No	SWDP2C	No, if development encroached onto the intervening land it would be clearly visible	The SG is visible from a number of public roads most notably the A38, M5, Broomhall	Yes virtually all the SG and land to the south/south east beyond it is subject to CfS	The CfS are generally large and those most likely to be subject of a planning application will	Yes	Retain.

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				from Kempsey. Whilst landscaping can help to mitigate this there is no firm boundary.	Lane, Brookend Lane as well as several PRWs	submissions	be those on the north and south edges of the SG		
<b>Worcester West</b>	To maintain separation between SWDP 45/2(Worcester West ) and the villages of Lower/Upper Broadheath, Hallow and Rushwick	No	SWDP2C	Will need to check the inter visibility but the SG could be reduced in size from the east and still retain it's primary function	The SG is visible from a number of public roads e.g. Hallow Lane/Road, Bell Lane, Marley Road etc and PRWs	Large swathes of the SG are subject to CfS representations	As for Worcester South above the CfS abutting the existing settlements are the ones most likely to be the subject of planning applications.	Yes	Retain. As for Worcester South and Leigh Sinton. Depending on the chosen spatial development strategy there could be scope e.g. at Rushwick to reduce the area of SG without compromising it's primary purpose.
<b>Wyre Piddle</b>	To maintain an open separation between Pershore and Wyre Piddle	No	SWDP2C	The open gap could be reduced/removed which clearly would reduce the gap but because of very limited inter-visibility	Yes , principally from Wyre Road and to a lesser extent Wyre Hill.	Yes CfS submissions	Quite likely for employment development given the continuing success of Keytec	No	Remove, provided there is a substantial landscape buffer on the eastern part of the SG there will be no visual inter-visibility between Pershore and Wyre Piddle.

#### **4. Conclusions**

- 4.1.** SGs remain a legitimate planning tool in the context of the NPPF but they need to be used in a limited and focused way as an integral part of a positively prepared Local Plan.
- 4.2.** It is considered that a number of SGs, typically the relatively small ones, are not necessary in order for the associated land to be kept open.
- 4.3.** Consideration needs to be given in respect of new or extended Significant Gaps should free standing settlements feature in the revised spatial development strategy. Generally it is considered good planning practice to retain an appropriate sufficient setting to settlements in order for them to retain their identity and Significant Gaps can help achieve that objective.





# Surface Water Flood Risk Analysis

Land at Leigh Sinton  
Malvern

Job Ref: BR-732-0001  
Revision: 00  
Issue Date: 16<sup>th</sup> December 2019



## Control Sheet

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Revision	Prepared By	Reviewed By	Date	Description
00	AB	KT	16/12/2019	First Issue

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## 1. Summary

- 1.1.1 This document considers the surface water flood risk at a site in Leigh Sinton, Malvern. It also considers the potential for managing surface water from any future development of the site.
- 1.1.2 The site is currently grassland and covers approximately 1.67 hectares (ha). A well-defined ditch is located centrally within the site.
- 1.1.3 The site was considered as part of the South Worcestershire Development Plan Review (SWDPR) with the reference (CFS1084). The Sustainability Appraisal (SA) assigned the site a negative score under the heading 'Climate Change Adaptation'. The score was justified on the basis that:
- 1.1.4 *“The centre of Site CFS1084 coincides with areas determined to be at low, medium and high risk of surface water flooding. The proposed development this site would be expected to have a major negative impact on pluvial flood risk, as development would be likely to locate site end users in areas at high risk of surface water flooding, as well as exacerbate pluvial flood risk in surrounding locations.”*
- 1.1.5 This conclusion was based on the Risk of Flooding from Surface Water Flood Map which is a nationally derived dataset. This report presents more detailed analysis which draws on topographical survey, site observations, anecdotal information and hydrological and hydraulic analysis.
- 1.1.6 The modelling work assumes that the surface water drainage network serving the Chapel Close / Malvern Road area is completely blocked and hence represents the residual risk to the site from surface water during an extreme flood. This assessment could be refined with details of the drainage network serving the local area.
- 1.1.7 The outputs broadly agree with the Risk of Surface Water map. Surface water accumulates in a low spot on Leigh Sinton Road until it can flow into the site.
- 1.1.8 A concept option has been modelled which grades down from Malvern Road into the site and increases the size of the ditch on site. This contains flooding on the site within a distinct part of the site and would effectively mitigate the risk to the majority of the site without increasing flood risk elsewhere.

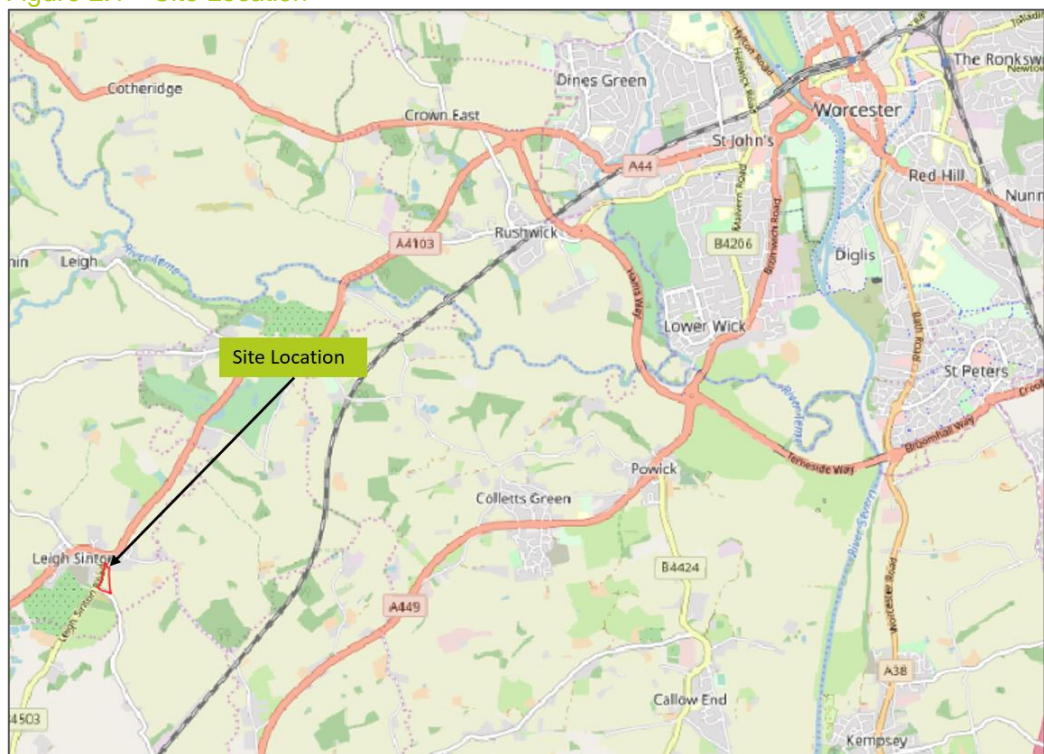
- 1.1.9 Development of the site presents an opportunity to significantly reduce flooding on the road. This could be achieved by modifying levels within highway land and/or installing drainage within the highway which would discharge to the on-site ditch. It is recommended that the option is discussed with Worcestershire Highways Department
- 1.1.10 A surface water drainage scheme would be required to accompany any proposed development to ensure that the rate of runoff from the site would not increase.
- 1.1.11 In conclusion, the site could be developed in accordance with planning policy with regard to flood risk and drainage subject to a suitable access/egress route into the site being provided. Such a proposal would not put site users at high risk of pluvial flooding nor would it increase flooding elsewhere.

## 2. Existing Site Characteristics

### 2.1 Site Location & Description

- 2.1.1 The site is located on the southern edge of the settlement of Leigh Sinton approximately 8km southwest of Worcester. The approximate grid reference of the centre of the site is 378240, 250580 and the nearest post code is WR13 5DZ.

Figure 2.1 – Site Location



- 2.1.2 The site is bound to the north by residential development, to the east by agricultural land, to the south by Lower Howsell Road and to the west by Leigh Sinton Road.

Figure 2.2 – Site Context



## 2.2 Topography

- 2.2.1 The topographical survey shows the site to fall from the northwest (~54.6m AOD) and southwest (51.2m AOD) to the central portion of the site.
- 2.2.2 A ditch is located in the centre of the site with a minimum recorded ground level of 48.2m AOD and adjacent ground levels at 49.2m AOD.
- 2.2.3 The ditch is discussed in Section 2.4. The topography of the surrounding area is discussed in Section 3.2.
- 2.2.4 A copy of the topographical survey can be found in Appendix A.

Figure 2.2 – Site Ditch Looking West



## 2.3 Ground Conditions

- 2.3.1 Geological data held by the British Geological Survey (BGS) shows that the bedrock geology underlying the site is “*Sidmouth Mudstone Formation*”. No superficial deposits recorded.
- 2.3.2 SoilScapes Mapping shows that the soil underlying the site is classified as “*Slightly acid loamy and clayey soils with impeded drainage*”.
- 2.3.3 The soil type is locally known as ‘Storrige Porridge’ and described anecdotally as a very heavy clay.

- 2.3.4 It is therefore expected that infiltration will not be a viable method of dealing with surface water runoff and that natural ground will be prone to saturation during wet periods

## **2.4 Existing Drainage and Hydrology**

- 2.4.1 A ditch exists within the site. There is no evidence of any pipes outfalling into the ditch.
- 2.4.2 The ditch is generally in the order of 3-4m wide bank to bank, with a bed width 0.8-1.2m, a depth of 0.4-1.0m and side slopes of ~1 in 1. At the eastern end of the site the ditch flares out significantly to approximately 10m in width and is approximately 1m deep.
- 2.4.3 The ditch does not continue into the adjacent site to the east and no headwall was noted. At the end of the site, the ditch bed is approximately 0.8m below the levels at the site boundary.
- 2.4.4 The ditch is overgrown and well-vegetated suggesting flows within it are rare.
- 2.4.5 Severn Trent Water (STW) records do not show any surface water sewers within the site. A foul water sewer is shown to cross the site.



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### 3. Existing Surface Water Flood Risk Information

#### 3.1 Record of Surface Water Flooding

- 3.1.1 Anecdotal reports suggest that flooding has occurred on numerous occasions. The owner of Honeysuckle Cottage stated that they suffered internal flooding to an approximate depth of 200mm during the 2007 event and on one other occasion. At this level water spills into the site entrance. The owner also reported that there were two other occasions when water ponded but flooding of the house did not occur.
- 3.1.2 The resident at Eastview on the opposite side of Chapel Close has reportedly lived there for 57 years and stated that flooding in 2007 made his driveway impassable to cars. He is recorded as stating that the surface water was not an issue until the road was moved slightly to the east and side hung to direct runoff to the west.
- 3.1.3 During a telephone conversation John Sharp, Chairman of the Leigh and Bransford Parish Council confirmed that flooding had occurred at the junction and that it was caused by blocked gullies.

#### 3.2 Surrounding Topography and Drainage

- 3.2.1 Figure 3.1 below shows 1m contours derived from LiDAR data and the catchment area draining to the downstream end of the ditch on site. It also shows the indicative location of sewers owned by Severn Trent Water along with the area assessed as draining to them.
- 3.2.2 The topography shows the land to the north, west and to a lesser extent the south falls towards the site. Leigh Sinton Road has an isolated low spot adjacent to the site entrance and the entrance to Chapel Close water is reported to pond before flowing into the site and in an easterly direction.
- 3.2.3 The contoured LIDAR data does not account for small scale features that would influence overland flow such as kerbs and features such as walls and hedge banks have been filtered out.
- 3.2.4 The new housing development, shown in the figure as under construction has been excluded from the surface water catchment. According to the Flood Risk Assessment (FRA) submitted to support the development's planning application, surface water will be

drained to the existing surface water sewer restricted to 10l/s. The calculated QBAR greenfield runoff was 8.9 l/s/ha and the full site area is 1.9ha.

- 3.2.5 In accordance with the National Planning Policy Framework, the site should have been designed so that exceedance flows should be directed to the planned attenuation feature. The topography and development layout suggest that any exceedance flows not managed by the attenuation feature would be likely to flow along the internal street network before flowing along the cycle/footpath and onto Leigh Sinton Road. At this point the road slopes to the southwest and therefore runoff from the development or areas draining through it would not contribute to surface water ponding near the site.

Figure 3.1 – Topography and Public Sewers



- 3.2.6 For the purposes of assessing the surface water flood risk to the development it has been assumed that other developed areas which may be served by drainage infrastructure will still drain to the junction of Chapel Close and Leigh Sinton Road.
- 3.2.7 John Sharp Chairman of Leigh and Bransford Parish Council advised that these gullies discharged to a surface water drain that runs under Leigh Sinton Road before discharging to the brook approximately 0.5km to the southwest.

3.2.8 During previous flood events these gullies are reported to have become overwhelmed. Blockage may be a significant contributing factor to this issue. However, even in the absence of blockage it is considered possible that the capacity of the highway drainage network would become overwhelmed.

Figure 3.2 – Drainage Features



### 3.3 Risk of Flooding from Surface Water Map

3.3.1 The Risk of Flooding from Surface Water combines nationally produced surface water flood mapping and appropriate locally produced mapping from LLFAs. In this location the mapping is based on national model. Key points about the modelling are discussed below before a discussion of the outputs.

3.3.2 According to Annex C of the ‘What is the Risk of Flooding from Surface Water Map?’ guidance document (EA, 2019) the mapping is based on LiDAR data. The surface water flood model uses a 2m horizontal grid.

*“A 2m regular grid is fine enough to allow the model to represent some small scale features of the urban landscape such as pathways between buildings that may significantly influence wider inundation patterns.”*

3.3.3 However, the model schematisation does not always capture small scale features that would influence overland flow patterns. The conveyance and storage capacity of the drainage features which are less than 5m in width are consistently underestimated. Interrogation of LiDAR data generally records the ditch as being 0.15-0.30m deep.

3.3.4 *“Other features such as fences, walls, dropped kerbs and speed bumps may not be explicitly represented within the DTM. These subtle changes in local topography can significantly affect the direction of flow and extent of flooding particularly during higher probability events where depths may be low. These small-scale hydraulic features cannot be represented in a national scale model, but could be incorporated in local scale modelling at a finer resolution.”*

3.3.5 The road network is lowered by 0.125m this can result in overestimation of the depth of flooding where there aren't any kerbs

*“Road surfaces, selected from OS MasterMap data, were lowered by 0.125m (the height of a British Standard kerb) to better delineate these important pathways in the hydraulic modelling and mapping. Using this method to represent roads ensures that the principal flood pathways along roads are better represented in the 2m model grid.*

*This approach may overestimate the routing effect of roads in rural areas where there are fewer raised kerbs or where the kerb height is substantially less because the road has been resurfaced.”*

3.3.6 The surface water drainage network in the area is not explicitly represented.

*The calculated range of sewer capacities was in the range between 5mm/hr and 54mm/hr; with a typical drainage removal rate of 12mm/hr across catchments in England and Wales. Independent validation carried out as part of these earlier studies confirms that 12mm/hr is a suitable ‘typical’ value to represent the effects of urban drainage, and there is no new information available that contradicts this assumption. A drainage removal rate of 12mm/hr has therefore been adopted in the nationally produced mapping unless otherwise specified by LLFAs. In areas of known low or high drainage capacity, LLFAs could substitute alternative values of 6mm/hr or 20mm/hr.*

- 3.3.7 In this case, this would tend to underestimate runoff generated on the majority of Leigh Sinton Road and Chapel Close and underestimate the effect of the numerous gullies located near the junction.

Figure 3.3 – Risk of Flooding from Surface Water



- 3.3.8 The surface water flood map predicts water to accumulate on Leigh Sinton Road and in part of the on-site ditch site in the 1 in 30 year event. In the 1 in 100 year event water is predicted to flow into the site and into the ditch. During the 1 in 1,000 year event flooding on site extends beyond the access and the ditch extending into low ground on the southern side of the ditch.
- 3.3.9 During the 1 in 100 year event depths on the site are generally less than 0.3m. Levels at the junction between Leigh Sinton Road and Chapel Close are up to 0.6m. Flooding on the driveway of Eastleigh is predicted to depths of 0.6m. No flooding is shown within Honeysuckle Cottage. The flow path into the site comprises a single cell and depths are in the 150mm band. Flooding through the site suggests the ditch is poorly defined by the model.

Figure 3.4 – Surface Water Flood Depths 1 in 100 year



- 3.3.10 During the 1 in 1,000 year event flooding is more extensive with large areas predicted to be flooded to depths of 300-600mm. Depths outside Honeysuckle Cottage are predicted to be 150-300mm. A band of flooding approximately 20m wide flows through the site. Predicted flood depths outside the ditch are less than 0.3m. velocities are less than 1m/s.
- 3.3.11 During the 1 in 1,000 year event hazard across the site is generally predicted to be low. However, hazard on the road is predicted to be significant.
- 3.3.12 The Risk of Flooding from Surface Water map shows the vast majority of the site to be at very low risk of flooding. The ditch on the site is shown to be at medium risk of flooding with adjacent land at low risk of flooding. However, it is clear from the 1 in 100 year outlines that the mapping does not accurately represent the ditch itself and therefore the surface water flood map is likely to overestimate the risk on site.

Figure 3.5 – Risk of Flooding from Surface Water Hazard

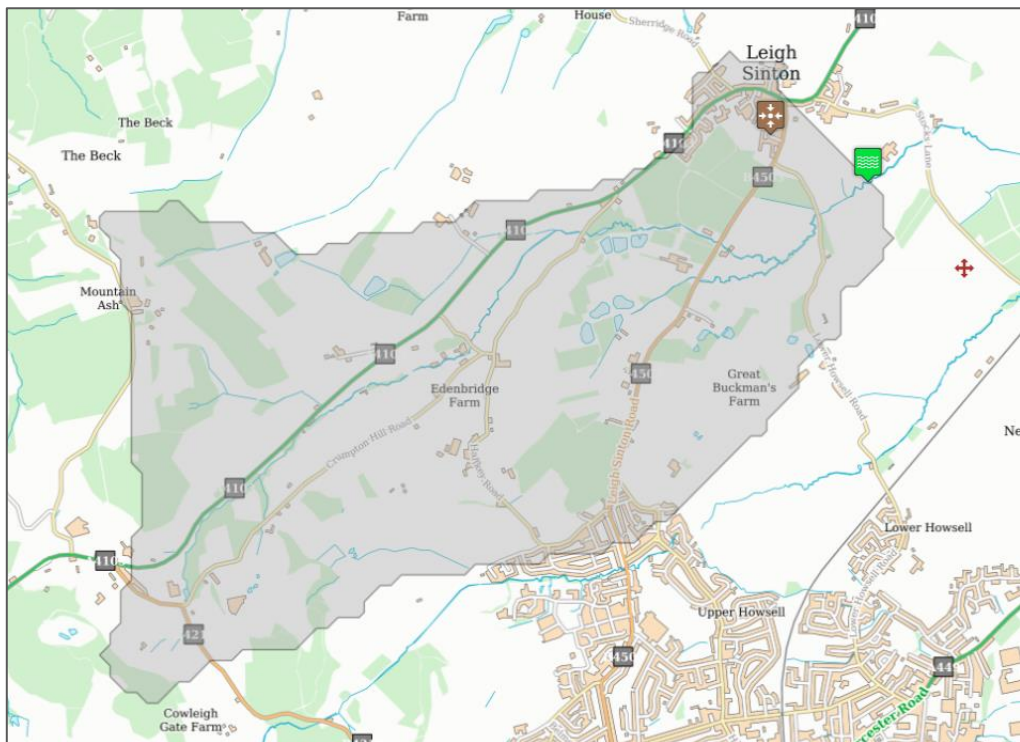


## 4. Surface Water Flood Risk Analysis

### 4.1 Hydrological Estimation

- 4.1.1 The flows from this catchment have been calculated using the ReFH2 (Revitalised Flood Hydrograph), applying the methodology specifically derived for urban catchments. Catchment descriptors were exported from the FEH web service for the nearest available catchment (as shown in Figure 4.1).

Figure 4.1 – FEH catchment



- 4.1.2 The catchment draining to the low spot has been determined from LiDAR data as being 47,993m<sup>2</sup> in area. A large portion of this catchment is urbanised (34,535m<sup>2</sup>) some of which (12,000m<sup>2</sup>) is served by a surface water drainage network which carries water out of the topographic catchment. These areas are delineated in Figure 3.1. For the sake of considering a worst-case scenario it has been assumed that the surface water sewers draining the remainder of the urban catchment are ineffective.
- 4.1.3 The catchment descriptors were modified to represent the catchment of interest. The area values were derived from LiDAR data and DPLBAR was derived according to the equation  $DPLBAR = AREA^{0.548}$ . BFIHOST, PROPWET and SAAR have been taken from



the nearest point data (shown by the brown symbol in Figure 4.2) resulting in modifications of less than 10%.

- 4.1.4 This data does not reflect the degree of the urbanisation in the catchment. URBEXT for the catchment was derived in cognisance of equation 5.4 in the ‘*URBEXT<sub>2000</sub> – A new FEH catchment descriptor*’ report.

$$URBEXT_{2000} = 0.629 URBAN_{50k}$$

- 4.1.5 34,535m<sup>2</sup> of the catchment area 47,994m<sup>2</sup> falls within the Urban50k mapping yielding an *URBEXT<sub>2000</sub>* value of 0.452.
- 4.1.6 The 12,000m<sup>2</sup> draining away from the site by the surface water network was accounted for in ReFH2 software using “Exported Drainage Area” parameter and the ‘Sewer Capacity” parameter as defined by the relevant equation.
- 4.1.7 No account of the drainage features elsewhere in the catchment have been accounted for. There are significant drainage features at the junction of Chapel Close and Leigh Sinton. This network is not under the control of Severn Trent and Malvern District Council hold no records. Inclusion of this information would improve the accuracy of the model. The model effectively assumes these have zero capacity, in effect representing 100% blockage of the system.
- 4.1.8 ReFH2 peak flows are shown in table below.

Table 4.1 – ReFH2 Runoff Estimates

	100 year	1000 year
Runoff	1.22	2.23

## 4.2 Hydraulic Analysis

- 4.2.1 To determine the impact of the calculated flows at the site a TUFLOW model of the area has been created. This model draws on topographical survey to define the ditch and the immediate surroundings.

- 4.2.2 The model has a 0.8m grid to adequately capture the capacity of the ditch both in terms of conveyance and storage.
- 4.2.3 The following values for Manning's n have been applied in the model:
- Roads and pavements - 0.015
  - Fields and gardens - 0.05
  - The ditch – 0.08
  - Hedges – 0.10
- 4.2.4 The model extends 100m beyond the site. The downstream boundary has been defined as an automatic HQ boundary based on the general topographical slope of 1 in 75. This boundary is sufficiently removed from the site to not impact the flood levels on the site.
- 4.2.5 The ditch itself has been defined using the detailed topographic survey data.

### 4.3 Results

- 4.3.1 The 1,000 year results broadly agree with the Risk of Flooding from Surface Water Map. Depths of flooding in the land south of the ditch is below 0.3m. The majority of the site is not affected.
- 4.3.2 The option of widening the existing ditch significantly reduces the flooded area on site without increasing depths on the site or downstream of the site. This is evident from the banded flood depth information as presented in Figures 4.2 and 4.3.
- 4.3.3 Flow out of the site is controlled by the ground levels at the boundary. These levels have not been changed as part of the modelled option and hence flood levels beyond the site are not affected. Flow into the site is controlled by levels on the highway. These have not been changed as part of the modelled option.

Figure 4.2 – 1 in 1,000 year Residual Risk



Figure 4.3 – 1 in 1,000 year Mitigated Risk



#### 4.4 Discussion

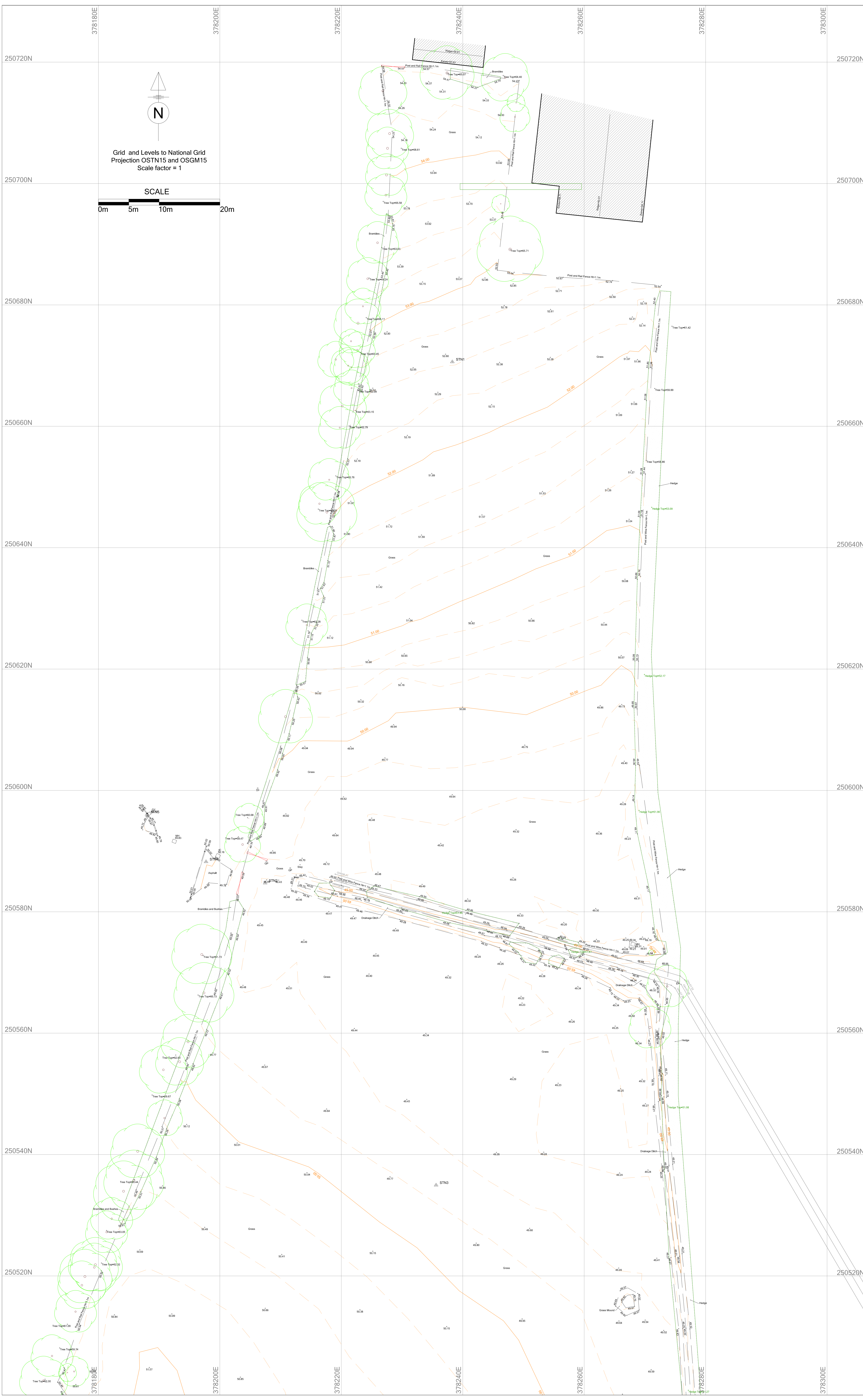
- 4.4.1 The residual risk to the site from a 1 in 1,000 year event (assuming that the highway drainage has zero capacity) is well defined.
- 4.4.2 The modelled option demonstrates that the risk to the site can be effectively mitigated within the site without increasing flood risk elsewhere. This option would function even in a 1 in 1,000 year event should there be complete blockage of the drainage network.
- 4.4.3 Explicit modelling of the drainage network on the road adjacent to the site would reduce the flooding considerably.
- 4.4.4 The development of the site would also provide significant opportunity to reduce flood risk to the road and to the properties to the west of the site. This would require ground level changes within highway land and/or the construction of additional drainage infrastructure. It is recommended that this option is pursued through consultation with the Worcestershire Highways Department.
- 4.4.5 The effect of any development on site could be mitigated using sustainable drainage techniques. As the ground conditions are not suitable for infiltration, development runoff would need to be stored on site and released at greenfield rates or lower.

#### 4.5 Conclusion

- 4.5.1 The modelling work demonstrates that surface water flooding on site can be effectively mitigated without increasing flood risk elsewhere
- 4.5.2 Development of the site provides an opportunity to significantly reduce flood risk on the junctions of Leigh Sinton Road / Chapel Close. It is recommended that this option is pursued with Worcestershire Highways Department.

## **Appendix A**

### Topographical Survey Data



Sheet 1

**SURVEY STATIONS**

Name	Ending	Northing	Height	Remark
STN2	37828.611	25054.957	48.844	Peg
STN2	37827.468	25084.745	48.888	Peg
STN1	37828.290	25070.650	52.822	Peg
STN4	37819.735	25088.229	50.025	Nail
STN3	37838.010	25056.057	48.122	Peg

**Underground Utilities Legend**

- STORM WATER SEWER (SWS)
- FOUL WATER SEWER (FWS)
- COMBINED SEWER (CWS)
- ELECTRIC CABLE (EWS)
- HIGH VOLTAGE CABLE
- LOW VOLTAGE CABLE
- TELECOMS CABLE
- CABLE TELEVISION
- TRAFFIC LIGHT SIGNAL CABLE
- UNDERGROUND WATER SUPPLY
- GAS (MP)
- GAS (MEDIUM PRESSURE)
- GAS (INTERMEDIATE PRESSURE)
- GAS (HIGH PRESSURE)
- G.P. PIPE
- MULTIPLE SERVICE ROUTE
- MULTIPLE SERVICE DUCT
- UNKN - M
- UNKN - GPB
- UNKN - CABLE
- UNKN - SERVICE DUCT
- ED

**Legend**

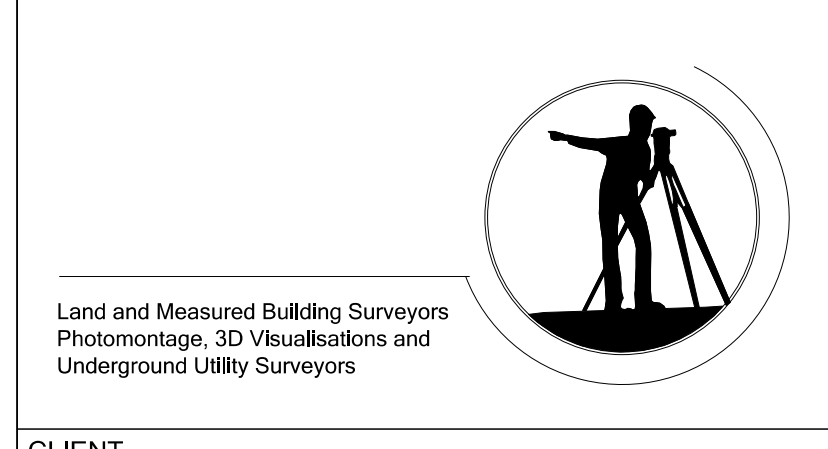
- SURVEY STATION
- GATE
- BANK
- FOLIAGE
- CLIFF
- MAJOR CONTOUR (5.0m interval)
- MINOR CONTOUR (0.25m interval)

**UNDERGROUND UTILITY SURVEY NOTES:**  
This survey has been carried out to the standard, as described by The Survey Association (TSA), for a Level 4 Survey (PAS 128 Type B) UTILITIES on this drawing have been detected using non-invasive technologies. The performance of these technologies can be adversely affected by ground conditions which are out of the control of Brunel Surveys. Consequently some utilities may be undetectable and therefore, whilst Brunel Surveys uses best endeavours to detect all utilities we cannot guarantee that 100% detection can always be achieved.  
Regardless of the information provided by a utility survey and stationary plans, any groundworks should be undertaken with extreme caution and in accordance with health and safety executive guidelines HSG 47 AVOIDING DANGER FROM UNDERGROUND SERVICES

**Legend**

AV	Air Valve	MK	Marker Post
BH	Bore Hole	MK-BT	Marker Post (Telecoms)
BL	Blind Bin	MK-FH	Marker Post (Fire Hydrant)
BL	Blind Bin	MK-GV	Marker Post (Gas Valve)
BS	Bus Stop	MK-SV	Marker Post (Stop Valve)
BT	Telecom Cabinet	MK-WM	Marker Post (Water Meter)
BT-CAB	Telecom Cabinet	CHC	Overhead Cable
CATV	Cable TV Cover	PC	Post Box
CL	Cover Level	PE	Profiled Eye
CP	Down Pipe	RS	Road Sign
EB	Electricity Box	SC	Street Light (Water)
ECAB	Electrical Cabinet	SL	Soft Level
ED	End of Tranche	SAP	Street Name Plate
EIC	Electrical Inspection Cover	SP	Sign Post
EP	Electricity Pole	SV	Stop Valve (Water)
ER	Earth Rod	TL	Threshold Level
FH	Fire Hydrant	TL	Traffic Light
FH	Fire Hydrant	TL CAB	Traffic Light Cabinet
FP	Fence Post	TS	Telegraph Pole
GP	Gate Post	TS	Traffic Sign
GPR	Ground Penetrating Radar	TVC	Cable TV Inspection Cover
GV	Gas Valve	UTL	Unable to Survey
GV	Gas Valve	UTL	Unable to Survey
GV	Gas Valve	UTL	Unable to Survey
HL	Height	UTL	Unable to Trace
IL	Invert Level	VP	Water Pipe
IL	Invert Level	WLS	Water Level
LC	Lamp Column	WM	Water Meter
MH	Manhole	WOD	Wash Out

**Brunel Surveys Ltd**  
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**JOB TITLE**  
Land at Leigh Sinton  
Malvern  
Sheet 1

**REVISIONS**

**SCALE**  
A0 Sheet @ 1 to 200

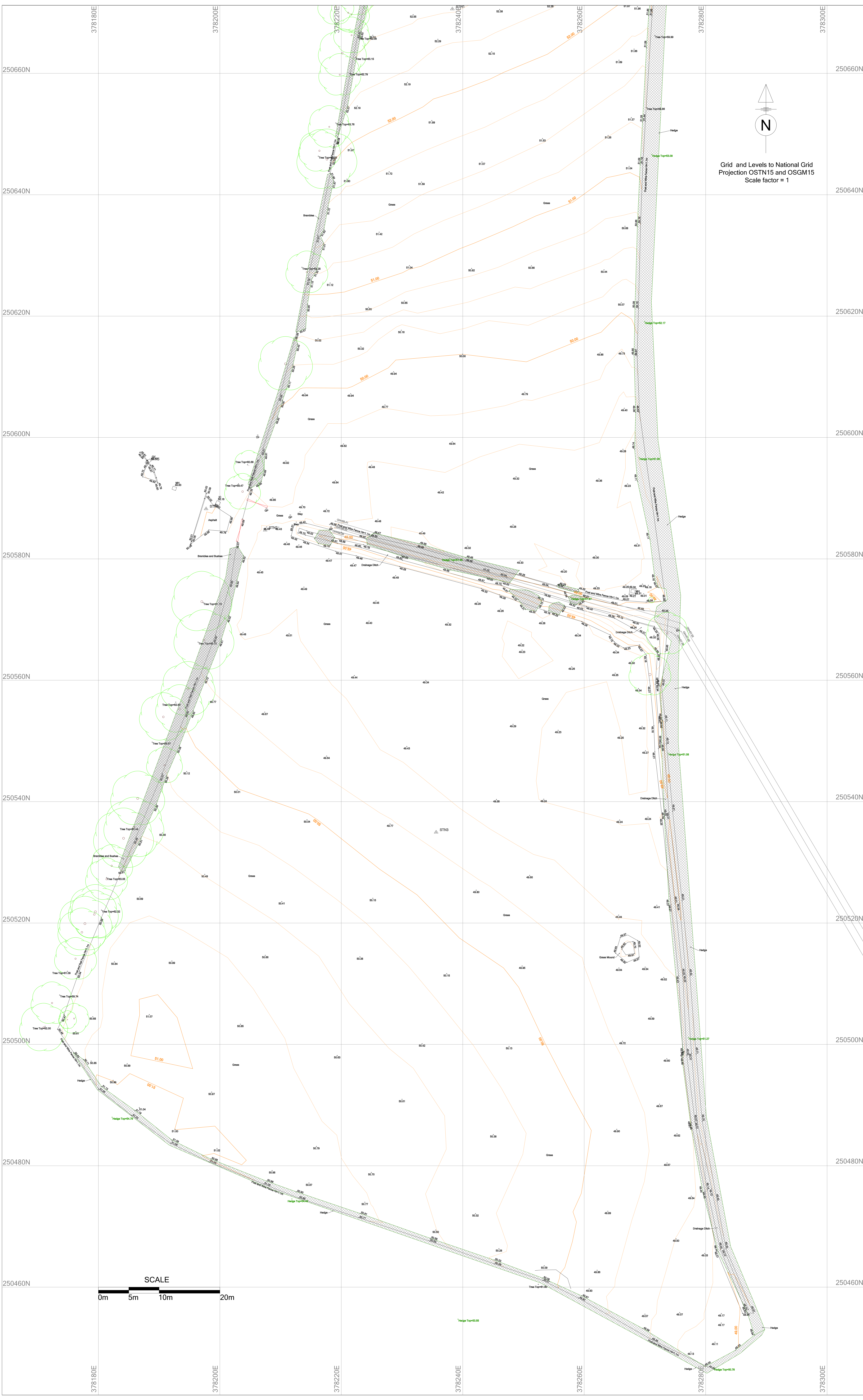
**DATE**  
NOV 2019

**SURVEYED BY**  
NB

**DRAWN BY**  
NB

**CHECKED BY**  
PAH

**DRAWING NO.**  
21197-200-01



Grid and Levels to National Grid  
Projection OSTN15 and OSGM15  
Scale factor = 1

Sheet 2

**SURVEY STATIONS**

Name	Eastng	Northing	Height	Remark
STN2	37825.611	25054.857	49.814	Flag
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	COMBINED SEWER (CWS)		ELECTRIC CABLE
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	LV		LOW VOLTAGE CABLE
	CATV		TELECOMS CABLE
	TLS		CABLE TELEVISION
	WATER		TRAFFIC LIGHT SIGNAL CABLE
			UNDERGROUND WATER SUPPLY
	GAS (MP)		GAS MEDIUM PRESSURE
	GAS (IP)		GAS INTERMEDIATE PRESSURE
	GAS (HP)		GAS HIGH PRESSURE
	MS		MS PIPE
	MSD		MULTIPLE SERVICE ROUTE
	MSD		MULTIPLE SERVICE DUCT
	UNK - M		UNKNOWN SERVICE METALLIC
	UNK - GPR		UNKNOWN SERVICE FOUND WITH GPR
	UNK - CABLE		UNKNOWN SERVICE CABLE
	ED		EMPTY DUCT

DSD 6 - Depth = 0.6 approx.

**Legend**

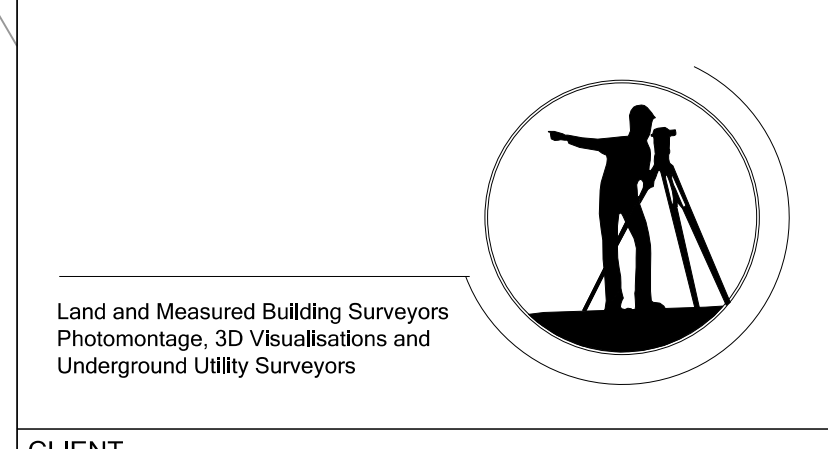
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**JOB TITLE**

Land at Leigh Sinton  
Malvern

Sheet 2

**REVISIONS**

**SCALE**

A0 Sheet @ 1 to 200

**DATE** NOV 2019 **SURVEYED BY** NB

**DRAWN BY** NB **CHECKED BY** PAH

**DRAWING No.**

21197-200-01



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# Heritage Note

## Land at Leigh Sinton, Malvern, Worcestershire

**REF:** P19-0570

**DATE:** December 2019

### Introduction

1. This Heritage Note has been produced to provide an assessment of any potential heritage constraints that could impact on the deliverability of two adjoining parcels of pasture land (1.63ha) at Leigh Sinton, Malvern, for future residential development. This land (hereafter referred to as 'the Site') is shown on the Site Location Plan at Plate 1.
2. The Site is currently being promoted for allocation through the South Worcestershire Development Plan Review and the Leigh Sinton Neighbourhood Plan.



**Plate 1: Site Location Plan**

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## **Methodology**

3. This assessment has been informed by the following:

- A site visit, carried out on 29<sup>th</sup> November 2019;
- The National Heritage List for England for information on designated heritage assets;
- Historic cartographic sources;
- Online satellite imagery and aerial photography, where relevant;
- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*<sup>1</sup> (henceforth referred to as *GPA 2: Managing Significance*);
- English Heritage's Conservation Principles<sup>2</sup>; and
- *Statements of Heritage Significance: Historic England Advice Note 12*<sup>3</sup>.

4. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013<sup>4</sup> that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
- **Less than substantial harm.** Harm of a lesser level that that defined above; and
- **No harm (preservation).** A High Court Judgement of 2014 is relevant to this<sup>5</sup>, in which it was held that with regard to preserving the setting of Listed

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<sup>1</sup> Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

<sup>2</sup> English Heritage, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

<sup>3</sup> Historic England, 2019, *Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12)*

<sup>4</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

<sup>5</sup> EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle.

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building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.

5. Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”. Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment, it is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

6. With specific regard to the content of this assessment, Paragraph 189 of the National Planning Policy Framework 2019 states:

*“...The level of detail should be proportionate to an assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...” (our emphasis)*

7. Full details of the methodology adopted are provided at **Appendix 1**.

### **Planning Policy Context**

8. No designated heritage assets are located within the Site, however there are a number of Listed Buildings in the vicinity of the Site.

9. Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”*

11. Recent judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF), this is in keeping with the requirements of the 1990 Act.

12. Notwithstanding the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

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13. The current South Worcestershire Development Plan (SWDP) was adopted on 25<sup>th</sup> February 2016 and contains two policies that are directly relevant to the historic environment: Policy SWDP 6 and Policy SWDP 24. Together, these policies state that heritage assets should be conserved, enhanced and, where appropriate, sympathetically and creatively reused and adapted.
14. Details of the full policy context are provided at **Appendix 2**.
15. A review of the SWDP started in late 2017 and a revised SWDP is expected to be delivered in 2021.

#### **Relevant Planning History**

16. No planning history for the Site was identified within recent planning history records held online by Malvern Hills District Council.

## **Heritage Assets**

17. No designated heritage assets are located within the Site.
18. There are four designated heritage assets in the vicinity of the Site (Plate 2), namely:
  - Grade II Listed Meadow View (NHLE 1166703), c. 35m west of the Site;
  - Grade II Listed Ahisma Malvern House Cottage (NHLE 1098769), located c. 55m north of the Site;
  - Grade II Listed Sinton House Farmhouse (NHLE 1157713)<sup>6</sup>, c. 55m north of the Site; and
  - Grade II Listed The Oast House (NHLE 1349247)<sup>7</sup>, c. 70m north-east of the Site.

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<sup>6</sup> On review of satellite imagery and an assessment of the heritage asset at the time of the site visit, we believe that the Historic England List Entry incorrectly plots Sinton House Farmhouse as an outbuilding c. 30m west of the heritage asset, <https://historicengland.org.uk/listing/the-list/list-entry/1157713>. The heritage asset has therefore been replotted on Plate 2.

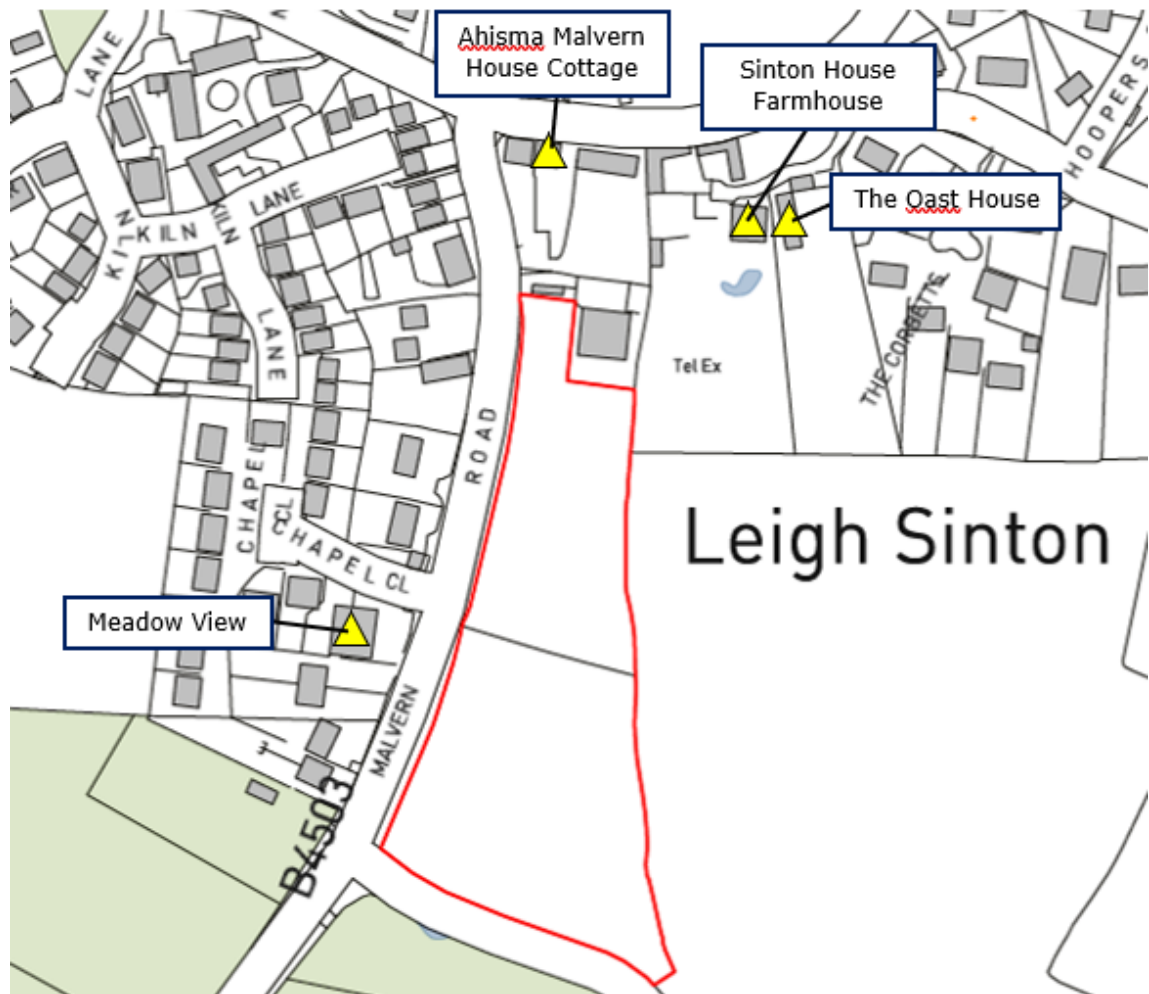
<sup>7</sup> On review of satellite imagery and an assessment of the heritage asset at the time of the site visit, we believe that the Historic England List Entry incorrectly plots The Oast House in the location of Sinton House Farmhouse, c. 10m to the west, <https://historicengland.org.uk/listing/the-list/list-entry/1349247>. The heritage asset has therefore been replotted on Plate 2.

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**Plate 2: Designated Heritage Assets in proximity to the Site (outlined in red)**

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### **Meadow View**

19. Grade II Listed Meadow View (Plate 3) is a heritage asset of less than the highest significance as defined by the NPPF.
20. The heritage significance of the building is principally derived from its historic fabric, which is of architectural and historic interest as a mid-19<sup>th</sup>-century former chapel with adjoining manse, founded by the Countess of Huntingdon. The building is now in entirely residential use.



**Plate 3: Meadow View, principal (eastern) elevation of the former chapel**

21. The setting of Meadow View makes a lesser contribution to its heritage significance than its historic fabric. Of the setting, its curtilage (i.e. the front garden) is the element of its setting that makes the greatest contribution to its heritage significance.
22. Meadow View is best viewed from Leigh Sinton Road to the east or from its front garden; from these locations the principal eastern elevation of the former chapel can be fully appreciated.
23. There appear to be glimpsed views to the Site from the east-facing windows of the heritage asset (Plate 4), although such views are partially screened by intervening vegetation that marks the curtilage boundary of the asset and the boundary of the Site.

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**Plate 4: Glimpsed view of Meadow View (outlined in red) from the centre of the Site**

24. However, any east-facing views from the windows of the former chapel towards the Site do not constitute historically designed views since this part of the building was originally for religious devotional use. 'Meadow View' is therefore a name of modern origin, relating to the relatively recent conversion of the chapel to residential use.
25. Based on the sources consulted, there is no evidence of a historical association (i.e. landownership or functional) between Meadow View and the Site.
26. For these reasons, the Site is considered to make a negligible contribution to the heritage significance of the Grade II Listed Meadow View through setting.

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### **Ahisma Malvern House Cottage**

27. Ahisma Malvern House Cottage (Plate 5) is a Grade II Listed Building and is a heritage asset of less than the highest significance as defined by the NPPF.
28. The heritage significance of the asset is principally embodied in its physical fabric which possesses architectural, historic and archaeological interest as dwelling that dates from c. 1600 and preserves remains of an earlier 15<sup>th</sup>-century structure.



**Plate 5: Ahisma Malvern House Cottage, north elevation viewed from the A4103**

29. Ahisma Malvern House Cottage also derives heritage significance from its setting, although to a lesser extent than its historic fabric. The curtilage of the asset is the element of its setting which contributes most to its heritage significance, and this includes the small walled front garden, rear garden and associated outbuilding (now a garage) to the south.
30. The fields to the south (the Site) also make some contribution to heritage significance through setting as agricultural land that was historically associated with the heritage asset; the 1840 Tithe Map for the parish of Leigh records that the Site (which was pasture land) and the asset were both owned and occupied by George Bearcroft. However, this historic functional association between the Ahisma Malvern House Cottage and the Site has been severed, with the land no longer belonging to the asset.
31. The heritage asset is best viewed and appreciated from the A4103 to the north and, most likely, also its garden to the rear (south).

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32. There appears to be no intervisibility between the Site and the asset owing to intervening mature vegetation and two modern BT buildings beyond the northern boundary of the Site (Plate 6).
33. Therefore, while the Site does still offer some historic illustrative value as the historic pasture land that belonged to Ahisma Malvern House Cottage, it has been visibly and materially severed from the heritage asset, primarily as a result of modern intervening development and so this value is no longer readily legible.
34. For this reason, the Site is considered to make only a negligible contribution to the heritage significance of the Grade II Listed Ahisma Malvern House Cottage through setting.



**Plate 6: North-facing view from within the northern part of the Site towards Ahisma Malvern House Cottage (not visible)**

### **Sinton House Farmhouse**

35. As a Grade II Listed Building, Sinton House Farmhouse is a heritage asset of less than the highest significance as defined by the NPPF.
36. The heritage significance of the farmhouse is principally embodied in its late 18<sup>th</sup> to mid-19<sup>th</sup>-century fabric which is of architectural and historic interest.
37. The setting of Sinton House Farmhouse, which makes a lesser contribution to its heritage significance, includes its immediate curtilage, the historically associated Oast House to the east, and the agricultural land to the south which historically belonged to the farmhouse and is recorded as such on the 1840 Tithe Map for the parish of Leigh (these landholdings did not include the Site).
38. It appears that the asset is best viewed from within its curtilage, specifically from the driveway to the front and the garden area to the rear. Key views from the asset appear to be directed over its historic landholdings to the south.
39. There is a glimpsed view to the south elevation of Sinton House Farmhouse from the extreme north-east corner of the Site through dense boundary vegetation (Plate 7), and long-range glimpsed views to the same elevation of the asset from within the southernmost part of the Site (again screened by intervening trees and hedgerow). Therefore, there appear to be glimpsed peripheral views towards the Site from the south elevation windows of the asset.



**Plate 7: Glimpsed, albeit heavily screened, view to the south elevation of Sinton House Farmhouse from the north-east corner of the Site**

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**Plate 8: North-facing view from within the southernmost part of the Site, with a glimpsed long-range view to the upper storey windows of Sinton House Farmhouse (circled in red)**

40. However, there is no evidence for a historic association between Sinton House Farmhouse and the Site (based on the sources consulted), and south-facing views from the asset are primarily directed over those fields to the east of the Site which historically belonged to the farmhouse.
41. Overall, the Site is considered to make a negligible contribution to the heritage asset of the Grade II Listed Sinton House Farmhouse through setting.

### **The Oast House**

42. The Grade II Listed The Oast House is a heritage asset of less than the highest significance as defined by the NPPF.
43. The heritage significance of The Oast House is principally embodied in its physical fabric which has architectural, historic and archaeological interest as a mid-19<sup>th</sup>-century structure with early 18<sup>th</sup>-century remains that comprises former hop kilns and a barn. The asset has since been converted to a residential dwelling.
44. Elements of the asset's setting also contribute to its heritage significance, principally its curtilage and the historically associated Sinton House Farmhouse to west. The agricultural land to the south, with which the asset was historically functionally associated, also makes some contribution to its heritage significance through setting.
45. There is no intervisibility between The Oast House and the Site owing to dense intervening vegetation and, based on the sources consulted, there is no evidence of a historic association.
46. Therefore, the Site is considered to make no contribution to the heritage significance of The Oast House through setting.

### **Summary Conclusions**

47. In summary, the Site is considered to make a negligible contribution to the heritage significance of the Grade II Listed Meadow View, Ahisma Malvern House Cottage and the Grade II Listed Sinton House Farmhouse through setting.
48. The Site is considered to make no contribution to the heritage significance of the Grade II Listed Oast House through setting.
49. Overall, there are no overriding heritage constraints to the deliverability of the Site.

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## Appendix 1 – Methodology

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### Assessment of significance

In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. <sup>8</sup>For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance"*

Historic England's Historic Environment Good Practice advice in Planning Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets<sup>9</sup> (henceforth referred to as 'GPA 12: Analysing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance advocates considering three types of heritage interest as set out in Paragraph 006 of the national Planning Practice Guidance (PPG): **archaeological** interest; **architectural and artistic** interest; and **historic** interest.<sup>10</sup>

**Archaeological Interest** – *"As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."*

**Architectural and Artistic Interest** – *"These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture."*

**Historic Interest** – *"An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."<sup>11</sup>*

Significance results from a combination of any, some or all of the values described above.

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<sup>8</sup> NPPF Annex 2, MHCLG, 2019

<sup>9</sup> Historic England, 2019, *Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12)*

<sup>10</sup> MHCLG, Planning Practice Guidance, paragraph 006 (ID: 18a-006-20190723 revision date 23.07.2019)

<sup>11</sup> Ibid.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

### **Setting and significance**

As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."*<sup>12</sup>

Setting is defined as:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*<sup>13</sup>

Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

It is also important to note that whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. This was recently considered in a High Court Judgement<sup>14</sup> where it was concluded that:

*"The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual".*

### **Assessing change through alteration to setting**

How setting might contribute to these values has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*<sup>15</sup> (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.

In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess "whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciate". The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time.

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<sup>12</sup> NPPF Annex 2, MHCLG, 2019

<sup>13</sup> Ibid

<sup>14</sup> EWHC 1456, *Steer v. Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council*, 2017.

<sup>15</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

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It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to “*maximise enhancement and avoid or minimise harm*”. Step 5 is to “*make and document the decision and monitor outcomes*”.

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

### **Levels of significance**

In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

***Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF comprising Grade I and II\* Listed buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;***

***Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and***

***Non-designated heritage assets. Non-designated heritage assets are defined within the Government’s Planning Practice Guidance as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets<sup>16</sup>”.***

Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

### **Assessment of harm**

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In order to relate to key policy, the following levels of harm may potentially be identified:

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<sup>16</sup> MHCLG, Planning Practice Guidance, Paragraph: 039 (ID: 18a-039-20190723, Revision date: 23.07.2019)

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**Substantial harm or total loss.** *It has been clarified in a High Court Judgement of 2013<sup>17</sup> that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"; and*

**Less than substantial harm.** *Harm of a lesser level than that defined above.*

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this<sup>18</sup>. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating 'what matters and why'. Of particular relevance is the checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

It should be noted that this key document states that:

*"setting is not itself a heritage asset, nor a heritage designation"*<sup>19</sup>

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "conserving or enhancing heritage assets by taking their settings into account need not prevent change".

Additionally, it is also important to note that, as clarified in the Court of Appeal<sup>20</sup>, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

## **Benefits**

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence significance of the assets concerned.

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<sup>17</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

<sup>18</sup> EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

<sup>19</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (paragraph 9)*

<sup>20</sup> Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

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## **Appendix 2 – Planning Policy**

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Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **The National Planning Policy Framework (February 2019)**

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous National Planning Policy Framework 2018, which in turn had replaced the previous 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three "objectives" to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

*"Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
  - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
-

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. 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.*

*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. 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."**

However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change." (our emphasis)*

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in Annex 2 of the NPPF as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."*

The NPPF goes on to define a Designated Heritage Asset as a:

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*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.<sup>21</sup>"*

As set out above, significance is also defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.<sup>22</sup>"*

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

*"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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Paragraph 192 goes on to state that:

*"In determining planning applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness"*

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

*"193 – 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."*

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<sup>21</sup> NPPF Annex 2, MHCLG, 2019

<sup>22</sup> IBID

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*"194 – 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. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

In the context of the above, it should be noted that paragraph 195 reads as follows:

*"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 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"*

Paragraph 196 goes on to state:

*"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"*

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"* and with regard to the potential harm from a proposed development states:

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*"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole" (our emphasis)*

With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

Non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

### **National Planning Guidance**

The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the 'Historic Environment' which confirms that the consideration of 'significance' in decision taking is important and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals<sup>23</sup>"*

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

*"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of*

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<sup>23</sup> MHCLG, Planning Practice Guidance, paragraph 007 (ID: 18a-007/20190723 revision date 23.07.2019)

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*the development that is to be assessed. The harm may arise from works to the asset or from development within its setting<sup>24</sup>.*

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm"*

### **South Worcestershire Development Plan (SWDP)**

The South Worcestershire Development Plan (SWDP) was adopted on 25<sup>th</sup> February 2016.

Policy SWDP 6 relates to the Historic Environment and states:

*"A. Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24. Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire.*

*B. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting. In particular this applies to:*

*i. Designated heritage assets; i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens and registered battlefields, as well as undesignated heritage assets.*

*ii. The historic landscape, including locally distinctive settlement patterns, field systems, woodlands and commons and historic farmsteads and smallholdings.*

*iii. Designed landscapes, including parkland, gardens, cemeteries, churchyards, public parks, urban open spaces and industrial, military or institutional landscapes.*

*iv. Archaeological remains of all periods.*

*v. Historic transportation networks and infrastructure including roads and trackways, canals, river navigations, railways and their associated industries.*

*vi. The historic core of the cathedral city of Worcester, with its complex heritage of street and plot patterns, buildings, open spaces and archaeological remains, along with their settings and views of the city.*

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<sup>24</sup> MHCLG, Planning Practice Guidance, paragraph 018 (ID: 18a-018-20190723 revision date 23.07.2019)

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*vii. The civic, religious and market cores of south Worcestershire's city, town and village fabric with their wide variety of building styles, materials and street and plot patterns."*

Policy SWDP 24 concerns the Management of the Historic Environment and states:

*"A. Development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.*

*B. Proposals likely to affect the significance of a heritage asset, including the contribution made by its setting, should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed. Where there is potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.*

*C. The sympathetic and creative reuse and adaptation of historic buildings will be encouraged. Such proposals, and other proposals for enabling development that provide a sustainable future for heritage assets identified as at risk, will be considered in accordance with SWDP 24 A.*

*D. Where a material change to a heritage asset has been agreed, recording and interpretation should be undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance. The scope of the recording should be proportionate to the asset's significance and the impact of the development on the asset. The information and understanding gained should be made publicly available, as a minimum through the relevant Historic Environment Record and where appropriate at the asset itself through on-site interpretation."*

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