

Neighbourhood Planning Team

From: Turner, Andrew
Sent: 12 January 2017 15:00
To: Neighbourhood Planning Team
Subject: RE: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Re: Re-submitted their Regulation 16 Neighbourhood Development Plan (NDP)

Dear Neighbourhood Planning Team, apologies for the delay in getting back to you.

I refer to the above and would make the following comments with regard to the proposed development area identified in the re submitted "Bosbury Neighbourhood Development Plan-Final Submission-Oct 2016":

Having reviewed Ordnance survey historical plans, I would advise regarding the 'Housing Site' indicated in brown on the "Bosbury Village Policies Map":

- The site seems to have largely an agricultural use history. By way of general advice I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.
- Records indicate the proposed site encroaches onto an area historically used in association with petrol tanks.

I recommended on the 17th June 2016 in the previous plan titled 'Bosbury Neighbourhood Development Plan-Final Submission-6th March' 'that because the proposed site encroached on to a site which has a potentially contaminative use, it would be likely that we would ask that any application submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered'

However a more detailed inspection of historical maps indicate that the former petrol tank site did not encroach onto the proposed 'Housing Site'. It would therefore seem disproportionate to recommend a site investigation be carried out.

Due to the petrol tank site's proximity however, it's possible that unforeseen contamination may be present at the proposed site. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

Andrew Turner
Technical Officer (Air, Land and Water Protection),
Environmental Health & Trading Standards,
Economy, Communities and Corporate Directorate
Herefordshire Council,
8 St Owen Street, PO Box 233,
Hereford. HR1 2PJ.
Direct Tel: 01432 260159
email: aturner@herefordshire.gov.uk

From: Neighbourhood Planning Team
Sent: 16 November 2016 13:21
Subject: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Bosbury & Coddington Group Parish Council have re-submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-areas-and-plans/bosbury-and-catley-group>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 16 November 2016 to 11 January 2017.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk, or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

James Latham
Technical Support Officer
Neighbourhood Planning and Strategic Planning teams
Herefordshire Council
Council Offices
Plough Lane
Hereford
HR4 0LE

Tel: 01432 383617
Email: jlatham@herefordshire.gov.uk
neighbourhoodplanning@herefordshire.gov.uk (for Neighbourhood Planning enquiries)
ldf@herefordshire.gov.uk (for Strategic Planning enquiries)

Web: www.herefordshire.gov.uk/neighbourhoodplanning (Neighbourhood Planning)
www.herefordshire.gov.uk/local-plan (Strategic Planning)



The Coal
Authority



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Neighbourhood Planning and Strategic Planning teams
Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

07 December 2016

Dear Neighbourhood Planning and Strategic Planning teams

Bosbury Neighbourhood Plan - Regulation 16

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*
Chief Planner / Principal Manager
Planning and Local Authority Liaison

Neighbourhood Planning Team

From: CPRE Herefordshire Admin <admin@cpreherefordshire.org.uk>
Sent: 16 November 2016 13:47
To: Neighbourhood Planning Team
Subject: RE: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Thank you James

I will forward to volunteers for comment

Regards
Barbara

Barbara Bromhead-Wragg
CPRE Herefordshire Administrator
www.cpreherefordshire.org.uk

This email is confidential and may also be legally privileged. If you have received it in error, please notify us immediately by reply email and delete this message from your system. Views expressed in this message are those of the sender and may not necessarily reflect the views of CPRE Herefordshire. This email and its attachments have been checked by AVG Anti-Virus. No virus is believed to be resident but it is your responsibility to satisfy yourself that your systems will not be harmed by any of its contents.

From: Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]
Sent: 16 November 2016 13:21
Subject: Bosbury Regulation 16 Neighbourhood Development Plan consultation

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If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

James Latham
Technical Support Officer
Neighbourhood Planning and Strategic Planning teams
Herefordshire Council
Council Offices
Plough Lane

Neighbourhood Planning Team

From: Norman Ryan <Ryan.Norman@dwrcymru.com>
Sent: 22 December 2016 15:36
To: Neighbourhood Planning Team
Cc: Evans Rhys
Subject: RE: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Dear Sir/Madam,

Thank you for consulting Welsh Water on the Bosbury & Coddington Group Parish NDP consultation. I can confirm that Welsh Water have no specific comment to make over and above the following:

You may be aware that this Group Parish Council falls outside of Welsh Water's operational area for sewerage, as such Severn Trent Water should be consulted for comments on sewerage and wastewater treatment. With regard to clean water supply, there are no issues in supplying the level of growth proposed though some level of off-site mains may be required.

If you require any further information then please let me know.

Regards,



Ryan Norman

Forward Plans Officer | Developer Services | Dŵr Cymru Welsh Water

Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | Ext: 40719 | www.dwrcymru.com

Have you seen Developer Services new web pages at www.dwrcymru.com? Here you will find information about the services we have available and all of our application forms and guidance notes. You can complete forms on-line and also make payments. If you have a quotation you can pay for this on-line or alternatively by telephoning 0800 917 2652 using a credit/debit card. If you want information on [What's new in Developer Services?](#) please click on this link.

If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#)

From: Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]
Sent: 16 November 2016 13:21
Subject: Bosbury Regulation 16 Neighbourhood Development Plan consultation

***** External Mail *****

Dear Consultee,

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Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

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If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk, or sending representations to the address below.

Mr. James Latham
Neighbourhood Planning Team
Herefordshire Council
Forward Planning
PO Box 4
Hereford
Herefordshire
HR4 0XH

Our ref: SV/2010/103979

Your ref:

Date: 24 June 2015

Dear Mr. Latham

BOSBURY NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

I refer to your email of the 14 May 2015 in relation to the above Neighbourhood Plan (NP) consultation. We have reviewed the submitted document and would offer the following comments at this time.

Vision: We note, and welcome, that part of the Vision of the Bosbury NP is to endorse policies that have a positive effect on the environment, including those that remove or minimise flood risk.

This is supported by the associated Environmental Report (December 2014) which states that 'flood risk is the largest environmental issue within the Parish and therefore policies should aim to mitigate the risk of flooding or aim to alleviate flooding'.

Policy 1 – Housing Growth: Housing growth is to be accommodated through small scale development and it is estimated that 14 homes will be needed between now and 2031. In line with the Vision Statement it is important that new development within the village does not exacerbate flood risk issues and, where possible, seek to reduce the impacts of flooding.

Part B of Policy 1 makes reference to the conversion of the existing farm buildings at Old Court Farm, to the north of the village. Further reference to this site is found in The Bosbury Settlement Boundary Note 1, which confirms that the site is partially within Flood Zone 3 (High Risk). The Policies Map indicates that the site is primarily within Flood Zone's 2/1 (Medium and Low Risk) but lies immediately adjacent to the Dowding's Brook (Main River). Whilst this site may be appropriate for conversion a site specific Flood Risk Assessment (FRA) would be required to confirm that the development is safe, will not increase flood risk to third parties post development, and will offer flood risk betterment where possible. Development of the site, in flood risk

Environment Agency
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

Cont/d..

terms, will need to accord with Herefordshire Council's Core Strategy as well as your own NP document. I would offer the following comments on your flood risk related policy below:

Flood Risk and Surface Water Management: In addition to the above the western portion of Bosbury Village falls primarily within Flood Zone 3, the high risk Zone. This has been identified on the Bosbury Village Policy Map which identifies both the River Leadon and the Dowding's Brook (both designated as Main River) as sources of flood risk.

We note that flood risk is addressed within Policy 2 (Local Character) and is quite limited in its scope. We would recommend that flood risk is instead inserted into Policy 6 (Landscape & Environment) and expanded upon. We would expect the Policy to confirm that all built development (proposed and windfall) will be located within Flood Zone 1 and that it should accord with existing planning policy, in this instance the National Planning Policy Guidance (NPPG) and Herefordshire Council's Core Strategy (CS). As stated above there is one proposed housing site which falls on the edge of Flood Zone 3 but lies primarily within Flood Zones 2/1. However, since the improvements to conveyance on the Dowding's Brook (increased culvert capacity), immediately upstream of the Old Court Farm site, flood risk has been reduced and the site is likely to fall within Flood Zone 1. Notwithstanding this, any redevelopment of this site should be accompanied by a detailed FRA to confirm that the site is not impacted by flooding. We would also not expect any further encroachment on land towards the watercourse to allow for maintenance access in a flood event.

As part of an expanded Policy 6 we would also welcome a reference to SuDS design standards and the types of options available to reduce flood risk, improve water quality (contributing to wider Water Framework Directive (WFD) objectives) and improve ecology. Whilst, the detail would also be informed by discussion with the Herefordshire Council and their Land Drainage team we include the following wording to assist: 'opportunities, where appropriate, should help to conserve and enhance watercourses and riverside habitats. Where necessary, this should be through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of any aquatic environment in or adjoining the development site'.

Flood defences: Bosbury village currently benefits from flood alleviation measures which comprise of an improved culvert on the Dowding's Brook to ensure that waters are kept within the channel in a flood event. In addition to this further improvements have been proposed on the Dowdings Brook with a view to reducing surface water flooding in the area. The scheme has been allocated £15,000 of Local Levy funding and is to be led by Herefordshire Council with the earliest estimated start time of 2017.

Water Quality: As stated within the associated Environmental Report (December 2014) 'New development proposed through the Bosbury NDP should be assessed against the capacity of local infrastructure to ensure that rivers meet their conservation objectives and do not fall below the required standard of quality'. On this point there is no mention within the Plan to foul drainage infrastructure. In this instance we would expect consultation with Welsh Water to ensure that the scale of development can be accommodated over the plan period. As you are aware, as part of the WSC update/addendum, an assessment of Sewage Treatment Works within the County was undertaken with data collated by both Welsh Water and ourselves. The Plan should make reference to this information to provide re-assurance that there is adequate foul infrastructure to accommodate growth throughout the plan period. Whilst, due to the

limited scale of development proposed, this is unlikely to cause problems clarification should be sought and provided in any future revisions to the Plan.

Water Framework Directive (WFD): The EC Water Framework Directive European Union 2000 Commits all EU member states to achieve good qualitative and quantitative status of all water courses by 2027 Aims for 'good status' for all ground and surface waters (rivers, lakes, transitional waters, and coastal waters) in the EU
The River Leadon (Main river) runs down the western edge of Bosbury and is currently at 'moderate status'. In line with the above we would expect development in Bosbury to have no detrimental impact on the watercourse and, where possible, aid in it achieving 'good status' by 2027.

I trust the above is of assistance at this time. We would be happy to co-operate further on the areas detailed above prior to the proposed Neighbourhood Plan adoption.

Yours faithfully

Mr. Graeme Irwin
Senior Planning Advisor
Direct dial: 01743 283579
Direct e-mail: graeme.irwin@environment-agency.gov.uk



Historic England

WEST MIDLANDS OFFICE

Mr James Latham
Herefordshire Council
Neighbourhood Planning & Strategic Planning
Planning Services, PO Box 230, Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00050293

14 December 2016

Dear Mr Latham

BOSBURY NEIGHBOURHOOD PLAN - REGULATION 16 RE-CONSULTATION

Thank you for the invitation to comment again on the Regulation 16 Neighbourhood Plan. As noted in our previous consultation responses we are supportive of the content of the document, particularly its' emphasis on local distinctiveness and the protection of local rural landscape character and overall consider it to be a well-considered, concise and fit for purpose document.

Beyond those observations we have no substantive further comments to make on what Historic England considers is a very good example of community led planning. I hope you find this advice helpful.

Yours sincerely,

Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870
HistoricEngland.org.uk



Neighbourhood Planning Team

From: Howells, Mathew
Sent: 10 January 2017 09:55
To: Neighbourhood Planning Team
Subject: RE: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Good afternoon,

Following the consultation on the below NDP, HC Transportation would like to make the following comments:

We would like to see the additional wording (in red) onto the end of policy 5B.

5B - Maximise opportunities to walk and/or cycle to the village centre and within Local area **by including proposals for local active travel infrastructure and supporting facilities such as secure cycle parking and workplace changing facilities.**

Please also consider the following comments:

We would like to actively encourage Bosbury to continue with the original scheme at every opportunity, as there is a lot of potential given what has already been achieved. The nature and character of the road / village and traffic levels through here also has potential to build the original scheme into a comprehensive "trial" which would help inform future works in other villages...plus we have an excellent working relationship with the Parish who have displayed competency in understanding and carrying out works.

It would also be worth noting that Bosbury residents can access Worcester by using the bus service also.

Kind Regards
Mathew Howells
Senior Transport Planning Officer
Transportation - Planning
Herefordshire Council
P.O. Box 236
Plough Lane,
Hereford
HR4 0WZ
Tel: 01432 383143
Mob: 07792 881618
E-mail: mathew.howells@herefordshire.gov.uk

From: Neighbourhood Planning Team
Sent: 16 November 2016 13:21
Subject: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Bosbury & Coddington Group Parish Council have re-submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

9 January 2017

Dear Sir / Madam

Bosbury Neighbourhood Plan Consultation SUBMISSION ON BEHALF OF NATIONAL GRID

National Grid has appointed Amec Foster Wheeler to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

Specific Comments

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High Pressure apparatus.

National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.

Gas Distribution – Low / Medium Pressure

Whilst there is no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network please contact plantprotection@nationalgrid.com

Key resources / contacts

National Grid has provided information in relation to electricity and transmission assets via the following internet link:

Gables House
Kenilworth Road
Leamington Spa
Warwickshire CV32 6JX
United Kingdom
Tel +44 (0) 1926 439 000
amecfw.com

Amec Foster Wheeler Environment
& Infrastructure UK Limited
Registered office:
Booths Park, Chelford Road, Knutsford,
Cheshire WA16 8QZ
Registered in England.
No. 2190074



<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

The electricity distribution operator in Herefordshire Council is Western Power Distribution. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Robert Deanwood
Consultant Town Planner

n.grid@amecfw.com

Spencer Jefferies
Development Liaison Officer, National Grid

box.landandacquisitions@nationalgrid.com

Amec Foster Wheeler E&I UK
Gables House
Kenilworth Road
Leamington Spa
Warwickshire
CV32 6JX

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours faithfully

[via email]

Robert Deanwood
Consultant Town Planner

cc. Spencer Jefferies, National Grid

Neighbourhood Planning Team

From: Amos, Tom (NE) <Thomas.Amos@naturalengland.org.uk>
Sent: 12 December 2016 17:04
To: Neighbourhood Planning Team
Subject: Bosbury Regulation 16 Neighbourhood Development Plan consultation

Dear Sir/Madam,

Natural England have no further comments to make regarding the amended Regulation 16 submission for the Bosbury and Catley Group Neighbourhood Development Plan.

Please refer to our response of 24 June; our reference 153726.

Tom Amos
Adviser
Sustainable development
South Mercia Team
Natural England,
County Hall, Spetchley Road,
Worcester, WR5 2NP
Tel: 02080260961

Follow the South Mercia team on Twitter - [@NESouthMercia](#)

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services – The Discretionary Advice Service (DAS) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (PSS) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: Neighbourhood Planning Team [<mailto:neighbourhoodplanning@herefordshire.gov.uk>]
Sent: 16 November 2016 13:21
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Herefordshire Council
Neighbourhood Planning Department

SENT VIA EMAIL

Date: 11/01/2017

Reference Number: RCA142b

RCA Regeneration Limited,
Unit 6 De Salis Court,
Hampton Lovett Industrial Estate,
Droitwich Spa,
Worcestershire, WR9 0QE

T: 01905 887686

E: info@rcaregeneration.co.uk

W: www.rcaregeneration.co.uk

Dear Sir / Madam,

Regulation 16 Consultation on Bosbury Draft Neighbourhood Development Plan

RCA Regeneration has been instructed to submit representations to Herefordshire Council in respect of the regulation 16 consultation of the Bosbury Neighbourhood Development Plan (NDP) on behalf of Braemar Property Developments Limited and Parkroy Limited. Due to our client's interests, this representation focuses upon issues relating to new residential development.

By way of background, it is noted that Herefordshire Council consider Bosbury to be a suitable and sustainable settlement for growth. This is based upon the existing level of service provision present within the village along with the presence and frequency of public transport connections. As a result of such facilities, Herefordshire Council has identified Bosbury as one of a series of villages which are to be the main focus of proportionate rural housing development within their adopted Core Strategy. Furthermore, the character of the existing built form within the village is linear in nature; with the exception of the Forge Bank development. This characteristic of the village was identified within a recent appeal (PINS Ref: APP/W1850/W/15/3053084).

Any emerging draft Neighbourhood Development Plan is required to be meet the basic conditions set out in Schedule 4B to the Town and Country Planning Act (1990). One such



condition is that the NDP must be consistent with the development plan for the local area. In this instance, the development plan consists of the policies contained within the Herefordshire Local Plan Core Strategy 2011 – 2031 (adopted October 2015).

Bosbury NDP's general housing strategy:

The adopted Core Strategy subdivides Herefordshire into a series of Local Housing Market Areas for which a series of sustainable growth settlements have been identified. In this case, Bosbury is identified as a sustainable settlement for growth with the Ledbury Housing Market Area. Policy RA1 of the Core Strategy states that sustainable settlements for growth within the Ledbury Housing Market Area are to grow by 14%.

In connection with the above, paragraph 4.8.21 of the Core Strategy, which accompanies policy RA1, states that *"The proportional growth target contained within policy RA1 will provide the basis for the minimum level of new housing that will be accommodated in each neighbourhood development plan [RCA Regeneration emphasis]. The target represents a level of growth for parishes, as a percentage, that is proportionate to existing HMA characteristics"*.

Accordingly, it is clear from the content of policy RA1 and the supporting text contained within the Core Strategy, that the 14% growth figure is to be considered a minimum growth target for NDPs.

In turning to the draft NDP, it is noted that there is a section concerning 'Housing Growth'. Notwithstanding this, the supporting paragraph states that *"The Core Strategy highlights that proportional growth figures are indicative and do not take into account any environmental factors or constraints which may exist on a parish by parish basis. Therefore proportional growth is an indication not the absolute number of houses to be found"*.

Accordingly, the draft NDP is seeking to argue that the growth targets contained within the adopted Core Strategy are purely indicative and subject to local environmental factors. However, as highlighted, this is in direct conflict with policy RA1 and paragraph 4.8.21 of the Core Strategy which states that the 14% growth target is the minimum level of growth that NDPs need to accommodate. Growth above this 14% minimum threshold will be based upon



environmental factors rather than such factors being an excuse to reduce the scale of allocated growth.

Accordingly, based upon the preceding paragraphs, it is considered that the draft NDP fails to accord with the development plan and strategic policies prescribed by the Core Strategy. The emerging NDP must make allowance for achieving the minimum 14% housing growth target.

At this juncture, it is considered important to assess precisely what the 14% growth target equates to in terms of housing numbers. As of the 2011 Census, there were 341 residential properties within the parish of Bosbury. Accordingly, in applying the minimum 14% growth target, this gives a minimum housing development target of 48 new homes to Bosbury. As such, it is important to assess whether this minimum housing growth figure will be achieved as a result of the NDP.

However, prior to this, it is considered important to assess the environmental factors in and around Bosbury. It is noted that the western aspect of the village does contain heritage assets which may preclude development in this location. However, the eastern aspect of the settlement is unaffected by such a designation. Furthermore, there is no restrictive landscape or other environmental designations (be they international, national or local) located on the eastern edge of the settlement. However, the Ledbury Housing Market Area does contain a significant landscape designation in the form of the Malvern Hills Area of Outstanding Natural Beauty (AONB). While Bosbury is situated outside of the AONB, a number of other growth settlements within the Ledbury Housing Market Area (e.g. Colwall, Wellington Heath) are entirely within such a designation. This designation may pose difficulties in delivering the minimum housing levels for such settlements. Accordingly, this places even greater emphasis on unconstrained settlements accommodating their minimum housing growth figure.

Policy 1 – Housing Growth:

Subsection 1A states that *“Proposals involving up to 8 homes will normally be permitted within the main area of Bosbury village over the period 2011 to 2031; This area is defined by the settlement boundary within this Neighbourhood Plan”*.



As is clear from this policy, schemes are limited to 8 dwellings as a maximum and are to be located within the defined settlement boundary. However, the defined settlement boundary is drawn in such a way that it predominantly follows the line of existing built form of the village. This unjustly restricts the ability to deliver the requisite levels of growth. The only identified housing site within the policies map is located towards the north of the village. This site is also recognised as being land liable to flood as well as being within the conservation area, adjacent to Listed Buildings and scheduled ancient monuments. Such a site is simply insufficient to meet the identified minimum housing needs set out by the Core Strategy.

The allocated site referenced above is identified within policy 1B. This policy states that *"Exceptions in scale will be made where additional housing development involves the redevelopment of the brownfield land to the north of the Village, specifically the conversion of the existing redundant farm buildings at Old Court Farm"*. It is considered that this policy is significantly flawed for a number of reasons.

Firstly, it is important to note the content of Annex 2 of the National Planning Policy Framework which provides a definition of previously developed land. The annex states that previously developed land excludes *"land that is or has been occupied by agricultural or forestry buildings"*. As is clear in policy 1B, the allocated site contains redundant farm buildings. Accordingly, it fails to meet the definition of previously developed land. As such, the policy wording is not aligned to the content of the Framework.

Furthermore, as identified, the land around the allocated site is prone to flooding (as indicated on the draft NDP policies map). No flood risk assessment or sequential analysis has been compiled in the advancement of the draft NDP. As such, it is important to note the content of the development plan and the Framework. Core Strategy policy SD3 identifies that development proposals are to be located in accordance with the Sequential and Exception test provided within the Framework. Paragraph 101 of the Framework states that *"development should not be allocated or permitted where there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding"*. Land to the eastern edge of the village is not at risk of flooding. Given that such land is available and suitable for development, the allocation within the draft NDP fails to accord with policy SD3 of the Core Strategy or paragraph 101 of the Framework.

Other issues:



The NDP identifies on page 6 that affordability is a key issue for existing residents of Bosbury. This issue is supported by the evidence base to the Core Strategy. Herefordshire Council produced a Rural Housing Background Paper (March 2013) which appraises the various rural settlements across the County. Within this, the evidence base document notes that there is a need for 10 affordable homes within the Parish.

However, Policy 1A limits development proposals for 8 dwellings or less. In connection with this, Core Strategy policy H1 states that affordable housing contributions will not be expected on sites fewer than 10 dwellings or 1,000m² (as also set out within the recently reintroduced Written Ministerial Statement and the National Planning Practice Guidance).

Given that the draft NDP limits the scale of development below which affordable housing contributions will be sought, the existing affordable housing need will go unmet and a key issue identified by local residents will not be addressed.

Conclusions:

Herefordshire Council's Core Strategy has been subject to Examination in Public and found to be sound. Accordingly, the policies contained therein must be adhered to by any draft NDP. Should a draft NDP fail to be aligned to the content of those policies, the NDP would fail a key basic test. In this instance, it is considered that the Bosbury draft NDP is in conflict with the Core Strategy.

As identified, the Core Strategy requires Bosbury to accommodate a minimum of 14% growth based upon existing housing numbers within the Parish. This figure equates to 48 new homes. Paragraph 4.8.21 of the Core Strategy states that such a figure is the minimum to be contained within a NDP. However, the emerging NDP only makes a small allocation on a perceived brownfield site that is heavily constrained.

Indeed, it is considered important to note that Herefordshire Council has previously recognised the shortcoming of the emerging NDP in respect of its housing policies. During an appeal hearing on land west of Upper Court Road, Bosbury (PINS Ref: APP/W1850/W/15/3002571) the issue of the weighting applicable to the draft NDP was examined. Paragraph 16 of the Inspector's Report stated that "*The Bosbury NDP has*



completed the 'Regulation 16' stage of formal consultation by the local planning authority but has not yet proceeded to Examination. The appellant has objected to the plan as it stands. Moreover, a Council officer view from a planning policy perspective, put to me at the hearing, is that the emerging NDP does not conform entirely with the strategic policies of the emerging CS [subsequently since adopted following Examination in Public], specifically in terms of its highly cautious approach to allocation of housing sites and to development adjacent to the settlement boundary". It is considered that no substantial alteration has been made to the draft NDP since this date. Accordingly, the flaws identified by Herefordshire Council with the draft NDP still remain. For completeness, a copy of this appeal decision is contained within appendix 1 to this letter.

The draft NDP needs significant work to rectify this shortcoming. Firstly, it must recognise the minimum level of housing growth as prescribed by the development plan. Therein it must work to identify suitable and deliverable sites capable of accommodating this growth.

At this stage, the draft NDP only seeks to allocate one site for development. This site itself is heavily constrained due to its location in an area liable to flooding. By directing growth to this location, the draft NDP is not aligned to the Core Strategy (policy SD3) or the Framework (paragraph 101). Accordingly, this is another significant shortfall of the NDP. Indeed, to justify this site, viability evidence would be required that the site's redevelopment could resolve the identified flooding issues. Furthermore, a lack of a flood risk assessment or any deliverable mechanism to resolve flooding is again a substantial shortcoming in the evidence underpinning the draft NDP.

It should be noted that land to the east of the village, and under control of our clients, was also subject to an appeal. Ultimately, the Inspector dismissed the proposal primarily on the basis that the development would not adhere to the linear characteristics of the existing built form. However, a revised scheme is currently awaiting determination. This revised scheme has significantly reduced housing numbers and can be delivered in a linear format.

Furthermore, the development proposed to the east of the village is not in an area liable to flooding. Accordingly, the proposed allocation cannot meet the sequential test insofar as land in a lower flood risk category is available for development.



Another key issue is the need for affordable housing. As previously mentioned, the Council's evidence base notes that there is an existing need for affordable housing within the parish. The current iteration of the NDP is seeking to promote a single housing development that would fail to deliver any affordable homes. Accordingly, this need would go unmet. Affordable housing is recognised within the NDP as an important issue; yet policies contained therein will not positively address this housing need.

Due to the scale and nature of the additional work, it is not considered appropriate for the Bosbury Neighbourhood Plan to progress to independent examination until further work is completed. This work includes significantly increasing the scale of housing development within the NDP to ensure that it is aligned to the adopted Core Strategy. Furthermore, given the identified constraints and existing settlement characteristics, land to the east of the village should also be allocated for residential development. Only with such amendments can the draft NDP meet the basic conditions.

Yours sincerely,

Philip Deeley MPlan (Hons) MRTPI
Principal Planning Consultant

Enc: Appeal decision on land west of Upper Court Road, Bosbury (PINS Ref:
APP/W1850/W/15/3002571)



Appeal Decision

Hearing held on 8 July 2015

Site visit made on 8 July 2015

by Nicholas Taylor BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 August 2015

Appeal Ref: APP/W1850/W/15/3002571

Land West of Upper Court Road, Bosbury, Herefordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Church Commissioners for England against the decision of Herefordshire Council.
 - The application Ref P141550/O, dated 28 May 2014, was refused by notice dated 19 November 2014.
 - The development proposed is up to 46 dwellings, a new access from Upper Court Road, together with open space, parking and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline, with all matters except for access reserved for future determination. It was accompanied by a number of plans and a detailed Design and Access Statement. One of the drawings, an Indicative Masterplan, was the subject of much discussion at the hearing. However, it was not suggested to me that its status was anything more than indicative and I have determined the appeal on that basis.
3. **The Council's original second reason for refusal concerned the absence of a Section 106 agreement.** At the hearing, the main parties confirmed that they had reached agreement on this issue. However, the signed but undated agreement before me required further amendment in the light of my questions regarding compliance with the CIL Regulations with respect to pooled contributions to infrastructure. At the request of the main parties, I agreed to allow a further opportunity, after the closure of the hearing, for a revised agreement to be provided, which has been submitted. Exceptionally, I also allowed a similar opportunity, not followed up, for the appellant to provide factual information regarding public access to the church tower. I am satisfied that no party was disadvantaged by those concessions.

Main Issues

4. In the light of the above and the written and oral evidence, I consider the main issues in this case to be whether the benefits of the proposed development would be significantly and demonstrably outweighed by any harm arising from its effect on the character, appearance and setting of the village and, in

particular, whether the character and appearance of the Bosbury Conservation Area would be preserved or enhanced and whether the settings of listed buildings and ancient monuments would be preserved.

Reasons

5. Bosbury is a substantial village, astride the B4220 road, set within open countryside in a rural area. Part of the village lies within a conservation area and it contains a significant number of listed buildings. The appeal site comprises part of a field, in agricultural use, on the southern edge of the village, adjoining the settlement and conservation area boundaries. Access would be taken from an existing cul-de-sac, Upper Court Road, which is part of the **1970's** Forge Bank housing development at the eastern end of the village.

Planning policy

6. It is agreed that the Council cannot at present demonstrate a five year supply of deliverable housing sites. Paragraph 47 of the ***National Planning Policy Framework*** (the Framework) says that local planning authorities should boost significantly the supply of housing. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and, where a five year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. As a consequence, the Council has adopted an interim protocol in recognition that saved Policies H4 and H7 of the ***Hereford Unitary Development Plan (UDP)*** are not up to date. The Council's approach is that appropriate residential development, outside but adjacent to the defined boundaries of the main settlements defined by Policy H4, may be permitted in order to help address the housing shortfall, provided that other material considerations do not indicate otherwise.
7. That approach is consistent with the overall approach of the Framework, paragraph 14 of which describes the presumption in favour of sustainable development at its heart. It goes on to state that, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific Framework policies indicate that development should be restricted. A number of Framework policies, notably regarding heritage and design, are relevant to the main issue.
8. Other relevant UDP policies cited by the Council, which are not primarily concerned with the supply of housing, include DR1, which sets out a number of design objectives, H13, concerning sustainable residential design and high quality living environments, and LA3, which seeks to protect the landscape setting of settlements. Policy DR5 seeks planning obligations where necessary to achieve community, transport and environmental benefits.
9. I agree with the appellant that Policies HBA4 and HBA6, concerning the setting of listed buildings and development within conservation areas respectively, are not entirely consistent with the Framework. Their approach is less nuanced than the Framework, in that they do not explicitly provide for assessment of harm in relation to the significance of a heritage asset, incorporate the concept of substantial and less than substantial harm or allow for public benefits and other considerations to be weighed in the planning balance. Nevertheless,

whilst the Framework is more up to date, the general thrust of those policies is similar to that of the Framework, which provides that great weight should be given to the conservation of designated heritage assets.

10. Moreover, Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The courts have established that these duties should be given considerable importance and weight.
11. The appellant also contends that, as a matter of law, Policy HBA6 is not relevant because it clearly relates to development within but not merely adjacent to a conservation area. The western boundary of the site abuts Mill Lane. A plan which may have been definitive at the time of the conservation **area's** designation in 1976, clearly shows its boundary running slightly to the east of Mill Lane for part of its length. Another plan produced by the Council shows the boundary running very slightly to the east of the lane, as does Inset Map 5 of the UDP. It was agreed at the hearing that the "1976 plan" ought to provide the best definition of the boundary but there was much debate about whether the boundary, as drawn, was accurate and intentional. Unfortunately, there are no formal designation or appraisal documents to cast any further light on this matter.
12. Whilst it is generally accepted that, wherever practicable, the boundaries of such designations should follow firm geographical features, there may sometimes be good reasons otherwise. Allowing for the 1976 boundary being hand-drawn, it shows several other most probably deliberate deviations from field or property boundaries and it is roughly consistent with the two later plans. The contested section of boundary aligns approximately with the definitive footpath running along the western edge of the field, on the eastern side of the hedgerow.
13. Thus, there is no convincing evidence that part of the appeal site, albeit a very thin strip, is not physically within the conservation area. Whilst the Council acknowledges the limited extent of the area, third parties strongly hold that it is, legally, significant. My finding that part of the site is, as a matter of fact, within the conservation area engages s72 of the Act, the relevant policies within the Framework and, to the extent that it is consistent with the Framework, Policy HBA6.
14. Paragraph 216 of the Framework provides that appropriate weight can be given to the relevant policies in emerging plans. In this case, following examination hearings and public consultation on proposed main modifications, a further period of public consultation on the *Herefordshire Local Plan Core Strategy* (CS) has been undertaken. As yet, therefore, the **Inspector's** report has not been published. In the circumstances, in the light of paragraphs 49 and 216 of the Framework, and as agreed by the main parties, I consider that Policy RA2 of the CS, which addresses housing in rural settlements, can be afforded only limited weight at the present time.
15. The policy could, nevertheless, be said to **indicate the Council's direction of travel**, which is that Bosbury is one of a number of rural settlements identified

as a main focus for sustainable, proportionate housing development. It proposes a minimum growth target for each Housing Market Area, with Neighbourhood Development Plans (NDP) allocating land or otherwise demonstrating delivery of housing targets. Under the policy, housing proposals will be permitted subject to a number of criteria, including that it should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area, preferably on brownfield land, resulting in high quality development reflecting local need and demand.

16. The Bosbury NDP has completed **the 'Regulation 16' stage of formal** consultation by the local planning authority but has not yet proceeded to Examination. The appellant has objected to the plan as it stands. Moreover, a Council officer view from a planning policy perspective, put to me at the hearing, is that the emerging NDP does not conform entirely with the strategic policies of the emerging CS, specifically in terms of its highly cautious approach to allocation of housing sites and to development adjacent to the settlement boundary. The appellant argues that the minimum indicative housing number for Bosbury arising from the proposed main modification to CS Policy RA2 exceeds the likely capacity of the **NDP's approach to meeting future** requirements, particularly if areas subject to flood risk are discounted.
17. The Parish Council points out that the emerging CS does not require the NDP to specifically allocate sites for all future housing development, the NDP supports proportionate and sustainable growth, proposes a modest enlargement of the settlement boundary and that, whilst relatively few dwellings are specified due to environmental, heritage and other constraints, it does not place a cap on the number of new dwellings. The NDP does, however, specifically identify the appeal site as important to the heritage, character, landscape and environment of the village and Policy 6 excludes it from the general acceptance of appropriate, small scale development within the settlement boundary. Whilst it is not the role of a planning appeal such as this to pass judgement on the emerging NDP, it is clear that there are significant issues to be addressed during its examination. In the light of paragraph 216 of the Framework, and arguably paragraph 49, it would be inappropriate in all the circumstances for me to attach significant weight to the relevant policies of the NDP in this case.
18. I note that the **Council's** Strategic Housing Land Availability Assessment (SHLAA) considered the appeal site to have constraints due to its size and relationship with the settlement pattern, if developed in totality, and limited access. This is a material consideration but does not constitute planning policy.

Benefits of the proposal

19. The principal public benefit of the proposed development would be the provision of a significant number of new dwellings, of which 16 would be **affordable, with tenure divided in accordance with the Council's requirements.** Those dwellings could be brought forward fairly quickly and would make a valuable contribution to housing land supply, which currently amounts to well short of five years, and to affordable housing, provision of which is also running behind needs. The scheme would at a stroke satisfy and indeed exceed the minimum requirement proposed for Bosbury in the emerging CS. Those benefits would be very significant in the context of the Framework and, to the limited extent that weight can be attributed to it, the emerging CS.

20. Although a number of third parties argue that the proposal would strain local infrastructure, the Council does not support that view, provided that appropriate mitigation and contributions are in place. It is reasonable to assume that the resultant increase in population would help to sustain local services and facilities but, equally, I was given no evidence to suggest that, without the proposed development, local services would not be viable or would be under threat. Provision of construction jobs would be temporary and not necessarily of great benefit to local people. Consequently, I attach limited positive weight to the impact on local services.
21. The appellant also argues that the scheme would provide various other benefits. Pedestrian connectivity between Forge Bank and the centre of the village and the primary school would be improved but the gain in length and quality of route would be modest. A small water detention pond within the site could provide further modest gains in amenity and biodiversity and a small open space and equipped play area would provide an additional community facility but the wider benefit would be offset by the increased need generated by the development. A contribution to unspecified local transport measures might include speed management. All in all these additional benefits are very modest. The proposed financial contributions or other arrangements with regard to local education provision, transport initiatives, open space, sports facilities, the attenuation pond and waste and recycling are calculated to meet additional needs generated by the development. To be taken into account they should be fairly and reasonably related in scale and kind to the development and necessary for it to be acceptable, and so should not carry significant weight as public benefits of this scheme. Financial receipts from taxation have not been demonstrated to constitute strong planning benefits in this case.

Character, appearance and setting of the village

22. **I begin by assessing the village's character, appearance and setting** in a general sense, as distinct from the special significance of the conservation area and listed buildings as designated heritage assets. The village has a compact, predominantly linear form, with very distinctive historic and modern infill development along both sides of Main Street, the B4220. However, it also has, towards its western end, a significant north-south axis along the lane entering from the north, creating a clear historic, visual and functional focal point at the cross roads adjacent to which stand Holy Trinity church, its detached bell tower and a cluster of other listed buildings and structures. The **settlement's historic core** remains readily discernible, despite the relatively modern Forge Bank development at its eastern end.
23. At the **narrow "waist" of the village, between The Cross and Forge Bank, the houses along the south side of Main Street have relatively shallow plots backing onto the appeal site, so that the field appears as a "bite" out of the plan form of the village.** I agree with the assessment, articulated by the Council, Parish Council (including within the emerging NDP), English Heritage and other third parties, that the field in such close proximity to the centre of the village forms a distinct aspect of its physical character, reinforcing its shape and comprising part of its countryside setting.
24. The appeal scheme would **occupy the "bite"**, resulting in the loss of a large part of the field to built development. I accept that the extent of built development, excluding the attenuation pond and open space, shown in the Indicative

Masterplan would effectively round off the form of the village on its southern side. I also acknowledge that the indicative layout reflects a considered analysis of the village morphology and attempts to complement its linear form but, as layout and design are reserved matters, it carries limited weight in that regard. The scheme would still represent a significant incursion into open countryside and increase in size of the village (estimated at 40% in terms of number of dwellings). Designing in detail a development of such size so that it would blend sympathetically with the heterogeneous character of the village would present a considerable challenge.

25. During the accompanied and unaccompanied parts of my site visit, I viewed the village from various places, including a public footpath off Brook Lane in an elevated location in the north and from Southfield Lane in the south east. I also viewed the site from its south eastern corner, where third parties say there are informal footpaths through the fields. The landscape around the village is gently undulating, generally sloping from higher land to the north within more distant surrounding hills. The appeal site itself has a gentle slope from a high point at its eastern end towards Mill Lane. In such a setting, with many mature trees in and around the village, its overall form is not highly distinctive in long views, with the bell tower being the main distinctive feature discernible among a cluster of rooftops. My observations tend to confirm the **appellant's assessment** that the development would not obstruct longer distance views of the bell tower, provided that buildings would avoid the highest part of the site and be restricted to two storeys in height. Consequently, longer views into the village would not be unduly harmed.
26. The view of the village from the south, along the footpath beside Mill Lane, would, however, be significantly altered. Although it does not include the church and bell tower, there are several listed houses within the view. This is not a grand view, containing as it also does a clutter of domestic outbuildings and some unexceptional modern buildings, but it conveys the close relationship between village and agriculture and the **"thinness" of the place**, as the Council refers to it. The visual experience of users of the footpath would be completely altered, as they would find themselves in an enclosed space, between the hedge and new houses, rather than alongside an open field, as now.
27. Overall, the extent and position of the proposed development would erode the distinctiveness of the character, appearance, form and scale of the village and its setting and context. Consequently, there would be conflict with aspects of several UDP policies, particularly parts 1, 2 and 3 of Policy DR1, which seek to promote distinctive character and appearance, retain site features contributing to the quality of the local environment and respect the context of the site. The scheme would also conflict with part 1 of Policy H13, which expresses similar objectives with regard to townscape and landscape context and distinctive character, and with Policy LA3, which seeks to protect the landscape setting of settlements.

Character and appearance and significance of the conservation area

28. I turn next to the significance of the conservation area as a heritage asset and the impact of the proposed development upon it. I shall also deal with views out of the village in that context.
29. The conservation area encompasses the western part of the village but excludes the eastern, generally more modern part. It also encompasses a

significant area of largely open countryside further west, including Temple Court, a farm on the site of a property of the Knights Templar. The part of the village within the conservation area is centred on the church and its environs, including the section of Main Street containing the majority of historic buildings. On the northern side of the village the cluster of historic buildings and structures comprising Old Court Farm and the remains of the **Bishop's Palace** (or perhaps, more accurately, manor house) are within the conservation area. On the south, the boundary extends beyond the built-up area of the village to include the school playing field. As I have established, a thin strip of the western side of the appeal site is within the area but the majority is just outside the boundary.

30. It is clear that the conservation area possesses considerable historic significance, derived in large part from the cluster of important medieval, ecclesiastical buildings and remains, in part from the significant number of other listed buildings and structures and in part from its form, layout and setting. English Heritage¹ (EH) refers in its objection to the significance of the linear medieval form of the village but this was a matter of considerable debate at the hearing. The firm evidence suggests that the medieval village (if defined as up to the end of the 15th Century) was not particularly linear but focussed on the church and other ecclesiastical and related buildings.
31. Nevertheless, although there is a distinct difference between the sizes and shapes of domestic plots west and east of the central crossroads, the RCHM 1932 map, reproduced by the appellant, clearly includes the properties at and immediately east of the crossroads, including those adjoining the appeal site, **within "post medieval Bosbury"**. There was general agreement at the hearing that the extent of the village on that map may represent its medieval origins, even if many of the buildings existing today date from around the 17th and 18th Centuries. The shape of the village clearly demonstrates its historic evolution, from before the Reformation to the early 20th Century, from important medieval place to an agrarian settlement of modest status.
32. What is not in doubt is that, whatever the precise extent and form of the village at any given time, the site has always been a field on the edge of the village and reflected the juxtaposition of settlement and fields. The longevity of this spatial relationship imbues the site with some, albeit moderate, intrinsic historic interest, perhaps consciously reflected in most of it not being included within the conservation area boundary. However, it contributes to the setting and, therefore, overall significance of the conservation area as a heritage asset.
33. Viewed from Main Street, the varied, **mainly 'black and white'** building frontage along its south side is a very fine and complete ensemble. Combined with the opposing church, bell tower, graveyard and Dog Farmhouse, the **"villagescape"** quality of the composition is elevated still further. The sheer number and preponderance of listed buildings and structures in close proximity is impressive. **I see no reason to disagree with the Council conservation adviser's** assessment that, as an example of a rural village, it is of exceptional quality in a Herefordshire context and has notable significance at national level.
34. The central crossroads provides a key spatial component of that significance. Whilst attention is inevitably drawn to the buildings and their spatial

¹ Now Historic England for the purposes of advice and expertise on such matters

relationship with the roads and the church / graveyard group, the eye is also drawn to the narrow gap between the buildings on the south side, offering a view of the open countryside (in effect across the appeal site) and the distant hills beyond. The narrowness of the gap restricts the scope of the view but enhances the element of contrast and surprise. Public views are experienced from a number of positions: at the crossroads, from within the graveyard and along the lane entering from the north. Being the hub of the village, this is a place where people will pass or linger on foot (it is also on the route of the Herefordshire Way long distance path), enabling the view to be appreciated. Its value may lie mainly in enabling appreciation of the juxtaposition of village and countryside, rather than in any dramatic landscape feature of particular merit, but it has strong aesthetic value and so contributes to the overall significance of the conservation area.

35. It is also possible to glimpse open countryside through intermittent gaps between buildings on the south side of Main Street. However, as the gaps are narrow and partly obstructed by domestic outbuildings and planting within gardens, these views are very limited and offer mainly a sense of an absence of any buildings beyond the frontage properties rather than clear views of the landscape beyond. Accordingly, they make a material but limited contribution to the significance of the conservation area.
36. Addressing the impact of the proposed development, the concept of a **conservation area's setting is not recognised in the Planning (Listed Buildings and Conservation Areas) Act** but it is a legitimate policy consideration, incorporated in the Framework and the development plan. Just as the development would alter the plan form of the village and the spatial relationship between its built-up area and adjacent open countryside, so it would affect the setting of the conservation area. Even though mainly outside the conservation area, the scheme would thereby alter its medieval and, even more clearly, its significantly intact post-medieval form. The appellant argues that this would simply be continued evolution reflecting contemporary levels of prosperity, but that could be said of any development, however harmful. Such a change would be irreversible and would entail some loss of the conservation **area's historic significance**. The severity of that loss would be moderately adverse but less than substantial in terms of the Framework meaning.
37. Within the thin strip of the appeal site within the conservation area boundary, the masterplan indicates that the existing hedgerow could be retained, helping to limit the impact of the development on Mill Lane and on views out of the conservation area from the school and its playing field. However, I have found that the view and visual experience from the footpath on its eastern side, on the boundary of the area, would be radically altered. The contribution of that view to the significance of the heritage asset may not be critical but it is not unimportant. Consequently, the harm to the conservation in that respect would also be moderately adverse but less than substantial.
38. **Notwithstanding any dispute about the accuracy of the appellant's photo-**montages, which in any case must be treated with circumspection at outline stage, it is clear that the view out of the conservation area southwards through the gap at the crossroads would be closed-off by development. Even though there may be some scope at reserved matters stage to devise a detailed layout, incorporating careful positioning of buildings and landscaping, which could soften the impact as much as possible, the view and the relationship

between village and setting would inevitably be compromised. It would no longer be possible to visually appreciate the “thinness” of the place. Although intermittent glimpses of the proposed development through the other limited gaps on the south side of Main Street would not significantly erode the visual character and appearance of the conservation area, the effect on the gap at the crossroads, as it is so central and pivotal, would be significant, although the harm would be less than substantial.

39. In the light of paragraph 013 of Planning Practice Guidance (PPG), account must be taken of the varying significance and impacts regarding historic form, setting, and views into and out of the conservation area. Overall, taking a holistic view and recognising that new development need not inevitably be inappropriate, I conclude that the proposal would cause moderately adverse, though less than substantial, harm to the conservation area. Notwithstanding the very small part of the site within the conservation area, I must conclude that its character and appearance would not be preserved, in conflict with the Act. On the face of it, there would also be conflict with the Framework although, as the harm would be less than substantial, paragraph 134 requires that it is weighed against the proposal’s public benefits, which I conclude upon below. To the extent that its objectives are consistent with the Framework, the scheme would also conflict with UDP Policy HBA6.

The setting of listed buildings

40. A number of the village’s listed buildings are in close proximity to the site. Among the most notable, the church and its bell tower are listed Grade I. In addition to their intrinsically high historic and aesthetic value, they have a close historic relationship with the former Bishop’s Palace and Temple Court and both a historic and physical relationship with the village itself and its surroundings. A number of monuments within the churchyard are also listed, together with the adjacent Grammar School, further signifying the group’s high heritage significance.
41. The group’s physical inter-relationship is most clearly experienced within the village centre, where the nearby buildings, many of which are also listed, form an immediate setting which could hardly be called isolated from the village. In the same way that glimpses of open countryside from the crossroads and the graveyard contribute to the significance of the conservation area, they also contribute to the setting of the church and tower. Although a clear view of the spatial relationship between the village and the appeal site is possible from the top of the tower, I have not been provided with clear evidence that it is normally available to the public.
42. The bell tower is visible from much of the appeal site but not readily so from most of the public footpath along its western edge. My attention was drawn to other, informal footpaths but the evidence does not clearly indicate that the appeal scheme would seriously disrupt significant views of the tower from public places. As noted, it is distinguishable in longer views of the village but provided new development was restricted in height, harm to the tower’s wider setting would not be serious. All in all, whilst the immediate setting of both Grade I buildings and the graveyard group would not be considerably altered, their wider setting, as integral and symbolic parts of the village – countryside relationship, would be altered to a limited degree. Thus the impact on their

significance as heritage assets would be slightly adverse and less than substantial.

43. Further Grade II listed buildings are clustered around the cross roads and what the Council refers to as the eastern gateway. These include, on the south side, The Cross adjoining the Bell Inn to the west of Mill Lane and more cottages, The Cross (1 and 2 Main Street) to its east. The north east corner is occupied by Dog Farmhouse. These buildings variously date from the 15th to 18th Centuries with later alterations and form an important group. In totality, their physical and visual inter-relationship is mainly inwardly focussed around the street frontages. But, as with the conservation area, the gap with its open view between The Cross and The Cross (1 and 2 Main Street) is integral to and makes a significant contribution to the setting of those two buildings in particular. Although those buildings would continue to frame the route out of the village to the south, that route would no longer plunge immediately into countryside but would be dominated by the proposed development, which would envelop the rear of the buildings. The setting of both buildings at the rear may not be spectacular but is positive and the proposed development would erode its quality. The harm to their significance would be moderately adverse, though not substantial.
44. Further Grade II listed buildings on the south side of Main Street, Old Cottage and Karsland (or Kingsland) House and Stores Cottage, border the appeal site. Both are assessed as being essentially 18th century dwellings. They are fairly modest in character, scale and form, **'black and white' cottages possessing** aesthetic and historic value. They are identified also as having group value, albeit a modern dwelling has been built between them. I accept that no strong functional link between the buildings and the appeal site - in the same way that, for example, a farm house or barn might have - has been demonstrated. Moreover, their principal spatial relationship is with Main Street. However, I **am not persuaded by the appellant's argument that very little of** their significance derives from their setting between Main Street and the appeal site, overlooking fields to the rear, **representing their humble role in the village's** agrarian heritage. Moreover, although the normal domestic clutter of garden planting, boundaries, extensions and outbuildings does not enhance the visibility of the buildings from the appeal site and the public footpath along its edge, it does not prevent appreciation of the importance of the field-side setting to their significance. That part of their setting would be radically altered, completely dominated by new housing. Taking the group comprising The Cross (1 and 2 Main Street), Old Cottage and Karsland House and Stores Cottage as a whole, whilst I assess the harm to each building in isolation as moderately adverse, they are all seen together from and across the appeal site and, consequently, the harm to their common setting would be considerable, albeit less than substantial.
45. All in all, therefore, following the approach in paragraph 013 of PPG, there would be slight to moderately adverse impact on the settings of a considerable number of listed buildings which are important individually and collectively. Their settings would not, therefore, be preserved, contrary to the expectations of the relevant Act. Again, there would, on the face of it, be conflict with the Framework, although, as the harm would be less than substantial, subject to weight against the public benefits. And, to the extent that its objectives are consistent with the Framework, there would be conflict with UDP Policy HBA4.

Overall planning balance and conclusion on the main issues

46. In the absence of a five year housing land supply, in accordance with the Framework, the proposal should be considered in the light of the presumption in favour of sustainable development and relevant policies for the supply of housing should be considered out of date. The **Council's interim protocol**, although not a development plan policy as such, indicates that, in the circumstances, an edge of settlement scheme may be permitted in order to help address the housing shortfall, provided that other material considerations do not indicate otherwise. The proposal would meet and exceed the housing expectation of CS Policy RA2 for the settlement, which is identified as a focus for proportionate housing growth, but **would not satisfy all the policy's** qualitative criteria. Thus, even if the emerging policy carried significant weight, it would be neutral in this case.
47. Overall, principally in the context of the Framework, significant weight should **be attached to the scheme's contribution to housing supply**, including provision of affordable housing, to meet the needs of the settlement and the HMA. Other benefits, including non-specific support for the sustainability of rural services, add a further limited amount of positive weight.
48. However, weighing other material considerations in the balance, aside from the specific impact on designated heritage assets, the proposal would harm the character, appearance and setting of the village, contrary to development plan policies which are up to date and consistent with the Framework and should be afforded full weight. It would also conflict with the emerging NDP, although only limited weight can currently be given to that.
49. **The appellant's detailed and considered heritage evidence acknowledges that** the significance of the affected heritage assets is high and that there would be some impact, albeit negligible or slightly adverse. However, keeping in mind that this is an outline application with all matters except access reserved, I disagree about the severity of harm and its cumulative impact. Given that most of the site is adjacent to the conservation area and a small part within it, there would be harm both to the area itself and to its setting. Thus, the character and appearance of the conservation area would not be preserved and its significance as a designated heritage asset would be harmed. Whilst the **harm would, in the Framework's terms, be less than substantial, there would** nevertheless be conflict with the Framework and the relevant Act. Conflict with the relevant development plan policy should also be noted, although afforded limited weight due to its lack of complete consistency with the Framework.
50. I have also identified harm to the settings of a considerable number of listed buildings. The importance of those buildings varies, as does the degree of harm. However, the number of buildings, their spatial inter-relatedness within the core of the village and their combined value increases the cumulative harm. The harm to each designated heritage asset may be less than substantial in terms of the Framework but that does not make it unimportant. Indeed, the Act, in particular, imposes a strong presumption in favour of preservation. The conflict in this respect is with the Act, the Framework and, albeit subject to reduced weight, the development plan.
51. Paragraph 132 of the Framework makes clear that heritage assets are irreplaceable and any harm or loss requires clear and convincing justification. The cumulative harm to designated heritage assets would be significant and

serious, although less than substantial in Framework terms, requiring the harm **to be weighed against the scheme's public benefits**. The Act, however, requires very great importance and weight to be attached to such harm. Consequently, the benefits in this case, although considerable in total, are insufficient to outweigh the irreversible and serious cumulative harm to designated heritage assets. Furthermore, the combined harm to designated heritage assets added to that to the general character, appearance and setting of the village would significantly and demonstrably outweigh the benefits of the scheme, having regard to the development plan and the Framework overall, indicating that it would not represent sustainable development.

Other Matters

52. The final version of the s106 Agreement is dated and signed by the appellant and the Council. It provides for affordable housing within the development and financial contributions towards local education provision, transport initiatives, sports facilities, public open space and waste and recycling. The implications of the agreement were aired at the hearing and I have considered the potential benefits of the scheme in my reasoning. However, as I am dismissing the appeal on the main issue, it is not necessary to reach a conclusion on the acceptability of the agreement with respect to the statutory tests in the CIL Regulations and the Framework.
53. Third parties object to the amount of development which would be accessed from Upper Court Road. The Forge Bank estate does not have generous parking provision. Some existing dwellings in the short street have no on-site parking provision and existing residents will be accustomed to limited passing traffic. However, the Highway Authority considers that the proposed access arrangements would be satisfactory for the number of proposed dwellings. I have not been given strong evidence to show that the scheme would pose any significant risk to highway safety or that the impact on existing residents would amount to a reason to refuse the application.
54. There are a number of other objections raised by third parties but they have not been included among the **Council's reasons for refusal and so, as I am** dismissing the appeal with respect to the main issue, it is not necessary for me to reach a firm conclusion on those matters.

Conclusion

55. In the light of all that I have read, seen and heard, for the reasons set out above, the appeal should be dismissed.

Nicholas Taylor

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Douglas Edwards QC	Of Counsel
Ben Simpson	Carter Jonas
Michael Dawson	CGMS

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Banks	Planning Officer
Robert Walker	Heritage Adviser

INTERESTED PERSONS:

Matt Hosking	Chair of Bosbury Neighbourhood Plan Committee
Patrick Whitehead	Chair of Bosbury Coddington Parish Council Planning Committee
Robert Eaton	Resident
Colin Clark	Resident
R Preece	Resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

Completed Section 106 Agreement

Internal Council email concerning the NDP

Index of Principal Buildings (heritage assets)

The Council's assessment of the appellant's Planning Obligation by Unilateral Undertaking

Herefordshire Council *Planning Obligations SPD*

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND
TRANSPORTATION
FROM: ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**



APPLICATION DETAILS

220940 /
Bosbury Parish Neighbourhood Plan
Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.
The application form and plans for the above development can be viewed on the Internet within 5-7
working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

	Air Quality		Minerals and Waste
	Contaminated Land		Petroleum/Explosives
	Landfill		Gypsies and Travellers
	Noise		Lighting
	Other nuisances		Anti Social Behaviour
	Licensing Issues		Water Supply
	Industrial Pollution		Foul Drainage
	Refuse		

Please can you respond by ..

Comments

From a noise and nuisance objective our department has no comments to make with regard to this
neighbourhood plan.

Signed: Susannah Burrage
Date: 23 November 2016

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Bosbury- Regulation 16 re-submission version

Date: 11/01/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy 1- Housing Growth	SS2, RA1, H1-H3	Y	Reasoned justification for not being able to meet the Parish's Core Strategy proportional growth target has been demonstrated. The environmental concerns highlighted have been underlined by recent planning decisions in Bosbury.
Policy 2- Local Character	LD1-LD4, SD1-SD4	Y	2B- Are there any particular key "positive views and vistas" defined or listed for protection?
Policy 3- Local Economy	RA3, RA6, SC1	Y/N	3C- Policy H2 of the Core Strategy only applies to affordable housing schemes on rural exception sites. Any policies for dwellings in the countryside outside of the settlement boundary should comply with policy RA3, and more specifically with regard to agricultural workers accommodation, RA4.
Policy 4- Local Facilities	SC1	Y	
Policy 5- Transport	SS4, MT1	Y	
Policy 6- Landscape & Environment	LD1	Y/N	Please see comments for Policy 3C.

12 January 2017

Our ref: Herefordshire 22

Dear Sir/Madam

Bosbury Regulation 16 Neighbourhood Development Plan Consultation

Thank you for giving Severn Trent Water the opportunity to comment on your consultation. We currently have no specific comments to make, however we have set out some general information and advice below.

Position Statement

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required.

For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the local planning authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.

Sewage Strategy

Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.

Surface Water and Sewer Flooding

We expect surface water to be managed in line with the Government's Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.

We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We

request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.

Water Quality

Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency's Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.

Water Supply

When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.

We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.

Water Efficiency

Building Regulation requirements specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.

We recommend that in all cases you consider:

- Single flush siphon toilet cistern and those with a flush volume of 4 litres.
- Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.
- Hand wash basin taps with low flow rates of 4 litres or less.
- Water butts for external use in properties with gardens.

We hope this provides you with useful information and look forward in receiving your detailed proposals at your earliest convenience.

Yours sincerely

Dawn Williams

Water Efficiency and Growth Advisor

growth.development@severntrent.co.uk