

Malvern Hills AONB Unit,  
Manor House,  
Grange Road,  
Malvern,  
Worcestershire,  
WR14 3EY  
9 March 2023

**FAO Emily Brookes, Planning Services, Herefordshire Council**

**Dear Miss Brookes,**

**P230197/F - Land at Mirrorbrook Small Holding, Stoney Cross, Cradley, Malvern, Herefordshire – Proposed variation of condition 3 of planning permission 153490 (Proposed residential development comprising 2 no. detached and 2 no. semidetached split level sustainable homes. 4 no. subterranean 'ha-ha' garages. Associated landscaping, hard surfacing and access) to vary the approved material details)**

The application site lies just outside of the Malvern Hills AONB, an area designated for its outstanding national landscape. As per paragraph 176 of the NPPF (2021), great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which has the highest status of protection in relation to these issues, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within this designated area should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. It is the AONBs setting to which our comments focus on. In our view, we object to this Section 73 application for the reasons below.

The setting of the Malvern Hills AONB can be defined as the area within which development, by virtue of its nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Malvern Hills AONB and/or on peoples' enjoyment of it. In terms of landscape character, it can be considered to include the area outside the AONB whose character compliments that of the AONB, either through similarity or contrast. In terms of views, it can be considered to include those areas which are visible from the AONB and which offer views towards it (i.e. are intervisible). The Malvern Hills AONB Management Plan 2019-2024 lists dramatic scenery and spectacular views as one of the area's special qualities. It is inevitable that the Malvern Hills themselves provide much of the focus in any discussion on setting. The setting of the AONB exists all the way around the designated landscape, including areas which are less obvious and less visited. The setting of the Malvern Hills AONB has not been defined geographically by a line on a map and such a line would probably be all but impossible to draw. The extent of the setting of the AONB varies depending on the nature and location of the change being proposed. The site is in the setting of the Malvern Hills AONB as ratified by the Planning Inspectorate in the dismissed appeal at this site in 2019 (APP/W1850/W/19/3233908).

The application site lies within National Character Area (NCA) 100: Herefordshire Lowlands. Herefordshire Lowlands are described in the NCA profile as having a 'strong sense of character' that should be 'reinforced'; it notes that 'views can be expansive across to neighbouring NCAs', which is the case here. There are clear views towards the Malvern Hills, which are covered by NCA 103, the boundary of which runs through the eastern side of Cradley village.

It is noted in the supporting documents of the original planning application at Mirrorbrook (P153490/F), under the design and access statement made in that submission that, *"The decision to use an intensive green roof system was taken to minimize the impact of the roof covering on the landscape"* (taken from Design & Access Statement by Stoneleigh Architectural Services Ltd dated October 2015 in relation to P153490/F). Additionally, the submitted LVIA by Eagle Eye Design in relation to P153490/F also raises another important point. At one particular viewpoint, this being Viewpoint VP03, which is the first prominent elevated open view of the Malvern Hills on the east-bound A4103 offering a mid-distance view over site, the mitigation, compensation and enhancement was proposed as follows: *"Enhance, interplant and reinstate historic field boundaries with native hedge planting. Establish traditional orchard to north of development area to screen low-level ridgelines (107.84m AOD) 4 m above existing ground level. Careful choice of green roof planting required to visually blend roofs into the environment."*

The development at that time was particularly mindful of the proximity to the AONB and considered it particularly important to maintain the elevated and open views towards the Malvern Hills AONB from Viewpoint 03, north-west of the site from the A4103. As a direct result, the living and sleeping spaces within the dwellings were inverted to enable the dwellings to be accessed from the first floor living spaces, resulting in the dwellings and rooflines to be lowered. As part of the mitigation, it was proposed that the roofs would be green roofs and planted with native species to visually and ecologically, blend in to the surrounding environment. It was concluded that the development would not have an adverse effect on the landscape and visual qualities when viewed from the above viewpoints, but rather, as demonstrated, a beneficial outcome with improved visual qualities while maintaining and improving the quality and accessibility of the surrounding landscape.

Clearly from the outset of the original development, from a landscape perspective, the green roofs were necessary and relevant to deliver an appropriate form of development.

Turning attention to P182038/F (proposed new dwelling) and the Landscape and Visual Statement submitted by the applicant, and prepared by Carly Tinkler. Carly, as a professionally qualified Landscape Consultant, made several critical comments:

At Section 3.18: *"Incidentally, some of the mitigating measures recommended in the applicant's 2015 LVA - such as planting an orchard to screen the development, or possibly hedges - are not the most appropriate response to the landscape of this particular area. The proposed green roofs, however, have been embedded in the scheme as 'primary mitigation' (subject to planning conditions), and - subject to specification and good management - should help with visual integration of the development from certain viewpoints"*.

A reading of site history and particularly appeal decision APP/W1850/W/19/3233908 confirms that development within the AONB setting needs to be sensitively located and designed to avoid or minimise adverse impacts on the designated areas, as was recognised by the applicant's own professionally

qualified Landscape consultants when previous applications for residential development on this site were made.

For the applicant to now suggest that permission should be granted for development that has not been carried out in accordance with approved plans is acceptable, is irrational. The applicant has no genuine evidence to claim that the condition fails to meet paragraph 55 of the NPPF (July 2021). Their hope is that a fresh review of the site by a new case officer will deliver only positive outcomes for them. It is simply an attempt to not fully comply with the development, currently leading to the detriment of the setting of the Malvern Hills AONB, and without compliance with the development approved. There is a need for effective planning enforcement to restore public confidence in the planning process.

Retrospective approval of this variation of condition application would result in a form of development that would not be in keeping with the semi-rural character of the wider area. The urbanised roof design would result in further encroachment of built development and urbanisation of the countryside and the erosion of its semi-rural character. The elevated position of the site in relation to Cradley village below has already made the development very prominent. Due to the elevated nature of the road, the development comes into view along a modest stretch of the A4103 with the AONB beyond. The views of the Malvern Hills are not only experienced and enjoyed from the footway on the A4103 but also by people travelling in vehicles along the A4103. Removal of the green roofs would interrupt views of the AONB beyond the site. The more urban appearance of the development has become harmful to views of the AONB. Whilst it is of course downslope, it is still visible within the AONB setting.

By amending the development approved, this has changed the character of the site. Whilst this may have resulted in a reduction in the degree of the sensitivity to change of the site, when viewed in the context of these adjoining houses, we do not find that this has changed when taken in the context of the surrounding area and prominent location with views of the AONB beyond. The site due to its more elevated and prominent position, visible from the wider area and upslope from the development, has a low capacity for change.

Amendment of the materials is harmful to the character and appearance of the area, visually out of character with a Principal Timbered Farmlands landscape character area, giving an artificial amendment of the land rather than working at one with the landscape. It will lead to a discontinuation and interruption of the landscape and thus properties will in effect 'appear' rather than 'disappear' through insertion of the green roofs.

From other perspectives, *"the Green Roofing provides a benefit to drainage; it both regulates water runoff through increased retention whilst discharging water into the atmosphere through evapotranspiration. This provides the dwellings with a natural cooling effect during the summer months."* (Taken from Section 7.7 (Water Management) of Planning Statement by Stoneleigh Architectural Services Ltd dated October 2015 in relation to P153490/F. Does this now undermine the surface water drainage arrangements on site? Does this not run contrary to the Council's declaration of a Climate and Ecological Emergency?

The A4103 road and the parallel and adjacent footpath represent a route corridor which when travelling in an easterly direction provides orientation and fine outstanding panoramic views of the Malvern Hills, especially when seen in the vicinity of the proposed development. Proposals for taking away visual mitigation parallel and adjacent to the A4103 road and its footpath will severely restrict these long distance views to the Malvern Hills, when seen from these view-points. The green roofs provide visual

amenity of the highest order. Along with other views in a westerly direction on the A4103 such as Fromes Hill, these are some of the best elevated rural road views in Herefordshire with a strong sense of regional identity and orientation value, sadly a asset which is presently being lost in our valued countryside. The application, if approved, will have a negative impact on the visual amenity of this gateway to Cradley, and from views to the Malvern Hills AONB, but this history to this site has not contributed to the enhancement of the natural and local environment by protecting and enhancing this gateway to Cradley and to the wider setting of the Malvern Hills AONB. The photographs submitted by the applicant are very selective and fail to paint the full picture.

We consider the application to conflict with Policy BDP4 of the Malvern Hills AONB Management Plan 2019-2024, which states that development proposals that may affect land in the setting of the AONB, should protected and/or enhance key views and landscape character, which we feel that if approving this application, will not conserve or enhance landscape character. As such, we formally **object** to the application. We hope you take the above comments into account. Should amendments be sought, we wish to be formally re-consulted and reserve the right to make further comments.

Yours faithfully,

**Josh Bailey**

AONB Planning Officer (shared)

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**The Malvern Hills AONB Partnership exists to support the conservation and enhancement of this National Landscape. The Malvern Hills AONB is one of a family of 46 Areas of Outstanding Natural Beauty in England, Wales and Northern Ireland.**